REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 17

Date of Request: November 5, 2007

Board Meeting Date Requested: November 19, 2007

Short Title: Items From County Manager/County Attorney/County Commissioners

Background:

Specific Action Requested: Review Items from County Manager/County Attorney/County Commissioners

Requested by: Lori Brill
Department: County Manager
Title:
Contact Phone: 910-259-1200
Contact Fax:

Date Request Received: November 5, 2007

Board Meeting Date Assigned: November 19, 2007

Request Status:
- ☒ Request is proceeding to Board of Commissioners
- ☐ More information is needed – see attached
- ☐ Request on hold – no further information needed
- ☐ Other:

(Administrative Use Only)

CONTRACT TYPE

- ☐ Renewal
- ☐ Revision
- ☐ For Service(s)
- ☐ For Equipment
- ☐ Intergovernmental – County as Grantee
  - ☐ Federal Grantor
  - ☐ State Grantor
  - ☐ Grant or
- ☐ County as Grantor
  - ☐ County Funds
  - ☐ Other Funds:

PURCHASING
Date Rec'd:
Budgeted Item: ☐ Yes ☐ No
- ☐ Reviewed and Approved
- ☐ Comments on Reverse

Date Sent:
Signed:

ATTORNEY
Date Rec'd:
- ☐ Reviewed and Approved
- ☐ Legal Problem(s)
- ☐ Comments on Reverse

Date Sent:
Signed:

FINANCE
Date Rec'd
Sufficient Funds ☐ Available ☐ Not Available
- ☐ Budget Amendment Necessary
- ☐ Budgeted Amendment is Attached
- ☐ Comments on Reverse

Date Sent:
Signed:

CLERK
Signature(s) Required:
- ☐ Board Chairman/County Manager
- ☐ Other:

Date Rec'd
Approved by Board: ☐ Yes ☐ No
At meeting on

To: Chairman & Members of the Board

From: Lori Brill LAB

Subject: Items of Interest

Date: November 19, 2007

1. Letter from Governor Michael F. Easley with respect to upcoming vacancy on the Coastal Resources Commission (CRC).

2. Invitation to the Burgaw Christmas Parade and Festival on December 8, 2007.

3. The Board has agreed to set the December 3, 2007 meeting back to 10:00 a.m. due to there not being any public hearings scheduled.

4. ~~The Board is invited to a luncheon with Cooperative Extension Service at noon on December 3, 2007 at~~ Agriculture Building Auditorium.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

October 15, 2007

Mr. F.D. Rivenbark, Chairman
Pender County Board of Commissioners
P.O. Box 5
Burgaw, NC 28425

Dear Mr. Rivenbark:

This letter is to advise you of an upcoming vacancy on the Coastal Resources Commission (CRC) and to solicit nominations from your local government for an appointment to fill this vacancy. Dr. Courtney Hackney of New Hanover County, the CRC's Marine Ecology representative, will be resigning from the Commission at the end of this year. Dr. Hackney has served on the Commission continuously since 1994, and earlier served a term from 1989-1992. He has been chair of the CRC since April 2005. I am grateful to Dr. Hackney for his years of dedicated service.

The new Marine Ecology appointee will serve the remainder of Dr. Hackney's term, which ends June 30, 2010. I will also appoint another member of the CRC to serve as chairman.

The Coastal Area Management Act of 1974 sets forth specific qualifications the nominees must meet and a very detailed procedure that must be followed in making the appointments. The qualifications are designed to provide the CRC with knowledge and experience in a diverse range of coastal interests. A copy of these provisions, N.C. Gen. Stat. § 113A-104, is enclosed for your convenience, and I urge you to review it carefully.

The CRC provides oversight for implementation of the State's coastal program. It creates policies and rules governing land use planning, beach access and development in designated areas of environmental concern. The CRC also hears permit appeals and request for variances from coastal management rules. Based on the current meeting schedule, serving on the CRC would require attendance at six two-day meetings each year.

I trust you will give careful thought to nominating individuals with the interest, skill and dedication to make an important contribution to the CRC. Prior to submitting a nomination, please contact your nominee and make sure he or she is willing and able to devote the time necessary to serve, as the law mandates regular attendance as a condition of CRC membership. In making your nominations, I encourage you to give particular attention to suggesting the names of qualified women and minorities.

RECEIVED
OCT 17 2007
PENDER PLANNING DEPT.

Each county and municipality may make one nomination. Please be aware the law specifies that the member representing Marine Ecology shall be someone who does not derive any significant portion of his or her income from land development, construction, real estate sales, or lobbying and does not otherwise serve as an agent for development-related business activities.

Your nominee does not have to reside in your particular county or town. The Coastal Area Management Act also provides that no more than two members of the CRC may reside in the same county and no more than two members of the entire CRC may reside outside the coastal area.

I have enclosed a nomination form for your use. Please complete the form and return it by November 15, 2007, to Sara A. Kusan, Director of Boards & Commissions, 20301 Mail Service Center, Raleigh, NC 27699-0301.

I hope you will join me in efforts to insure the continued success of the North Carolina coastal program by giving of your time to assist me in selecting a new member of the CRC. Our coastal resources are critically important, and only through the nomination and appointment of highly qualified and dedicated CRC members can we assure our resources will receive the protection they deserve. Thank you for your help.

With kindest regards, I remain

Very truly yours,

Michael F. Easley

MFE:jg

Enclosures

§ 113A-104. Coastal Resources Commission.

(a) Established. -- The General Assembly hereby establishes within the Department of Environment and Natural Resources a commission to be designated the Coastal Resources Commission.

(b) Composition. -- The Coastal Resources Commission shall consist of 15 members appointed by the Governor, as follows:

(1) One who shall at the time of appointment be actively connected with or have experience in commercial fishing.

(2) One who shall at the time of appointment be actively connected with or have experience in wildlife or sports fishing.

(3) One who shall at the time of appointment be actively connected with or have experience in marine ecology.

(4) One who shall at the time of appointment be actively connected with or have experience in coastal agriculture.

(5) One who shall at the time of appointment be actively connected with or have experience in coastal forestry.

(6) One who shall at the time of appointment be actively connected with or have experience in coastal land development.

(7) One who shall at the time of appointment be actively connected with or have experience in marine-related business (other than fishing and wildlife).

(8) One who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area.

(9) One who shall at the time of appointment be actively associated with a State or national conservation organization.

(10) One who shall at the time of appointment be actively connected with or have experience in financing of coastal land development.

(11) Two who shall at the time of appointment be actively connected with or have experience in local government within the coastal area.

(12) Three at-large members.

(c) Appointment of Members. -- Appointments to the Commission shall be made to provide knowledge and experience in a diverse range of coastal interests. The members of the Commission shall serve and act on the Commission solely for the best interests of the public and public trust, and shall bring their particular knowledge and experience to the Commission for that end alone. The Governor shall appoint in his sole discretion those members of the Commission whose qualifications are described in subdivisions (6) and (10), and one of the three members described in subdivision (12) of subsection (b) of this section. The remaining members of the Commission shall be appointed by the Governor after completion of the nominating procedures prescribed by subsection (d) of this section. The members of the Commission whose qualifications are described in subdivisions (1) through (5), (9), and (11), shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for development-related business activities. The Governor shall require adequate disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section.

(d) Nominations for Membership. -- On or before May 1 in every even-numbered year the Governor shall designate and transmit to the board of commissioners in each county in the coastal area four nominating categories applicable to that county for that year. Said nominating categories shall be selected by the Governor from among the categories represented, respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11) -- two persons, and (12) -- two persons, of subsection (b) of this section (or so many of the above-listed paragraphs as may correspond to vacancies by expiration of term that are subject to being filled in that year). On or before June 1 in every even- numbered year the board of commissioners of each county in the coastal area shall nominate (and transmit to the Governor the names of) one qualified person in each of the four nominating categories that was designated by the Governor for that county for that year. In designating nominating categories

from biennium to biennium, the Governor shall equitably rotate said categories among the several counties of the coastal area as in his judgment he deems best; and he shall assign, as near as may be, an even number of nominees to each nominating category and shall assign in his best judgment any excess above such even number of nominees. On or before June 1 in every even-numbered year the governing body of each incorporated city within the coastal area shall nominate and transmit to the Governor the name of one person as a nominee to the Commission. In making nominations, the boards of county commissioners and city governing bodies shall give due consideration to the nomination of women and minorities. The Governor shall appoint 12 persons from among said city and county nominees to the Commission. The several boards of county commissioners and city governing bodies shall transmit the names, addresses, and a brief summary of the qualifications of their nominees to the Governor on or before June 1 in each even- numbered year, beginning in 1974; provided, that the Governor, by registered or certified mail, shall notify the chairman or the mayors of the said local governing boards by May 20 in each such even-numbered year of the duties of local governing boards under this sentence. If any board of commissioners or city governing body fails to transmit its list of nominations to the Governor by June 1, the Governor may add to the nominations a list of qualified nominees in lieu of those that were not transmitted by the board of commissioners or city governing body; Provided however, the Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated city within the coastal area that neither has a population of 2,000 or more nor is contiguous with the Atlantic Ocean. Within the meaning of this section, the "governing body" is the mayor and council of a city as defined in G.S. 160A-66. The population of cities shall be determined according to the most recent annual estimates of population as certified to the Secretary of Revenue by the Secretary of Administration.

(e) Residential Qualifications. -- All nominees of the several boards of county commissioners and city governing bodies must reside within the coastal area, but need not reside in the county from which they were nominated. No more than one of those members appointed by the Governor from among said nominees may reside in a particular county. No more than two members of the entire Commission, at any time, may reside in a particular county. No more than two members of the entire Commission, at any time, may reside outside the coastal area.

(f) Office May Be Held Concurrently with Others. -- Membership on the Coastal Resources Commission is hereby declared to be an office that may be held concurrently with other elective or appointive offices in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(g) Terms. -- The members shall serve staggered terms of office of four years. At the expiration of each member's term, the Governor shall reappoint or replace the member with a new member of like qualification (as specified in subsection (b) of this section), in the manner provided by subsections (c) and (d) of this section. The initial term shall be determined by the Governor in accordance with customary practice but eight of the initial members shall be appointed for two years and seven for four years.

(h) Vacancies. -- In the event of a vacancy arising otherwise than by expiration of term, the Governor shall appoint a successor of like qualification (as specified in subsection (b) of this section) who shall then serve the remainder of his predecessor's term. When any such vacancy arises, the Governor shall immediately notify the board of commissioners of each county in the coastal area and the governing body of each incorporated city within the coastal area. Within 30 days after receipt of such notification each such county board and city governing body shall nominate and transmit to the Governor the name and address of one person who is qualified in the category represented by the position to be filled, together with a brief summary of the qualifications of the nominee. The Governor shall make the appointment from among said city and county nominees. If any county board or city governing body fails to make a timely transmittal of its nominee, the Governor may add to the nominations a qualified person in lieu of said nominee; Provided however, the Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated city within the coastal area that neither has a population of 2,000 or more nor is contiguous with the Atlantic Ocean.

(i) Officers. -- The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

(j) Compensation. -- The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(k) In making appointments to and filling vacancies upon the Commission, the Governor shall give due consideration to securing appropriate representation of women and minorities.

(l) Regular attendance at Commission meetings is a duty of each member. The Commission shall develop procedures for declaring any seat on the Commission to be vacant upon failure by a member to perform this duty. (1973, c. 1284, s. 1; 1975, c. 452, s. 5; 1977, c. 771, s. 4; c. 486, ss. 1-6; 1981, c. 932, s. 2.1; 1989, c. 505; c. 727, s. 218(64); 1997-443, s. 11A.119(a).)

NOMINATION FORM

NORTH CAROLINA COASTAL RESOURCES COMMISSION

NOMINATION CATEGORY: Marine Ecology

Name of Nominee _____

Home Address of Nominee _____

_____

_____

Telephone _____

Special Qualifications and Interest In:

_____

_____

_____

_____

_____

_____

_____

Current Employment _____

_____

Past Employment _____

_____

Educational Background _____

_____

County or Local Government Making Nomination _____

County or Local Government Official _____

Name

_____

Title

_____

Signature

RETURN FORM BY: November 15, 2007

TO: Sara A. Kusan
Director of Boards & Commissions
20301 Mail Service Center
Raleigh, NC 27699-0301

PARADE TIME . . . . .

The Burgaw Area Chamber of Commerce would like to request your presence in the 2007

Burgaw Christmas Parade & Festival.

SATURDAY, DEC. 8TH, 2007

PARADE AT 6:30 LINE UP AT 5:30

Please RSVP by November 30th, to the Chamber office at 910 259 9817 or email to info@burgawchamber.com. Please provide your own transportation & signage.

BURGAW AREA CHAMBER OF COMMERCE

Vickie Foster, President