

Alleghany County Board of Commissioners

348 South Main Street
Post Office Box 366
Sparta, NC 28675
Tel: (336) 372-4179

County Commissioners

Bill Osborne
Mark Evans
Bobby Irwin
Larry Prince
John U. Irwin, Jr.

County Manager
Michael L. Carter

Clerk to the Board
Drew Temple

County Attorney
Donna Shumate

AGENDA

Monday, July 6, 2020

6:00 pm

- 6:00 Meeting called to order
Pledge of Allegiance and invocation
Approval of agenda
Motion on minutes from 5/19, 6/1, 6/11, 6/15 (pages 1-12)
- 6:05 **Public Comments/Agenda Items:** Citizens are encouraged to comment at this time on any item(s) specifically listed on this meeting's agenda. Guidelines for public comment are posted in the meeting room.
- A. 6:15 **Presentations to the Board**
- i. Sheriff's Department
 - a. Run for a Claus – Bryan Maines
 - b. EMD update – Nick Hawks
- B. 6:25 **General Business**
- i. Remote participation (tabled from 6/15 meeting)
 - ii. Courthouse updates: old and new
 - iii. COA update
 - iv. Early voting conflict with Commissioners room being used for secondary court room (potential 10/15 jury trial)
 - v. Assignment of the Jail Meal Contract (pages 13-14)
 - vi. TDA Chairman nomination – Steve Mason
 - vii. Discussion and approval of TDA Bylaws (pages 15-19)
 - viii. SRC letter writing campaign - Courthouse steps and landscaping
 - ix. Resolution Acknowledging the Execution and Delivery by the Alleghany County Schools Board of Education of a Guaranteed Energy Savings Contract (page 20)
- C. 6:45 **Public Comments:** Citizens are encouraged to comment at this time on any item(s) requiring the attention of the Commissioners. Guidelines for public comment are posted in the meeting room.

- D. 7:00 **County Manager Comments**
- E. 7:10 **County Commissioner Comments**
- F. 7:20 **Request for Closed Session Pursuant to G.S. 143-318.11.(a)-(6) Personnel**
- G. **Adjourn**





The Alleghany County Board of Commissioners met in special session on Tuesday, May 19th, 2020 at 6:30 pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Bill Osborne, Commissioner Mark Evans, Commissioner Bobby Irwin, Commissioner Larry Prince, Commissioner John Irwin, County Manager, Michael Carter and Clerk to the Board Drew Temple.

AGENDA

Tuesday, May 19, 2020

Public Hearing: Fire Tax

Alleghany County Resolution to Establish Fire Service Districts

Public Hearing: FY20/21 Budget

Public Hearing: Fire Tax

Chair Bill Osborne opened the public hearing on the fire tax.

Chair Bill Osborne read a statement about how citizens should conduct themselves during public comments.

Greg Walker shared his thoughts on the fire tax.

Heath Edwards shared his thoughts on the fire tax.

Fang Alford shared his thoughts on the fire tax.

Keegan Alford shared his thoughts on the fire tax.

Phillip Fishel shared his thoughts on the fire tax.

Bob Bamberg apologized for reporting incorrect information in the Alleghany News.

Chair Bill Osborne closed the public hearing on the fire tax.

Alleghany County Resolution to Establish Fire Service Districts

Commissioner Mark Evans shared his concerns with implementing the fire tax because the new contract is not finalized.

There was discussion between the board and County Manager, Michael Carter about what the Resolution means and specifics of what should be in the contract.

Commissioner John Irwin made a motion to approve the Resolution. Commissioner Larry Prince seconded. Vote 4:1 (aye: Chair Bill Osborne, Commissioner Bobby Irwin, Commissioner Larry Prince, Commissioner John Irwin nay: Commissioner Mark Evans)

Public Hearing: FY20/21 Budget

Chair Bill Osborne opened the budget public hearing.

Greg Walker shared his approval of County Manager, Michael Carter.

Andy Blethen shared his thoughts on the 20/21 budget.

Terry Johnson shared his thoughts on the 20/21 budget.

Rita Miller shared her thoughts on the 20/21 budget.

Chair Bill Osborne closed the budget public hearing.

Commissioner Mark Evans made a motion to adjourn. Commissioner John Irwin seconded. Vote 5:0.

Respectfully Submitted,

Drew Temple
Clerk to the Board

Bill Osborne
Chairman



The Alleghany County Board of Commissioners met in regular session on Monday, June 1st, 2020 at 6:30 pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Bill Osborne, Commissioner Mark Evans, Commissioner Bobby Irwin, Commissioner Larry Prince, Commissioner John Irwin, County Manager, Michael Carter, County Attorney Donna Shumate and Clerk to the Board Drew Temple.

Commissioner Larry Prince made a motion to accept the agenda. Commissioner Mark Evans seconded. Vote 5:0.

AGENDA
Monday, June 1, 2020
6:30 pm

6:30 Meeting called to order
Pledge of Allegiance and invocation
Approval of agenda

6:35 **Public Comments/Agenda Items:** Citizens are encouraged to comment at this time on any item(s) specifically listed on this meeting's agenda. Guidelines for public comment are posted in the meeting room.

A. 6:40 **Presentations to the Board**

- i. Lisa Bottomley – Chamber update
- ii. Public Safety employees recognition

B. 6:50 **General Business**

- i. ¼ cent sales tax referendum (page 1)
- ii. Fire and Rescue Association
- iii. Remote participation (pages 2-11)
- iv. Authorize VFD and Rescue contract revisions
- iii. FY20/21 Budget
 - a. FY20/21 Budget ordinance (pages 12-18)
 - b. FY20/21 Fee schedules (pages 19-25)
- iv. BDC/Wilkes Community College/Library paving follow-up
- v. Agenda layout; items to be voted on, items for information to be voted on at a later time
- vi. Start evening Commissioners meeting at 6:00 pm

C. 7:00 **Public Comments:** Citizens are encouraged to comment at this time on any item(s) requiring the attention of the Commissioners. Guidelines for public comment are posted in the meeting room.

D. 7:10 **County Manager Comments**

E. 7:20 **County Commissioner Comments**

F. 7:30 **Request for Closed Session Pursuant to
G.S. 143-318.11.(a)-(6) Personnel, G.S. 143-318.11.(a)-**

(3) Legal

G. Adjourn

Public Comments/Agenda Items

Tina Rector explained her problems with claims made by Fang and Keagan Alford at the fire tax public hearing.

Hugh Shephard explained his problems with claims made by Fang and Keagan Alford at the fire tax public hearing.

Dale Caveny said he is in favor of the fire tax but he is concerned with the board not having the new contract in place before passing the fire tax.

Presentations to the Board

Lisa Bottomley – Chamber update

Lisa Bottomley gave a Chamber update and said she will be back at the mid-month meeting to unveil the new Authentically Alleghany website.

Public Safety employees recognition

County Manager, Michael Carter recognized Public Safety employees and thanked them for their response especially during COVID-19.

General Business

¼ cent sales tax referendum

Commissioner Larry Prince made a motion to adopt the Resolution for the ¼ cent sales tax. Commissioner John Irwin seconded. Vote 5:0.

Fire and Rescue Association

Commissioner John Irwin explained his thoughts behind creating a Fire and Rescue Association who can review and advise the board on equipment and changes in rules and regulations.

Remote participation

County Manager, Michael Carter said it had been discussed previously to allow commissioners to participate in meetings remotely.

There was discussion between the board and County Attorney, Donna Shumate about whether the board's Rules of Procedures already allow remote participation.

Commissioner Larry Prince made a motion to table the remote participation deliberation until mid-month. Chair Bill Osborne seconded. Vote 5:0.

Authorize VFD and Rescue contract revisions

Commissioner John Irwin said he and Chair Bill Osborne met to discuss revisions to the current VFD contracts to include: a financial statement of expenditures yearly, language that the funds provided by the fire tax could only be used for the operation of the fire departments; equipment, operations, things of this nature and a general ledger.

Commissioner John Irwin said he would like to have the new VFD contract by July 1.

FY20/21 BUDGET

Commissioner Mark Evans pointed out a mistake in the Budget Ordinance in section 17.

Commissioner John Irwin thanked the budget committee and made a motion to approve the County budget. Commissioner Bobby Irwin seconded. Vote 4:1. (aye: Commissioner Bobby Irwin, Chair Bill Osborne, Commissioner Larry Prince, Commissioner John Irwin nah: Commissioner Mark Evans)

Commissioner Mark Evans commended the budget committee and said he is not comfortable with the fire tax at this point without the contracts being finalized.

Commissioner Mark Evans made a motion to approve the fee schedules. Vote 5:0.

BDC/Wilkes Community College/Library paving follow-up

County Manager, Michael Carter explained the meeting he, Commissioner John Irwin and Assistant County Manager, Drew Temple had with Jeff Reavis with High Country Paving which resulted in the owner agreeing to repair the bad run of asphalt as well as sloping and puddling issues.

Agenda layout

Commissioner Bobby Irwin explained why he wants the agenda to have separate sections for items for action and items for discussion only.

Commissioner John Irwin made a motion to adopt the new agenda layout. Commissioner Larry Prince seconded. Vote 4:1 (aye: Commissioner Mark Evans, Chair Bill Osborne, Commissioner Larry Prince, Commissioner John Irwin nay: Commissioner Bobby Irwin)

Evening Commissioners meeting

Commissioner Larry Prince made a motion to move the evening Commissioners meeting to 6:00 pm. Commissioner John Irwin seconded. Vote 5:0.

County Manager Comments

County Manager, Michael Carter said there is a 2nd Annual Run for a Claus on September 12th and the Sheriff will be here to talk about it at the mid-month meeting.

County Manager, Michael Carter asked the board to identify one if not two members to be on the Courthouse Committee and begin discussing the status this Wednesday.

Commissioner Bobby Irwin said he would like to stay on the Courthouse Committee.

Commissioner Mark Evans said he would give up his spot on the Courthouse Committee.

Commissioner John Irwin agreed to be on the Courthouse Committee.

County Manager, Michael Carter explained the situation we are in with the new Council on Aging as well as the current COA/2nd Courtroom building.

County Commissioner comments

Commissioner Bobby Irwin said DOT has been stretched to the limits with money and being able to take care of secondary roads.

Commissioner Bobby Irwin asked if when the fire tax is implemented, will the records submitted become public record?

County Attorney, Donna Shumate explained when the records pursuant to the VFD contracts are turned in to the county, they become public record.

Commissioner Mark Evans said he appreciates the county and pray for our country and our leaders.

Commissioner Mark Evans said this is the earliest the board has adopted a budget in years and thanked everyone involved.

Chair Bill Osborne thanked and recognized the budget committee as well as the department heads.

Chair Bill Osborne said we are way behind on the Census and encouraged people to complete it.

Commissioner Prince thanked the budget committee and the board.

Commissioner Prince said citizens of Allegheny have done a great job staying safe and thanked them.

Commissioner John Irwin explained the issues he had with comments made at the fire tax public hearing with regards to the Rescue Squad and suppressing votes to establish fire service districts.

Commissioner John Irwin explained the items to be added to the VFD contracts.

Commissioner John Irwin made a motion to go in to closed session. Commissioner Larry Prince seconded. Vote 5:0.

Chair Bill Osborne said no action was taken during closed session.

There was a motion and second to adjourn. Vote 5:0.

Respectfully Submitted,

Drew Temple
Clerk to the Board

Bill Osborne
Chairman



The Alleghany County Board of Commissioners met in special session on Thursday, June 11th, 2020 at 9:00 am in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Bill Osborne, Commissioner Mark Evans, Commissioner Bobby Irwin, Commissioner Larry Prince, Commissioner John Irwin, County Manager, Michael Carter and Clerk to the Board Drew Temple.

County Manager, Michael Carter gave an update on the status of the new Council on Aging.

County Manager, Michael Carter explained the meeting he, Commissioner Bobby Irwin, Commissioner John Irwin, Drew Temple, Susie Gambill, Judge Doughton and Judge Duncan had last week about the existing courthouse and the old COA/courthouse annex.

County Manager, Michael Carter recommended bringing someone into the existing courthouse to assess the needs and indicate to us whether there are additional concern we need to address before we focus on the old COA building.

Commissioner Bobby Irwin explained the hard date of July 1 for Judge Duncan to let the Chief Superior Court judge know Alleghany county's plan.

Commissioner John Irwin explained the problems with the current courthouse because of the jury trial coming up in August.

Commissioner John Irwin recommended authorizing County Manager, Michael Carter to get the right professionals into the courthouse to advise of the repairs needed.

County Manager, Michael Carter said his recommendation was to begin work on the existing courthouse.

Commissioner John Irwin made a motion to allow the courts to use the Commissioners room as they see fit. Commissioner Larry Prince seconded. Vote 5:0.

Commissioner Mark Evans made a motion to go in to closed session. Commissioner John Irwin seconded. Vote 5:0.

Chair Bill Osborne said there was no action taken during closed session.

County Manager, Michael Carter explained the dead tree on the Recreation Commission property and the danger it poses to a homeowner on Maple Street.

Commissioner Larry Prince recommended calling Blue Ridge Electric to see if the tree is a threat to the power lines located directly behind it.

Chair Bill Osborne made a motion to call Blue Ridge Electric to ask about the dead tree and if they will not cut it down, take the money from the Recreation budget and have it cut. Commissioner Larry Prince seconded. Vote 5:0.

County Manager, Michael Carter explained the conversation he had with Carroll Royal and Megan Mooneyhan about the Rescue Squad budget.

Commissioner Mark Evans made a motion to table the Rescue Squad funding discussion for 6 months then reconsider. Commissioner Larry Prince seconded. Vote 5:0.

Commissioner Larry Prince made a motion to adjourn. Commissioner John Irwin seconded. Vote 5:0.

Respectfully Submitted,

Drew Temple
Clerk to the Board

Bill Osborne
Chairman



The Alleghany County Board of Commissioners met in regular session on Monday, June 15th, 2020 at 10:00 am in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Bill Osborne, Commissioner Mark Evans, Commissioner Bobby Irwin, Commissioner Larry Prince, Commissioner John Irwin, County Manager, Michael Carter and Clerk to the Board Drew Temple.

Commissioner Larry Prince made a motion to approve the agenda. Commissioner Mark Evans seconded. Vote 5:0.

Commissioner John Irwin made a motion to approve minutes from 5/18. Commissioner Larry Prince seconded. Vote 5:0.

AGENDA
Monday, June 15, 2020
10:00 am

- 10:00 Meeting called to order
Pledge of Allegiance and invocation
Approval of agenda
Motion on minutes from 5/18 (pages 1-4)
- A. 10:05 **Public Comments/Agenda Items:** Citizens are encouraged to comment at this time on any item(s) specifically listed on this meeting's agenda. Guidelines for public comment are posted in the meeting room.
- B. 10:10 **Presentations to the Board**
- i. Lisa Bottomley, Chamber and Authentically Alleghany update
 - ii. Sheriff's Department – EMD status update
- C. 10:20 **General Business**
- a. Nick Hawks – Governor's Crime Commission grant shortfall
 - b. Workforce Development Board appointment
 - c. Transfer Station hours
 - d. Fire and Rescue Association (tabled from 6/1)
 - e. Remote participation (tabled from 6/1)
 - f. General Fund budget amendment #17 in the amount of \$4,800 for additional DOT fees for motor vehicle taxes collection (page 5)
 - g. School Capital Fund budget amendment #1 in the amount of \$135,631 to budget for additional sales tax (page 6)
 - h. General Fund budget amendment #15 in the amount of \$14,000 for additional fines & forts through the court system (page 7)
 - i. General Fund budget amendment #16 in the amount of \$21,000 for additional PEG monies received from state for ACTV (page 8)

- j. General Fund budget amendment #18 in the amount of \$135,631 for required mandated portion for school capital (page 9)

D. 10:45 Consent Agenda (Board action requested)

- i. Rita Miller, Tax Administrator (pages 10-14)
 - a. License Plate Agency month end report
 - b. May auto refunds
 - c. May real and personal property refunds
 - d. Real and personal property releases
 - e. Delinquent taxpayer contracts

E. 11:00 Public Comments: Citizens are encouraged to comment at this time on any item(s) requiring the attention of the Commissioners. Guidelines for public comment are posted in the meeting room.

F. 11:10 County Manager Comments

- i. May building inspection report (page 15)
- ii. Joint meeting with Town of Sparta June 29th 6:00 pm

G. 11:30 County Commissioner Comments

H. 11:40 Request for Closed Session Pursuant to G.S. 143-318.11.(a)-(6) Personnel

I. Adjourn

Public Comments/Agenda Items

Hugh Shepherd asked for prayers for their board and fire chief.

Presentations to the Board

Lisa Bottomley, Chamber and Authentically Alleghany update

Lisa Bottomley gave an Authentically Alleghany and Chamber update.

General Business

Nick Hawks – GCC grant shortfall

Nick Hawks explained the Governor’s Crime Commission grant shortfall.

Commissioner John Irwin explained his frustrations with the status of EMD.

Nick Hawks gave a brief update on PowerPhone and the challenges the Sheriff’s Department has faced with getting ready for EMD.

Workforce Development Board appointment

Chair Bill Osborne made a motion to appoint Garrison Wagoner to the Workforce Development Board. Commissioner Larry Prince seconded. Vote 5:0.

Transfer Station hours

County Manager, Michael Carter explained the alteration to the new Transfer Station hours.

Commissioner Bobby Irwin made a motion to accept the Transfer Station hours as presented. Commissioner Larry Prince seconded. Vote 5:0.

Fire and Rescue Association

Commissioner John Irwin explained his thoughts on why we need the Fire and Rescue Association.

Chair Bill Osborne made a motion to create a Fire and Rescue Association. Commissioner Larry Prince seconded. Vote 5:0.

Remote participation

There was discussion between the board and County Attorney, Donna Shumate about the prospect of remote participation.

Chair Bill Osborne made a motion to table the remote participation discussion until the next meeting. Commissioner Larry Prince seconded. Vote 5:0.

Budget amendments

Commissioner Mark Evans made a motion to approve General Fund budget amendment #15. Commissioner John Irwin seconded. Vote 5:0.

Commissioner Mark Evans made a motion to approve General Fund budget amendment #16. Commissioner Larry Prince seconded. Vote 5:0

Commissioner made a motion to approve General Fund budget amendment #17. Commissioner John Irwin seconded. Vote 5:0.

Commissioner Larry Prince made a motion to approve General Fund budget amendment #18. Commissioner John Irwin seconded. Vote 5:0.

Commissioner Mark Evans made a motion to approve School Capital Fund budget amendment #1. Commissioner Bobby Irwin seconded. Vote 5:0.

Consent Agenda

Rita Miller, Tax Administrator gave the License Plate Agency month end report for May.

Commissioner John Irwin made a motion to approve the consent agenda. Commissioner Larry Prince seconded. Vote 5:0.

Rita Miller, Tax Administrator gave a Revaluation update.

Rita Miller, Tax Administrator shared an e-mail she received from Dept of Revenue regarding Fire Districts/Fire Tax.

Public Comment

Beth Shaw said she is running to represent this district and thanked the board for allowing her to participate in this meeting.

County Manager Comments

County Manager, Michael Carter said there is a joint meeting on June 29th.

County Manager, Michael Carter said a firm is coming Wednesday to talk about the courthouse.

County Manager, Michael Carter said there is a meeting Friday of the revised courthouse annex committee.

County Manager, Michael Carter said the loader at the Transfer Station has gone down again and it is running in "limp mode" and it is becoming a problem.

County Manager, Michael Carter said after this meeting that he would be looking at the Doosan lease to see if there is a provision about a replacement loader while ours is down.

County Manager, Michael Carter explained the phase approach to implementing EMD.

Nick Hawks explained the staff for EMD is under the Sheriff's Department purview and the equipment has been handled through the county.

County Commissioner comments

Commissioner John Irwin thanked Karon Edwards for all she does for the elderly.

Commissioner Larry Prince said his concern for the county has always been garbage and trash. He said he would like to see us readdress this issue for the county to grow.

Commissioner Larry Prince said citizens need to think about where they buy things because they pay the ¼ cent sales tax when they buy from other counties.

There was discussion about whether to forego the first July meeting. Commissioner Larry Prince said we needed to keep the meeting on the schedule.

Commissioner Bobby Irwin said the Fairgrounds Committee decided not to use the Fairgrounds for the HWY 21 Road Market because of the Governor's order.

Commissioner Bobby Irwin said the Ag Advisory Board decided to keep the Ag Awards Banquet scheduled for February 2021.

Commissioner Bobby Irwin said in the future, we should get a minimum of 2 or 3 quotes on projects like cutting the tree on Maple Street owned by the Recreation Commission last week.

Commissioner Bobby Irwin asked for a report on requirements for a substation in the county.

Chair Bill Osborne said Authentically Alleghany looked great.

Chair Bill Osborne thanked AppHealth and everyone who works in the 911 system.

Chair Bill Osborne said there would be a lot of benefit from the ¼ cent sales tax. Commissioner Mark Evans said there are things the ¼ cent sales tax does not apply to including groceries, gas and prescriptions.

Commissioner John Irwin made a motion to enter in to closed session to include April Hamm. Commissioner Larry Prince seconded. Vote 5:0.

Chair Bill Osborne said no action was taken during closed session.

There was a motion and second to adjourn. Vote 5:0.

Respectfully Submitted,

Drew Temple
Clerk to the Board

Bill Osborne
Chairman

NORTH CAROLINA

ASSIGNMENT OF CONTRACT

COUNTY OF ALLEGHANY

THIS ASSIGNMENT OF CONTRACT made and entered into on this __ day of July 2020, by and between Alleghany County, a body corporate and politic, hereinafter "County" and Garrison B. Wagoner d/b/a Horizon Bistro, hereinafter "Horizon."

WITNESSETH:

WHEREAS the County and Horizon entered into a Contract on or about September __, 2019, a copy of which is attached, whereby each party agreed to do and perform certain things pertaining to providing meals to the inmates at the Alleghany County Jail; and

WHEREAS since the entry of the contract, Garrison Wagoner has converted his business from a sole proprietorship d/b/a Horizon Bistro to a limited liability company named G B Wagoner Group, LLC.

AND WHEREAS Horizon desires to assign its interest in the contract to G B Wagoner Group, LLC, under the same terms and conditions as currently exist in the contract;

AND WHEREAS G B Wagoner Group LLC has the ability and the desire to continue to perform its duties pursuant to the contract.

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below contracted as agreed as follows:

1. Garrison Wagoner d/b/a Horizon Bistro assigns all of his right, title, and interest in the contract between Alleghany County and Garrison Wagoner dated September __, 2019, to G B Wagoner Group, LLC.
2. G B Wagoner Group LLC agrees to assume all duties and liabilities of Horizon pursuant to the terms and conditions of the contract.
3. It is expressly understood and agreed that all of the terms, conditions, and stipulations of the contract not expressly modified by this agreement shall be and remain in full force and effect.

This the ____ day of _____ 2020.

ALLEGHANY COUNTY

ATTEST:

 Drew Temple
 Clerk to the Board

 BY: Michael Carter
 County Manager

HORIZON BISTRO

BY: Garrison B. Wagoner

G B WAGONER GROUP, LLC

By: Garrison B. Wagoner, Member-Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer Name

Signature

BYLAWS

Tourism Development Authority for Alleghany County, NC

ARTICLE I

AUTHORIZATION

Section 1. Alleghany County Tourism Development Authority.

The name of the Authority shall be the Alleghany County Tourism Development Authority, such having been established by Resolution adopted October 3, 2011 by the Alleghany County Board of Commissioners. Such authority was granted by the North Carolina General Assembly under HB 96, Session Law 2011-170. (A copy of the Resolution to create a Tourism Development Authority for Alleghany County, NC is attached to these bylaws)

Section 2. Public Body.

The Alleghany Tourism Development Authority shall be a public authority under the Local Government Budget and Fiscal Control Act, and also pursuant to those Laws which govern bodies conducting meetings pursuant to the Open Meetings Law for the State of North Carolina.

Section 3. Powers and Duties.

The Alleghany County TDA shall perform the following duties:

1. Expend occupancy tax funds in accordance with Alleghany County's "Ordinance to Establish an Occupancy Tax within Alleghany County". These expenditures will follow the budget as approved by the Alleghany County Board of Commissioners.
2. Report quarterly and at the close of the fiscal year to the Alleghany County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the Alleghany Board of Commissioners may require.

Section 4. Objectives and Mission.

The Authority's objectives shall be to promote, solicit, and encourage tourism in Alleghany County North Carolina, and to provide such services as are related to tourism. The Authority shall represent and promote Alleghany County, North Carolina.

ARTICLE II

GOVERNING BODY

Section 1. Membership.

initial appointments, the terms shall be for three years on a staggered basis. Vacancies shall be filled by the Alleghany County Board of Commissioners.

The Alleghany County Board of Commissioners shall select a chairman and shall determine the compensation, if any, to be paid to the members of the TDA.

Section 3. Vacancies.

Any vacancy occurring in this group shall be filled with an appointment for the remainder of the unexpired term by the County Board of Commissioners.

ARTICLE III

MEETINGS

Section 1. Regular and Special Meetings.

The TDA shall meet at the call of the chairperson but in any event it shall hold meetings at least quarterly. Special Meetings of the Authority may be called at any time by the Chairperson or Vice Chairperson. At least forty-eight (48) hours written notice must be given for a special meeting. Meeting dates will be published by the Secretary for public notice.

The Authority may adopt its own rules of procedure or in absence thereof, "Robert's Rules of Order" shall apply.

Section 2. Open Meetings.

All meetings of the Authority are to be held in accordance with Article 33C of Chapter 143 of the General Statutes of North Carolina, commonly referred to as the Open Meetings Law.

Section 3. Attendance/Removal.

Faithful attendance at all meetings of the TDA and conscientious performance of the duties required of members of the TDA shall be considered a prerequisite of continuing membership on the TDA. Any member, who misses more than two (2) consecutive meetings without an excused absence or for any good cause related to performance of duties, may be replaced at the recommendation of the TDA by the Alleghany County Board of Commissioners.

Upon request of the TDA to remove a member, the County Board of Commissioners shall consider it at a scheduled commissioners meeting before any removal becomes effective.

Section 4. Quorum.

A quorum shall consist of three (3) voting members of the TDA.

Section 5. Voting/Rules of Conduct for Members.

Each member shall maintain the confidential nature of confidential material to which members may become privy to as a member of the TDA. No TDA member shall directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which a reasonable person would believe that the gift was intended to influence him/her in the performance of his/her duties, or was intended as a reward for any official action on his or her part.

Section 6. Minutes.

The Secretary of the TDA shall be responsible for keeping records of all meetings, including minutes, resolutions, discussions, findings, recommendations and attendance records. The minutes shall be available for public inspection during regular business hours of the county Finance Office, and in accordance with N.C.G.S. 143-318.10.

ARTICLE IV

OFFICERS

Section 1. Officers.

The Officers of the TDA shall be a Chairperson, Vice-Chairperson, Secretary and Treasurer. The Chairperson of the TDA shall be designated by the Alleghany County Board of Commissioners. The TDA shall elect from the membership a Vice-Chairperson to serve in the absence of the Chairperson and a secretary. The Alleghany County Finance Officer shall serve as the Ex-Officio Finance Officer of the TDA.

Section 2. Chairperson.

The Chairperson shall call and preside at all regular and special meetings of the TDA and make certain that lawful notices are provided to the members, to the public, and to the media. The Chairperson shall, with the assistance of the Secretary and/or Treasurer, be responsible for the preparation of the agendas for the meetings of the TDA. In addition, the Chairperson shall also perform such additional duties as may from time to time be designated by the TDA.

Section 3. Vice-Chairperson.

The Vice-Chairperson shall act in absence of the Chairperson to perform the duties and exercise the office that would be performed by the Chairperson. Also, the Vice-Chairperson shall perform such other duties as from time to time may be delegated to the Vice-Chairperson by the TDA,

Section 4 Secretary.

The Secretary shall be responsible for keeping accurate records of all acts, proceedings and minutes of the TDA. The Secretary shall further assist the Chairperson in causing all appropriate notices to be given as are required to the public, the media and as otherwise by law required. That additionally, the Secretary shall perform all other duties as may from time to time be delegated to the Secretary by the TDA.

Section 5. Finance Officer

Section 1. Committees.

Committees may be established by the TDA from time to time and may be assigned such duties and responsibilities as are deemed appropriate by the TDA. Committee members may be non-TDA members. Any non-TDA members must answer to the same attendance code of the TDA board.

Section 2. Committee Authority.

Committees shall have the duty to make recommendations as are deemed appropriate to the TDA, but shall not undertake any activity or encumber or spend funds without the approval of the TDA.

ARTICLE VI

ADMINISTRATIVE STAFF

Section 1. Administrative Staff.

The TDA may contract staff, subject to the provisions of these bylaws, to assist in carrying out the objectives and mission of the TDA. In addition, the TDA may contract with another entity to assist in carrying out the objectives and mission of the TDA.

ARTICLE VII

FISCAL AFFAIRS

Section 1. Annual Budget.

The TDA's fiscal year shall begin on July 1st and end on the following June 30th. The TDA shall submit a proposed annual budget to the Alleghany County Board of Commissioners for their review and comment prior to the TDA's formal budget adoption.

Section 2. Use of Occupancy Tax Proceeds.

The TDA shall use at least two-thirds of the occupancy tax funds to promote travel and tourism in Alleghany County and shall use the remainder for tourism-related expenditures as defined in the "An Ordinance to Establish an Occupancy Tax Within Alleghany County", as is set out in that Ordinance adopted by the Alleghany County Board of Commissioners and set in place on December 1, 2011, or as may be amended.

Section 4. Contracts and Instruments.

The TDA may authorize the Officers of the TDA to enter into contracts or execute and deliver instruments, provided such have been approved by the TDA, and that the required expenditure funds, if any, have been provided by the TDA. Any multi-year contract would also need the approval of the Alleghany Board of Commissioners.

Section 5. Indemnity.

The TDA shall indemnify and hold harmless any member, officer, or employee of the TDA for any loss, including reasonable expense, incurred in defense of any action or

The TDA may accept (with the approval of the Alleghany County Board of Commissioners) any contribution, gift, bequest or devise, for any purpose consistent with the objectives and missions of the TDA, and as may otherwise be subject to law.

ARTICLE VIII

AMENDMENTS

Section 1. Amendments.

These bylaws or any portion thereof may be amended, altered or repealed by the affirmative vote of four-fifths (4/5) of all of the voting members of the TDA.

ARTICLE IX

ADOPTION

Section 1. Adoption.

These bylaws shall become the bylaws of the Alleghany County Tourism Development Authority upon adoption.

**RESOLUTION ACKNOWLEDGING THE EXECUTION AND DELIVERY BY
THE ALLEGHANY COUNTY SCHOOLS BOARD OF EDUCATION OF A
GUARANTEED ENERGY SAVINGS CONTRACT**

BE IT RESOLVED by the Board of Commissioners (the "Board") of the County of Alleghany, North Carolina (the "County") as follows:

1. The Board hereby finds, determines and acknowledges that:

(a) the Alleghany County Schools Board of Education (the "School Board") plans to enter into a Guaranteed Energy Savings Contract pursuant to G.S. 143-64.17 et. seq. not to exceed \$2,500,000 for the purpose of providing certain energy conservation measures authorized to reduce energy consumption and/or energy-related operating costs (the "Project");

(b) the School Board intends to finance said Project by entering into an installment contract (the "Contract") pursuant to G.S. 143-64.17I and G.S. 160A-20, as amended;

(c) the School Board's Guaranteed Energy Savings Contract shall not exceed 20 years from the date of the installation and acceptance by the governmental unit of the energy conservation measures provided for under the Contract;

(d) the energy conservation measures to be installed under the Contract are for existing buildings

(e) the energy savings resulting from the Project are expected to equal or exceed the total costs payable under the Contract as evidenced through an evaluation performed by a third party reviewer, Balsam Energy Consultants, PLLC, on behalf of the School Board;

(f) the payments made under the Contract are not expected to require any additional appropriations to be made by the Board to the School Board nor require any increase in taxes; and

(g) the Board does not intend to reduce appropriations to the School Board based upon a reduction of energy costs in a manner that would inhibit the ability of the School Board to make required payments under the Contract, provided that the County is not bound in any manner to appropriate funds to the School Board in an amount sufficient for the School Board to make such payments.

2. This resolution shall take effect upon its passage.

[SEAL]

Chairman, Board of Commissioners
of the County of Alleghany

I DO HEREBY CERTIFY that this is a true and correct copy of the resolution duly adopted by the Board of Commissioners of the County of Alleghany at a Regular meeting held on July 6th, 2020.

Date

Clerk to the Board of Commissioners