

***WARREN COUNTY
BOARD OF COMMISSIONERS***

April 20, 2016

6:00 PM

Board Work Session

***WARREN COUNTY
ARMORY CIVIC CENTER
COMMISSIONERS' MEETING ROOM
WARRENTON, NC***

April 20, 2016
Work Session Agenda

1 - Moment of Silence

2 - Department Head Report to the Board (5 minutes):

Charles Williams, Buildings & Grounds (revised)

Cheryl Reddish, Library Director

3 - NC Association of County Commissioners Update Video

<https://www.youtube.com/watch?v=VQNF62TB538&nohtml5=False>

**4 – Review Warren County Public Utilities Rules & Regulations
– Com. Hunt**

**5 – Recommended Policies, Procedures & Forms for Warren
County Roads Improvement Program**

6 - Adjourn Work Session

April 20, 2016
Work Session Agenda

Item # 1

===

Moment of Silence

April 20, 2016
Work Session Agenda

Item # 2

Department Head Reports (5 minutes):

- ▶ Charles Williams, Director
Buildings & Grounds
- ▶ Cheryl Reddish, Library Director

April 20, 2016
Work Session Agenda

Item # 3

**N.C. Association of County
Commissioners Video Presentation**

<https://www.youtube.com/watch?v=VQNF62TB538&nohtml5=False>

April 20, 2016
Work Session Agenda

Item # 4

**Review Warren County Public
Utilities Rules & Regulations**

===

Com. Victor Hunt

Warren County Public Utilities
Rules and Regulations

Warren County
Public Utilities
Rules & Regulations
Page 1 of 4

Click here for a better view of
the document:

[http://www.warrencountync.com/
fileUploads/forms/517_Web-
Rules%20&%20Regs.pdf](http://www.warrencountync.com/fileUploads/forms/517_Web-Rules%20&%20Regs.pdf)

1. CLASSIFICATION OF SERVICE
 - A. Residential & Churches
 - B. Other (Schools and Commercial users)
2. RATE SCHEDULE AND TAP-ON FEES
 - A. All water rates and tap fees shall be those most recently adopted by the Warren County Board of Commissioners and a schedule of same shall be available upon request at the Warren County Water Office.
 - B. Water service to any separate structure shall require separate metering. A user is defined as house, mobile home, other residence or place of business; and each user must be metered separately.
 - C. Blow-off taps will not be used by customers under any circumstances. All tap fees must be paid.
 - D. Bulk customers may be allowed. Bulk customers will be determined on a case-by-case basis.
3. APPLICATION FOR SERVICE
 - A. Service will be supplied only to those who have paid the tap fee and deposit.
 - B. Application for service shall be made with the Warren County Public Works office.
 - C. Application for service shall be accompanied by a water deposit of \$100.00 or a water/sewer deposit of \$150.00, and an Activation fee of \$25.00 for new accounts, and the appropriate tap-fee, if required.
 - D. Deposits are refundable upon termination of service and settlement of all accounts.
 - E. Deposits are non-interest bearing.
 - F. Tap-on fees are non-refundable once taps have been installed and once installed, taps will not be relocated without payment of additional tap fee.
 - G. All customers are required to make deposit with application for service.
 - H. The individual in whose name the account is established shall be responsible for payment of all bills incurred in connection with the service furnished.
 - I. Where the County finds that the request for a deposit refund is questionable, the County may require the refund applicant to produce the deposit receipt properly endorsed.
 - J. The County may reject any application for service if the County cannot provide a service at a standard cost or if said service may affect the supply of water to existing customers, or for any other good and sufficient reasons deemed necessary by the Board of Commissioners.
 - K. The County may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location. When a member of the household has been served water and has not paid for same, the County shall not be required to render service to any other member at said location where the water was used until said water bill has been paid. When all members of the same household move to a new location, service will not be rendered under the name of a different household member until all previous bills have been paid.
 - L. For violation of any of the provisions of these rules relating to application for service, the County may at the expiration of thirty days from the date of mailing a written notice to the last known address of the Consumer, discontinue service. Any applicable fees will be charged for reinstatement of services.
4. INITIAL OR MINIMUM CHARGE
 - A. All customers that signed up for a tap during the early incentive sign up offer and have subsequently received a meter tap during construction, shall have a maximum of 90 days to connect to the County water system, once water is available for use. After this time period has elapsed a \$12.00 monthly charge shall be levied until such time as the connection is made. **Upon connection to the water system, the customer must remain a water user for a period of 12 months before discontinuing water service. Discontinuation of water service prior to 12 months will result in resumption of the \$12.00 monthly charge until such time as connection is restored.**

Warren County
Public Utilities
Rules & Regulations
Page 2 of 4

Click here for a better view of
the document:

[http://www.warrencountync.com/
fileUploads/forms/517_Web-
Rules%20&%20Regs.pdf](http://www.warrencountync.com/fileUploads/forms/517_Web-Rules%20&%20Regs.pdf)

- B. The initial or minimum charge, as provided in the rate schedule, shall be made for each meter installed and connected, regardless of location. Each meter requires a separate meter reading sheet, and each meter reading sheet shall cover a separate and individual account.
 - C. Water furnished for a given lot shall be used on that lot only. Each consumer's service must be separately metered at a single delivery and metering point. Each commercial unit and each storeroom or stall used for business purposes, shall be metered separately from any residential use and vice versa, whether now in service or to be installed in the future.
5. COUNTY'S RESPONSIBILITY AND LIABILITY
- A. The County shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served, and for which a tap-on fee and meter then in effect will be charged. All services and meters shall remain on State right-of-way or County right-of-ways and easements.
 - B. The County may install its meter at the property line or at the County's option, on the consumer's property or in a location mutually agreed upon.
 - C. When two or more meters are to be installed on the same premises for different consumers they shall be closely grouped and each clearly designated to which consumer it applies.
 - D. The County does not assume the responsibility of inspecting the consumer's piping or apparatus and will not be responsible therefore.
 - E. The County reserves the right to refuse service unless the consumer's line or piping is installed in such manner as to prevent cross-connections or backflow and multiple hook-ups. **Under no conditions shall cross-connections with the County System be permitted. The County reserves the right to inspect the customer's well or outside water flow apparatus to ensure cross-connections and multiple hookups are not present. Violation of this regulation may be considered tampering with a public water supply, carrying with it a minimum of \$100.00 fine.**
 - F. The County shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises, unless such damage results directly from negligence on the part of the County. The County shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the consumers premises. The County shall not be responsible for negligence of third persons or forces beyond the control of the County resulting in any interruption of service.
 - G. Under normal conditions of scheduled maintenance, the consumer will be notified of any anticipated interruption of service. Emergency repairs and unscheduled maintenance, may cause service disruption, for which the customer may not be notified.
 - H. The County will cut off service to any customer that is past due in payment of the monthly bill or whose pipes are busted from freeze or other damage from the meter through the house if the pipes or lines are not repaired immediately. A service charge of \$25.00 will be charged to cut the water back on.
 - I. The County shall not be liable for damages of any kind to household appliances to include refrigerators, ice-makers, hot water heaters as well as hot water furnaces, if service is discontinued for non-payment of bill.
 - J. The County shall not be liable for any damages to household appliances to include hot water heaters, icemakers, refrigerators as well as hot water furnaces as a result of water being turned off to make emergency repairs to lines, tanks and pumps after an attempt has been made to notify the customers.
6. CONSUMER'S RESPONSIBILITY
- A. Piping on the consumer's premises must be so arranged that the connections are conveniently located with respect to the County lines or mains.
 - B. If the customer's piping on consumer's premises is so arranged that the County is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.
 - C. Where meter is placed on premises of a consumer, a suitable place shall be provided by consumer for placing such meter-unobstructed and accessible at all times to the meter reading.

Warren County
Public Utilities
Rules & Regulations
Page 3 of 4

Click here for a better view of
the document:

[http://www.warrencountync.com/
fileUploads/forms/517_Web
-Rules%20&%20Regs.pdf](http://www.warrencountync.com/fileUploads/forms/517_Web-Rules%20&%20Regs.pdf)

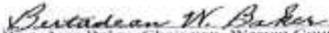
- D. The County recommends that the consumers shall furnish and maintain a private cutoff valve on the consumer's side of the meter; the County to provide a like valve on the County's side of meter or within the meter.
 - E. The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner and in accordance with the County's rules and regulations and in full compliance with the sanitary regulations of the State Board of Health. **IN NO INSTANCE SHALL A CROSS CONNECTION BE ALLOWED.**
 - F. The consumer shall guarantee proper protection for the County's property placed on the consumer's premises and shall permit access to it only by authorized representatives of the County.
 - G. In the event that any loss or damage to the property of the County or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his agents or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the County and any liability otherwise resulting shall be assumed by the consumer.
 - H. The amount of such loss or damage or the cost of repairs shall be added to the consumer's bill; and if not paid, service shall be discontinued by the County.
7. **EXTENSIONS TO MAINS AND SERVICES**
- A. Water distribution lines to serve undeveloped or private subdivisions will be handled as follows:
 - 1. The developer, at his expense will submit for reviews and approval by the County, its engineer and the State Board of Health.
 - 2. The developer, at his expense will install the lines in accordance with the approved plans.
 - 3. Upon completion of the new extension, the developer may deed the complete facility, to include all rights of ways, easements, permits, franchises and authorizations or other instruments needed, for the operation and maintenance of the facility, to the County. The County will not reimburse the developer for the extension.
8. **ACCESS TO PREMISES**
- A. Duly authorized agents of the County shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing County's property, inspecting piping, checking for cross-connections, checking for multiple hookups, reading or testing meters or for any other purpose, in connection with the County's service and facilities.
 - B. Each consumer shall grant or convey or shall cause to be granted or conveyed, to the County a perpetual easement and right of way across any property owned or controlled by the consumer wherever said perpetual easement and right of way is necessary for the County water facilities and lines so as to be able to furnish service to the customer.
9. **CHANGE OF OCCUPANCY**
- A. Not less than three days notice must be given in person or in writing, at the Water Department, to discontinue service for a change in occupancy.
 - B. The outgoing party shall be responsible for all water consumed up to the time of departure, or the time specified for departure, whichever period is longest.
10. **METER – READING – BILLING – COLLECTION**
- A. Meters will be read and bills rendered monthly; but the County reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.
 - B. Bills for water will be figured in accordance with the County's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings.
 - C. Charge for service commences when the meter is installed, whether used or not.
 - D. Readings from different meters will not be combined for billing, irrespective of the fact that said meters may be allowed for hook-up on initial installation of the water system.
 - E. Bills are due when rendered and become delinquent at 4:30pm on the due date. If payment is not received in the Public Works office by 4:30pm on the due date, a late charge of \$25.00 will be added to the account. Service is subject to be disconnected within 24 hours after the due date.

Warren County
Public Utilities
Rules & Regulations
Page 4 of 4

Click here for a better view of
the document:

[http://www.warrencountync.com/
fileUploads/forms/517_Web-
Rules%20&%20Regs.pdf](http://www.warrencountync.com/fileUploads/forms/517_Web-Rules%20&%20Regs.pdf)

- F. Failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the consumer from payment.
- G. There will be a \$25.00 service charge on all checks returned in the water department.
11. SUSPENSION OF SERVICE
- A. When services are discontinued and all bills paid, the deposit will be refunded.
- B. Upon discontinuance of service for nonpayment of bills, the deposit will be applied by the County toward settlement of the account. Any balance will be refunded to the consumer; but if the deposit is not sufficient to cover the bill, the County may proceed to collect the balance in the usual way provided by law for the collection of debts.
- C. Service discontinued for nonpayment of bills will be restored only after the customer's balance is paid in full. Service will be re-connected within 24 hours of receipt of payment.
- D. The County reserves the right to discontinue its service without notice for the following additional reasons.
1. To prevent fraud or abuse.
 2. Consumers willful disregard of the County's rules.
 3. Emergency repairs,
 4. Insufficiency of supply due to circumstances beyond the County's control.
 5. Legal processes.
 6. Direction of public authorities
 7. Strike, riot, fire, flood, accident or any unavoidable cause.
- E. The County may, in addition to persecution by law, permanently refuse service to any customer who tampers with a meter or other measuring device. Tampering also carries with it a minimum of \$100.00 fine or cost of repair.
12. COMPLAINTS – ADJUSTMENTS
- A. If the consumer believes his bill to be in error, he shall present his claim in person, at the County Water and Sewer Department Billing Office before the bill becomes delinquent. Such claim if made after the bill has become delinquent shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his claim.
- B. The County will make special meter readings at the request of the consumer. If such special reading discloses that the meter was misread, a bill may be adjusted or a credit may be applied to the next bill.
- C. Meters will be tested at the request of the consumer upon payment to the County of the actual cost to the County of making the test provided; however, that if the meter is found to over-register beyond 3 per centum of the correct volume, no charge will be made.
- D. If the seal of a meter is broken by other than the County's representative or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his previous bills and/or from other proper data.
13. ABRIDGEMENT OR MODIFICATION OF RULES
- A. No promise, agreement or representation of any employee of the County shall be binding upon the County except as it shall have been agreed upon in writing, signed and accepted by the acknowledged representative of the County.
- B. No modification of rates or any of the rules and regulations shall be made by any Agent of the County.
14. ADOPTION OF RULES AS AMENDED
Until further order of the Board of Commissioner of Warren County, North Carolina, the rules and regulations as the same are hereinabove set out, are hereby adopted as the date hereof to become effective on and after July 1, 2014.


Bertalan W. Baker
Chairman, Warren County Board
of Commissioners


Arlene K. Keeney-Thompson
Clerk of the Board

8-14-2014
Date

8-14-2014
Date

April 20, 2016
Work Session Agenda

Item # 5

**Recommended
Policies, Procedures & Forms
for
Warren County Roads Improvement
Program**

**RATING SHEET
FOR
PRIVATE SUBDIVISION ROADS IN WARREN COUNTY, NC**

Date: _____
 Subdivision: _____ Township: _____

Points

- | | | |
|-------|---|----------------|
| _____ | 1. Petition signed by 66% of property owners in the Subdivision requesting assistance with road improvements and stating the estimated cost of improvements to be assessed to property owners | Max Points: 25 |
| | 84-100% of Property Owners 25 Points
66-83% of Property Owners 20 Points
Less than 66%, not eligible for road improvement | |
| _____ | 2. Current condition of roads in the subdivision: _____ | Max Points: 20 |
| | Very Bad 20 Points
Bad 15 Points
Poor 10 Points | |
| _____ | 3. Number of Homes in the Subdivision # of Homes: _____ | Max Points: 16 |
| | Average Density of Homes per Quarter Mile
15-10 Homes per quarter mile 16 Points
9-5 Homes per quarter mile 10 Points
< 5 Homes per quarter mile 5 Points | |
| _____ | 4. Length of road & cost of proposed improvements (Attach Quote) | Max Points: 14 |
| | Shortest Road and Lowest Cost 14 Points
Shortest Road and Minimum Cost 9 Points
Shortest Road and Highest Cost 4 Points | |
| _____ | 5. Public School Buses for Exceptional Children and Transportation Service Providers for the Disabled and Elderly | Max Points: 12 |
| | Public School Buses and Transportation Service Providers for the Elderly and Disabled - 12 points
Public School Buses Only - 8 points
Transportation Service Providers for Elderly and Disabled Only - 8 points
Neither - 0 points | |
| _____ | 6. Mail and Parcel Post Delivery at individual homes in the Subdivision | Max Points: 8 |
| | > 4 8 Points
< 4 4 Points | |
| _____ | 7. Designated Road Oversight Person and/or Committee | Max Points: 5 |
| | Yes 5 Points
No 0 Points | |

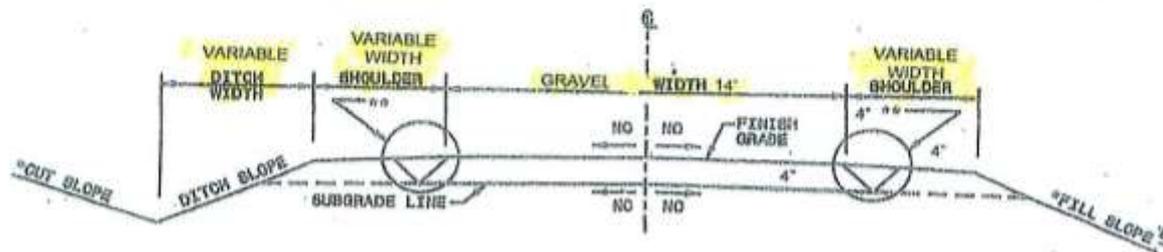
TOTAL _____

ATTACHMENTS: _____

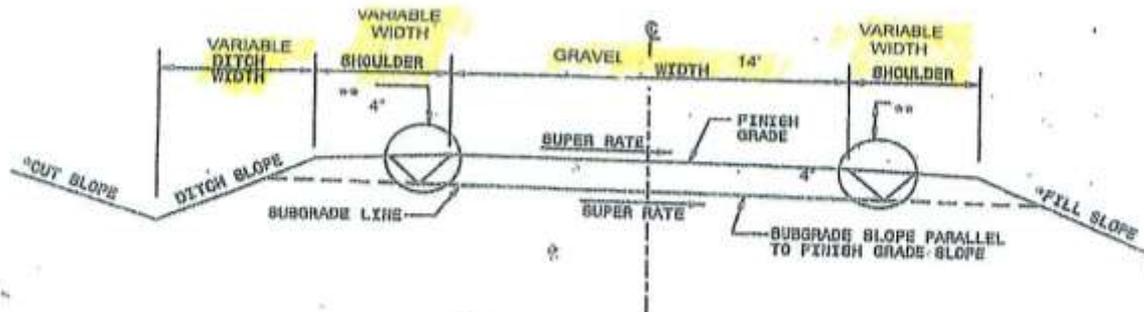
Recommended Minimum Road Specifications for Private Subdivisions

- Remove small trees from ditches and re-establish ditches where necessary.
- Install or replace cross-over pipes where necessary and corrective measures for storm water runoff.
- Fine grade existing roads from ditch to ditch with at least 2% crown.
- Compact road prior to placing 2" of stone, wet-down compact and then place final two inches of stone and compact after spreading properly.
- Use #57 stone 14 feet by 4 inches.
- County will purchase stone but contractor will haul and turn in stone tickets to County daily.
- Backfill to edge of stone.
- Re-seed and straw shoulders and ditch line, also install erosion control devices if necessary.
- Repair or replace driveway pipe if necessary.
- If area of grading is over one acre, a sediment erosion control plan is required.

Minimum Subdivision Road Specifications



TYPICAL NORMAL CROWN SECTION



TYPICAL SUPERELEVATED SECTION

**WARREN COUNTY
ROADS IMPROVEMENT PROGRAM
POLICIES AND PROCEDURES**

I. PURPOSE AND AUTHORITY

The purpose of the Roads Improvement Program is to assist property owners with making improvements to non-state-maintained roads in private subdivisions in the unincorporated areas of Warren County.

The procedures in this policy are in accordance with and follow the guidelines set forth in Article 9A, Special Assessments for Critical Infrastructure Needs, NC General Statutes 153A-210.1 through 153A-210.7, and Session Law 2015-121, Senate Bill 284.

II. REQUIREMENTS TO QUALIFY FOR ASSESSMENT

201. A petition requesting Warren County to make certain improvements to non-state-maintained roads in private subdivisions in the unincorporated areas of the County to be financed by imposing a special assessment against benefited property must be signed by property owners representing at least 66% of the assessed value of all real property to be assessed in the subdivision.

III. ASSESSMENT PROVISIONS

301. Depending upon funding availability, Warren County may finance up to 100% of the cost of road improvements made to non-state-maintained roads in private subdivisions in the unincorporated areas of the County.
302. The assessment may be set and property owners charged for the actual cost of engineering design, construction and construction administration connected with the road improvements.
303. An administration fee may be charged by Warren County as part of the total project cost. This fee would cover the cost of legal ads advertising the public hearing as well as notifying property owners, staff and legal assistance time.
304. The cost of the project shall be assigned to the property owners in one of the following methods to be determined at the outset of the project:
1. equal rate per lot, or
 2. per foot of street frontage.

IV. PROCEDURE FOR SPECIAL ASSESSMENT FOR ROAD IMPROVEMENTS

401. SUBMISSION OF PETITION

401.1 Benefited property owners shall submit a petition requesting the County's participation in funding improvements to non-state-maintained roads in private subdivisions in the unincorporated areas of the County. This petition shall be signed by:

1) a majority of the owners of real property to be assessed; and 2) owners who represent at least sixty-six (66%) of the assessed value of all real property to be assessed. (See GS 153A-210.3(a) for the methodology to determine whether the petition has been signed by a majority of owners.

401.2 Verification of the property owners along the road shall be made from the files of the Warren County Tax Office. Signatures of others (renters, etc.) not listed as a property owner shall be considered invalid signatures.

401.3 The following information shall accompany the petition:

1. List of names and addresses of property owners along the road;
2. Map of road(s) in question indicating lot ownership; and
3. List of property owners agreeing to be assessed.

401.4 County staff shall have 30 days following the submission of the petition to verify the petition. Upon completion of that time period and certification that the petition is valid, and if funds are available, staff will prepare the preliminary assessment resolution for consideration by the Board of County Commissioners at the next regular meeting following the current agenda procedures.

Should it be determined the petition is valid; however, no funds are available in the Roads Improvement Program, the petition will be date stamped and kept on file in order of receipt until such time as funds become available.

402. PRELIMINARY ASSESSMENT RESOLUTION

402.1 The following items shall be included in the Preliminary Assessment Resolution:

1. A statement of intent to undertake the project;
2. A general description of the nature and location of the project;
3. A statement as to the proposed basis for making the assessments(i.e. lot, frontage);
4. A statement as to the percentage of cost of the work that will be assessed;
5. A statement of estimated project cost;
6. A statement as to which, if any, assessments shall be held in abeyance and for how long;
7. The estimated cost of the project and the amount of the cost to be derived from each financing source, i.e.:
 - a) Revenue bonds issued under G.S. 153A-210.6;

- b) Project development financing debt instruments issued under the NC Project Development Financing Act, Article 6 of Chapter 159 of the General Statutes;
 - c) General obligation bonds issued under the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes; or
 - d) General revenues.
8. A statement as to the proposed terms of payment of the assessment;
 9. An order setting the time and place for a public hearing on all matters covered by the Preliminary Assessment Resolution. (The public hearing will not be earlier than three weeks nor later than ten weeks from the date of the adoption of the Preliminary Assessment Resolution.)

403. FINAL ASSESSMENT RESOLUTION

403.1 Notice of Hearing

The Clerk to the Board of County Commissioners shall duly advertise the public hearing by the following methods:

1. A notice must be published in the local newspaper at least ten (10) days before the Public Hearing is to be held providing the facts of the Preliminary Assessment Resolution and the date, time and location of the Public Hearing.
2. A copy of the Preliminary Assessment Resolution must be mailed by first class mail to each property owner who will benefit from the road improvements at least 10 days prior to the Public Hearing. A certified statement must be filed with the Board of County Commissioners that each property owner has been mailed a copy of the Resolution along with the date mailed.

403.2 After the public hearing is held, the Board of County Commissioners shall vote to consider the adoption of the Final Assessment Resolution. If the Board decides that a different percentage of cost to be assessed or that the scope of the project should be lesser or greater than described in the Preliminary Assessment Resolution, it shall adopt and advertise a new Preliminary Assessment Resolution.

403.3 The Final Assessment Resolution shall include:

1. The basis upon which the assessments will be made, together with a general description of the boundaries of the benefited area;
2. The percentage of the cost of work to be assessed;
3. The financing source(s) to be used by the County to fund the improvements;
4. The terms of payment, including the conditions, if any, under which assessments are to be held in abeyance.

403.4 The Final Assessment Resolution shall not be different from the Preliminary Assessment Resolution.

404. PROJECT CONSTRUCTION

- 404.1 Upon adoption of the Final Assessment Resolution and confirmation that sufficient funds are available in the Roads Improvement Program, the County shall commence with the project. The County shall follow the proscribed bid procedures in the NC General Statutes to secure a contractor to make the necessary improvements.
- 404.2 Upon completion of all improvements, staff will prepare a summary of the total project costs, including but not limited to: engineering design, construction expenses, staff and legal expenses, surveying expenses, and other related expenses.
- 404.3 Once the final project costs are determined and approved by the Board of County Commissioners, the Preliminary Assessment Roll may be prepared.

405. PRELIMINARY ASSESSMENT ROLL

- 405.1 The Preliminary Assessment Roll shall be prepared and presented to the Board of County Commissioners for consideration and approval. The Preliminary Assessment Roll shall contain:
 - 1. A brief description of each lot, parcel or tract to be assessed;
 - 2. The basis for assessment;
 - 3. Terms of payment;
 - 4. The amount assessed against each property owner;
 - 5. A map of the project showing each lot, parcel or tract assessed;
 - 6. The name of property owners as verified by the County tax records; and
 - 7. An order setting the time and place for a public hearing for consideration of the Final Assessment Roll.
- 405.2 Upon approval of the Preliminary Assessment Roll, it shall be placed on file in the office of the Clerk to the Board of County Commissioners and open for public inspection. The Preliminary Assessment Roll will also set a time for a public hearing for consideration of the Final Assessment Roll.

406. PUBLIC HEARING AND FINAL ASSESSMENT ROLL

- 406.1 Notice of Hearing
The Clerk to the Board of County Commissioners shall duly advertise the public hearing by the following methods:
 - 1. A notice must be published in the local newspaper that a Preliminary Assessment Roll has been adopted noting that the roll is on file in the Clerk's office and open for public inspection and also give the date, time and place for the public hearing, this shall be published at least 10 days prior to the hearing date;
 - 2. Mail (by first class mail) a copy of the Preliminary Assessment Roll to each property owner listed on the roll. This notice shall include: the time,

DRAFT FOR DISCUSSION ONLY

date and place of the public hearing; a note that the roll is on file in the Clerk's office; and state the amount (as shown on the roll) of the assessment against each property owner. This mailing shall be completed at least 10 days prior to the hearing.

The Clerk shall file with the Board of County Commissioners a certified statement confirming the notices were mailed to the property owners indicating the date which the notices were mailed and the date of the publication.

406.2 Public Hearing

At the public hearing, the Board of County Commissioners shall hear from all interested persons in the matter. The hearing will operate in accordance with the Board's policy for holding public hearings. At or after the hearing, the Board shall annul, modify or confirm the assessments in whole or part, either by:

1. Confirming the preliminary assessments against each lot, parcel or tract of land described in the assessment roll; or,
2. Canceling, reducing or increasing the assessments as may be proper in compliance with the basis of assessment. If a property is found to be omitted on the roll, the Board may place it on the roll and make proper assessments.

When the Board confirms the assessments for the project, the Clerk shall enter the date, hour and minute of the confirmation into the Board's minutes. From the time of confirmation, each assessment becomes a lien on the real property of the owner under priorities set out in N.C.G.S. 153A-200.

406.3 Delivery of Final Assessment Roll

After the assessment roll is confirmed, the Clerk shall send a certified copy of the Assessment Roll to the County Tax Collector for collection in the same manner as property taxes or as otherwise provided in this policy.

406.4 Publication of Final Assessment Roll

The County Tax Collector shall publish once in the local newspaper, a notice that the assessment roll has been confirmed. This notice shall be published no earlier than 20 days from the date the assessment roll is confirmed. The notice shall state:

1. The assessments may be paid without interest at any time before the expiration of a 30 day period from the date that the notice is published;
2. If the assessment is not paid within this time, all installments shall bear interest, as determined by the Board of County Commissioners.

407. PAYMENT TERMS

407.1 Full Payment of Assessment

Within thirty (30) days after publication of confirmation of the assessment roll, each property owner shall pay his full assessment, unless the Board has provided the assessments may be paid in annual installments.

407.2 Installment Payments of Assessment

If the Board allows installment payments, any portion not paid within the thirty (30) day period shall be paid in annual installments. The Board shall determine in the assessment resolution whether payments may be made by annual installments and set the number of installments which may not be more than twenty-five (25.) (See NCGS 153A-210.5)

The assessment against each benefited property shall be payable in a period not to exceed twenty-five (25) years with the unpaid balance having an interest rate not to exceed _____ () per cent.

The Board may provide:

1. the first payment with interest is due on the date when property taxes are due; and one installment with interest is due on the same date in each successive year until the assessment is paid in full; or,
2. the first installment with interest is due sixty (60) days after the date the assessment roll is confirmed, and one installment with interest is due on the same day in each successive year until the assessment is paid in full.

407.3 Assessment of Property Not in Single Ownership

Assessment of property in the below listed areas shall be conducted in accordance with N.C. General Statutes as outlined in each specific section:

- | | |
|---------------|--|
| NCGS 153A-202 | Assessments on property held by tenancy for life or years. |
| NCGS 153A-203 | Lien in favor of a contingent or a joint owner payment special assessment; |
| NCGS 153A-204 | Apportionment of assessments. |

Adopted this the _____ day of _____, 2016.

WARREN COUNTY BOARD OF COMMISSIONERS

Barry Richardson, Chairman

ATTEST:

Angelena Kearney-Dunlap, Clerk to the Board

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2015-121
SENATE BILL 284

AN ACT TO EXTEND THE SUNSET PROVISION ON THE AUTHORITY GRANTED TO COUNTIES AND CITIES TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS AND TO SHORTEN THE NUMBER OF ANNUAL INSTALLMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-210.1 reads as rewritten:

"§ 153A-210.1. Purpose; sunset.

(a) **Purpose.** – This Article enables counties that face increased demands for infrastructure improvements as a result of rapid growth and development to issue revenue bonds payable from special assessments imposed under this Article on benefited property. This Article supplements the authority counties have in Article 9 of this Chapter. The provisions of Article 9 of this Chapter apply to this Article, to the extent they do not conflict with this Article.

(a1) **Purpose of Dam Repair.** – The General Assembly finds that dam repair is a public purpose promoting flood control and public safety.

(b) **Sunset.** – This Article expires ~~July 1, 2015~~, July 1, 2020. For projects authorized in G.S. 153A-210.2(a1), this Article expires July 1, 2019. The expiration does not affect the validity of assessments imposed or bonds issued or authorized under the provisions of this Article prior to the effective date of the expiration."

SECTION 2. G.S. 160A-239.1 reads as rewritten:

"§ 160A-239.1. Purpose; sunset.

(a) **Purpose.** – This Article enables cities that face increased demands for infrastructure improvements as a result of rapid growth and development to issue revenue bonds payable from special assessments imposed under this Article on benefited property. This Article supplements the authority cities have in Article 10 of this Chapter. The provisions of Article 10 of this Chapter apply to this Article, to the extent they do not conflict with this Article.

(b) **Sunset.** – This Article expires ~~July 1, 2015~~, July 1, 2020. The expiration does not affect the validity of assessments imposed or bonds issued or authorized under the provisions of this Article prior to the effective date of the expiration."

SECTION 3. G.S. 153A-210.5 reads as rewritten:

"§ 153A-210.5. Payment of assessments by installments.

An assessment imposed under this Article is payable in annual installments. The board of commissioners must set the number of annual installments, which may not be more than ~~30~~, 25. The installments are due on the date that property taxes are due."

SECTION 4. G.S. 160A-239.5 reads as rewritten:

"§ 160A-239.5. Payment of assessments by installments.

An assessment imposed under this Article is payable in annual installments. The city council must set the number of annual installments, which may not be more than ~~30~~, 25. The installments are due on the date that property taxes are due."

SECTION 5. This act becomes effective June 30, 2015, and applies to assessments made on or after July 1, 2015.

In the General Assembly read three times and ratified this the 25th day of June, 2015.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 4:00 p.m. this 29th day of June, 2015



Article 9A.

Special Assessments for Critical Infrastructure Needs.

§ 153A-210.1. (Article has an expiration date - see note) Purpose; sunset.

(a) Purpose. - This Article enables counties that face increased demands for infrastructure improvements as a result of rapid growth and development to issue revenue bonds payable from special assessments imposed under this Article on benefited property. This Article supplements the authority counties have in Article 9 of this Chapter. The provisions of Article 9 of this Chapter apply to this Article, to the extent they do not conflict with this Article.

(a1) Purpose of Dam Repair. - The General Assembly finds that dam repair is a public purpose promoting flood control and public safety.

(b) Sunset. - This Article expires July 1, 2015. For projects authorized in G.S. 153A-210.2 (a1), this Article expires July 1, 2019. The expiration does not affect the validity of assessments imposed or bonds issued or authorized under the provisions of this Article prior to the effective date of the expiration. (2008-165, s. 2; 2013-371, ss. 1(a), 3; 2014-89, ss. 1, 2.)

§ 153A-210.2. (Article has an expiration date - see note) Assessments.

(a) Projects. - The board of commissioners of a county may make special assessments as provided in this Article against benefited property within the county for the purpose of financing the capital costs of projects for which project development financing debt instruments may be issued under G.S. 159-103 or for the purpose of financing the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to residential, commercial, industrial, or other real property.

(a1) Dam Repair Project. - The board of commissioners of a county may make special assessments as provided in this Article against property that is contiguous to a lake, and benefits from access to the same lake, for the purpose of repairing the dam of that lake. The provisions of this subsection only apply to a privately owned dam formerly used for textile mill purposes, forming a lake between 225 and 325 acres in area.

(b) Costs. - The board of commissioners must determine a project's total estimated cost. In addition to the costs allowed under G.S. 153A-193, the costs may include any expenses allowed under G.S. 159-84. A preliminary assessment roll may be prepared before the costs are incurred based on the estimated cost of the project.

(c) Method. - The board of commissioners must establish an assessment method that will most accurately assess each lot or parcel of land subject to the assessments according to the benefits conferred upon it by the project for which the assessment is made. In addition to other bases upon which assessments may be made under G.S. 153A-186, the board may select any other method designed to allocate the costs in accordance with benefits conferred. In doing so, the board may provide that the benefits conferred are measured on the basis of use being made on the lot or parcel of land and provide for adjustments of assessments upon a change in use, provided that the total amount of all assessments is sufficient to pay the costs of the project after the adjustments have been made. (2008-165, s. 2; 2008-187, s. 47.5(a); 2009-525, s. 1(a); 2013-371, ss. 1(b), 3; 2014-89, s. 3.)

§ 153A-210.3. (Expires July 1, 2015) Petition required.

(a) Petition. - The board of commissioners may not impose a special assessment under this Article unless it receives a petition for the project to be financed by the assessment signed by (i) at least a majority of the owners of real property to be assessed and (ii) owners who represent at least sixty-six percent (66%) of the assessed value of all real property to be assessed. For purposes of determining whether the petition has been signed by a majority of owners, an owner who holds title to a parcel of real property alone shall be treated as having one vote each, and an owner who shares title to a parcel of real property with one or more other owners shall have a vote equal to one vote multiplied by a fraction, the numerator of which is one, and the denominator of which is the total number of owners of the parcel. For purposes of determining whether the assessed value represented by those signing the petition constitutes at least sixty-six percent (66%) of the assessed value of all real property to be assessed, an owner who holds title to a parcel of real property alone shall have the full assessed value of the parcel included in the calculation, and an owner who shares title to a parcel of real property with one or more other owners shall have their proportionate share of the full assessed value of the parcel included in the calculation. The petition must include the following:

- (1) A statement of the project proposed to be financed in whole or in part by the imposition of an assessment under this Article.
- (2) An estimate of the cost of the project.
- (3) An estimate of the portion of the cost of the project to be assessed.

(b) **Petition Withdrawn.** - The board of commissioners must wait at least 10 days after the public hearing on the preliminary assessment resolution before adopting a final assessment resolution. A petition submitted under subsection (a) of this section may be withdrawn if notice of petition withdrawal is given in writing to the board signed by at least a majority of the owners who signed the petition submitted under subsection (a) of this section representing at least fifty percent (50%) of the assessed value of all real property to be assessed. The board may not adopt a final assessment resolution if it receives a timely notice of petition withdrawal.

(c) **Validity of Assessment.** - No right of action or defense asserting the invalidity of an assessment on grounds that the county did not comply with this section may be asserted except in an action or proceeding begun within 90 days after publication of the notice of adoption of the preliminary assessment resolution. (2008-165, s. 2; 2013-371, ss. 1(c), 3.)

§ 153A-210.4. (Expires July 1, 2015) Financing a project for which an assessment is imposed.

(a) **Financing Sources.** - A board of commissioners may provide for the payment of the cost of a project for which an assessment may be imposed under this Article from one or more of the financing sources listed in this subsection. The assessment resolution must include the estimated cost of the project and the amount of the cost to be derived from each respective financing source.

(1) Revenue bonds issued under G.S. 153A-210.6.

(2) Project development financing debt instruments issued under the North Carolina Project Development Financing Act, Article 6 of Chapter 159 of the General Statutes.

(3) General obligation bonds issued under the Local Government Bond Act, Article 4 of Chapter 159 of the General Statutes.

(4) General revenues.

(b) **Assessments Pledged.** - An assessment imposed under this Article may be pledged to secure revenue bonds under G.S. 153A-210.6 or as additional security for a project development financing debt instrument under G.S. 159-111. If an assessment imposed under this Article is pledged to secure financing, the board of commissioners must covenant to enforce the payment of the assessments. (2008-165, s. 2; 2009-525, s. 1(b); 2013-371, s. 3.)

§ 153A-210.5. (Expires July 1, 2015) Payment of assessments by installments.

An assessment imposed under this Article is payable in annual installments. The board of commissioners must set the number of annual installments, which may not be more than 30. The installments are due on the date that property taxes are due. (2008-165, s. 2; 2013-371, s. 3.)

§ 153A-210.6. (Expires July 1, 2015) Revenue bonds.

(a) **Authorization.** - A board of commissioners that imposes an assessment under this Article may issue revenue bonds under Article 5 of Chapter 159 of the General Statutes to finance the project for which the assessment is imposed and use the proceeds of the assessment imposed as revenues pertaining to the project.

(b) **Modifications.** - This Article specifically modifies the authority of a county to issue revenue bonds under Article 5 of Chapter 159 of the General Statutes by extending the authority in that Article to include a project for which an assessment may be imposed under this Article. In applying the provisions of Article 5, the following definitions apply:

(1) **Revenue bond project.** - Defined in G.S. 159-81(3). The term includes projects for which an assessment is imposed under this Article.

(2) **Revenues.** - Defined in G.S. 159-81(4). The term includes assessments imposed under this Article to finance a project allowed under this Article. (2008-165, s. 2; 2013-371, s. 3.)

§ 153A-210.7. (Expires July 1, 2015) Project implementation.

A county may act directly, through one or more contracts with other public agencies, through one or more contracts with private agencies, or by any combination thereof to implement the project financed in whole or in part by the imposition of an assessment imposed under this Article. If no more than twenty-five percent (25%) of the estimated cost of a project is to be funded from the proceeds of general obligation bonds or general revenue, a private agency that enters into a contract with a county for the implementation of all or part of the project is subject to the provisions of Article 8 of Chapter 143 of the General Statutes only to the extent specified in the contract. In the event any contract relating to construction a substantial portion of which is to be performed on publicly owned property is excluded from the provisions of Article 8 of Chapter 143, the county or any trustee or fiduciary responsible for disbursing funds shall obtain certification acceptable to the county in the amount due for work done or materials supplied for which payment will be paid from such disbursement. If the county or any trustee or fiduciary responsible for disbursing funds receives notice of a claim from any person who would be entitled to a mechanic's or materialman's lien but for the fact that the claim relates to work performed on or supplies provided to publicly owned property, then either no disbursement of funds may be made until the county, trustee, or fiduciary receives satisfactory proof of resolution of the claim or funds in the amount of the claim shall be set aside for payment thereof upon resolution of the claim. (2009-525, s. 1(c); 2013-371, s. 3.)

§ 153A-200. Enforcement of assessments; interest; foreclosure; limitations.

(a) Any portion of an assessment that is not paid within 30 days after the day that notice of confirmation of the assessment roll is published shall, until paid, bear interest at a rate to be fixed in the assessment resolution. The maximum rate at which interest may be set is eight percent (8%) per annum.

(b) If an installment of an assessment is not paid on or before the due date, all of the installments remaining unpaid immediately become due, unless the board of commissioners waives acceleration. The board may waive acceleration and permit the property owner to pay all installments in arrears together with interest due thereon and the cost to the county of attempting to obtain payment. If this is done, any remaining installments shall be reinstated so that they fall due as if there had been no default. The board may waive acceleration and reinstate further installments at any time before foreclosure proceedings have been instituted.

(c) A county may foreclose assessment liens under any procedure provided by law for the foreclosure of property tax liens, except that (i) lien sales and lien sale certificates are not required and (ii) foreclosure may be begun at any time after 30 days after the due date. The county is not entitled to a deficiency judgment in an action to foreclose an assessment lien. The lien of special assessments is inferior to all prior and subsequent liens for State, local, and federal taxes, and superior to all other liens.

(d) No county may maintain an action or proceeding to foreclose any special assessment lien unless the action or proceeding is begun within 10 years from the date that the assessment or the earliest installment thereof included in the action or proceeding became due. Acceleration of installments under subsection (b) of this section does not have the effect of shortening the time within which foreclosure may be begun; in that event the statute of limitations continues to run as to each installment as if acceleration had not occurred. (1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-202. Assessments on property held by tenancy for life or years; contribution.

(a) Assessments upon real property in the possession or enjoyment of a tenant for life or a tenant for a term of years shall be paid pro rata by the tenant and the remaindermen after the life estate or by the tenant and the owner in fee after the expiration of the tenancy for years according to their respective interests in the land as calculated pursuant to G.S. 37-13.

(b) If a person having an interest in land held by tenancy for life or years pays more than his pro rata share of an assessment against the property, he may maintain an action in the nature of a suit for contribution against any delinquent party to recover from that party his pro rata share of the assessment, with interest thereon from the date of the payment; and in addition, he is subrogated to the right of the county to a lien on the property for the delinquent party's share of the assessment. (1963, c. 985, c. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-203. Lien in favor of a cotenant or joint owner paying special assessments.

Any one of several tenants in common or joint tenants (other than copartners) may pay the whole or any part of a special assessment made against property held in common or jointly. Any amount so paid that exceeds his share of the assessment and that was not paid through agreement with or on behalf of the other joint owners is a lien in his favor upon the shares of the other joint owners. This lien may be enforced in a proceeding for actual partition, a proceeding for partition and sale, or by any other appropriate judicial proceeding. This lien is not effective against an innocent purchaser for value until notice of the lien is filed in the office of the clerk of superior court in the county in which the land lies and indexed and docketed in the same manner as other liens required by law to be filed in that clerk's office. (1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-204. Apportionment of assessments.

If a special assessment has been made against property that has been or is about to be subdivided, the board of commissioners may, with the consent of the owner of the property, (i) apportion the assessment among the lots or tracts within the subdivision, or (ii) release certain lots or tracts from the assessment if, in the board's opinion, the released lots or tracts are not benefited by the project, or (iii) both. Upon an apportionment each of the lots or tracts in the subdivision is released from the lien of the original assessment, and the portion of the original assessment assessed against each lot or tract has, as to that lot or tract, the same force as the original assessment. At the time the board makes an apportionment under this section, the clerk shall enter on the minutes of the board the date, hour, and minute of apportionment and a statement to the effect that the apportionment is made with the consent of the owners of the property affected, which entry is conclusive in the absence of fraud. The apportionment is effective at the time shown in the minute book. Apportionments may include past due installments with interest, as well as installments not then due; and any installment not then due shall fall due at the same date as it would have under the original assessment. (1963, c. 985, s. 1; 1965, c. 714; 1973, c. 822, s. 1.)

§ 153A-210.5. (Article has an expiration date – see note) Payment of assessments by installments.

An assessment imposed under this Article is payable in annual installments. The board of commissioners must set the number of annual installments, which may not be more than 25. The installments are due on the date that property taxes are due. (2008-165, s. 2; 2013-371, s. 3; 2015-121, s. 3.)

April 20, 2016
Work Session Agenda

Item # 6

Adjourn Work Session