

November 6, 2006

The Board of Commissioners of Franklin County, North Carolina, and the Franklin County Board of Education met for a joint meeting at 6:00 P.M. in the Commissioner's Meeting Room located in the County Administration Building with the following Commissioners present: Chairman Sidney E. Dunston, Vice-Chairman Lynwood D. Buffaloe, Commissioners Harry L. Foy, Jr., Raymond A. Stone, Jimmie R. Gupton, Donald C. Lancaster, and Robert L. Swanson; and the following School Board members present: Chairman Bernard Hall, Vice-Chairman Paige Sayles, Dannie T. Williams, Gilbert Johnson, Mary Vollmer and John May.

1. ADEQUATE PUBLIC SCHOOLS ORDINANCE MEMORANDUM OF UNDERSTANDING

The Franklin County Board of Commissioners adopted the Adequate Public Schools Ordinance (APSO) on June 19, 2006. Section 9 of the APSO requires the Board of Commissioners and the Board of Education to develop and enter into a Memorandum of Understanding (MOU) that specifies the roles and responsibilities of each party in implementing the APSO. In the design of the ordinance, the legal team strongly recommended that a MOU requirement be placed in the APSO to ensure legal defensibility of the APSO by clarifying the roles and responsibilities of all parties to the APSO, i.e. both boards. The MOU also specifies roles and responsibilities for any municipalities that may become signatories to the APSO. Staffs to both boards developed the proposed MOU through a collaborative effort.

Franklin County Planning Director Pat Young, who put together the details of the MOU, addressed the Board restating the purpose of the APSO which was adopted to ensure that maximum and practical residential development will occur in a timely fashion allowing the county and school board the ability to plan for and provide new capital facilities that are needed to support that growth. He presented the following PowerPoint Presentation giving an overview of the proposed MOU.

- APSO adopted by the Franklin County Board of County Commissioners in June, 2006
- Endorsed by the Board of Education
- The purpose of an APSO is to ensure that, to the maximum extent practicable, approval of new residential development will occur only when adequate public school facilities will be available to it.
- Allows Franklin County to identify a reasonable timeline and funding mechanisms to provide new capacity.
- If elementary, middle or high school is over capacity at time of residential development permit request AND
- School Long Range Facility Plan identifies new capacity in the attendance district currently over capacity THEN
 - Development does not proceed until new facility is planned to be in place; or
 - Developer pays Advancement of Capacity (AOC) fee to offset capital costs of new school capacity
- APSO called for development of a Memorandum of Understanding (MOU)
- MOU strongly recommended by legal staff
- Draft MOU developed with input of BOE staff, County staff, BOE and County Attorneys
 - Referenced best practices from State and regional MOUs

- Purpose of the MOU is to clearly identify roles and responsibilities of all parties
 - County
 - Board of Education
 - Municipalities
- Draft MOU calls for eight primary action items
 1. Creation of APSO Coordinating Committee
 2. Quarterly Joint BOCC / BOE Meetings
 3. Yearly update of BOE Long Range Facilities Plan
 4. Facilities Plan Implementation Alternatives Analysis
 5. Selection of Preferred Implementation Scenario by BOCC
 6. Development and adoption of Capital Improvements Plan (CIP)
 7. Encourages Municipal Participation
 8. Identifies Mechanisms for Annual Update of APSO

1) Creation of an APSO Coordinating Committee

- Six-member staff committee tasked with oversight of technical (not policy) matters related to APSO
 - 3 County staff and 3 BOE staff
 - Tasked with reviewing and updating methodology supporting APSO
 - Student generation rates
 - Advancement of Capacity (AOC) fee methodology
 - Developing and analyzing alternative scenarios for implementation of Long Range Facility Plan for consideration by Board of Commissioners

2) Quarterly Joint BOCC / BOE Meetings

- APSO Coordinating Committee will produce quarterly report on APSO for presentation to Boards
- APSO Coordinating Committee will take input / answer questions from Boards on APSO-related issues

3) Yearly update of BOE Long Range Facilities Plan

- Each year, BOE will provide the County with updates of its Long Range Facilities Plan
- Only applicable for projects that add capacity (i.e.: new seats)
 - Description of each project
 - Estimated cost of each project
 - Current school attendance districts that are likely to benefit
 - Capacity added
 - Specific fiscal year capital project likely to be needed
 - Projected enrollment data at each school facility

4) Facilities Plan Implementation Alternatives Analysis

- Once facility plan is updated, the APSO coordinating committee will develop at least three alternative scenarios for implementing the facility plan
 - Assumptions will be clearly stated for each scenario, including

- Funding options
- Facilities costs
- Facility demands (i.e.: enrollment)
- Redistricting impacts / needs
- Fiscal impact on County tax rate

5) Selection of Preferred Implementation Scenario by BOCC

- BOCC will review implementation scenarios developed by the APSO coordinating committee and endorse one
- Endorsed scenario will be the basis upon which the Capital Improvements Plan (CIP) is developed

6) Development and adoption of Capital Improvements Plan (CIP)

- County Finance Officer with assistance from other County staff will develop CIP
- CIP will identify the proposed timeline, costs and proposed funding mechanism(s) for all projects identified in the BOE's Long Range Facility Plan for the next ten (10) years

7) Encourages Municipal Participation

- Municipalities are encouraged to participate in the MOU and enforce the APSO within their jurisdiction
- Municipal staff representatives (one per town) will become members of the APSO coordinating committee

8) Identifies Mechanisms for Annual Update of APSO

- All assumptions, estimates and data underlying APSO and CIP will be reviewed and updated on an (at least) annual basis
 - Level of service standard
 - Capacity
 - Building costs per square foot
 - Square footage required per student
 - Estimated enrollment per school
 - Fiscal impact to County
- MOU is not legally binding, but does reflect a statement of intention for the parties to act in accordance with its provisions

At approximately 6:40 P.M., upon motion by Commissioner Buffaloe to adopt the Adequate Public Schools Ordinance Memorandum of Understanding, seconded by Commissioner Stone, with all present voting "AYE" duly carried.

Following the vote, Chairman Dunston relinquished his seat to School Board Chairman Bernard Hall. Upon motion by School Board Member John May to adopt the Adequate Public Schools Ordinance Memorandum of Understanding, seconded by Board Member Johnson, with all present voting "AYE" duly carried.

The second item on the school board's agenda included a discussion on land acquisition and replacement site for Franklinton High School. Franklin County Schools Superintendent Dr. Bert

L'Homme stated negotiations have been completed with owners of property located on Cedar Creek Road and Lane Store Road and stated a contract had been signed for \$30,000 per acre for up to 75 acres.

The school board's attorney Boyd Sturges stated time is of the essence. He said the owners of the property don't really want to sell the land, but would like to enjoy the tax benefits of selling the property this year.

At approximately 6:51 P.M., upon motion to adjourn by Commissioner Stone, seconded by Commissioner Gupton, with all present voting "AYE" duly carried.

Sidney E. Dunston, Chairman

Kristen G. King, Clerk to the Board