

2020 Clerks Certification Institute
Agenda
May 11-18, 2020

Monday, May 11, 2020

Class Location: Zoom

- 9:00-10:00 **Oaths of Office**
Trey Allen, Associate Professor of Public Law and Government, UNC School of Government
Description: This session will provide an overview of the constitutional and statutory oath requirements that apply to local government officials.
Objectives:
1. Explain the criteria for determining which positions require the oath of office
 2. Examine content of oath of office
 3. Identify who may administer the oath of office
 4. Understand rules for administering, subscribing, and filing oaths of office
- 10:15-11:15 **Ordinance Books and Codes of Ordinances**
Trey Allen
Description: This session will cover the statutory rules applicable to ordinance books and codes of ordinances. It will likewise consider the possible consequences of failing to abide by those rules.
Objectives:
1. Describe the basic requirement to file and index municipal and county ordinances
 2. Explain how a code of ordinances is adopted
 3. Describe how ordinance books and codes of ordinances are typically organized
 4. Explain how to identify whether a jurisdiction must adopt and issue a code of ordinances
 5. Understand the possible consequences of failing to include an ordinance in an ordinance book or code of ordinances.
- 11:30-12:30 **Holding Multiple Offices**
Trey Allen
Description: This session will consider the constitutional and statutory limitations on holding multiple offices in North Carolina.
Objectives: Clerks will be able to describe:
1. The distinguishing features of public offices;
 2. The current restrictions on holding multiple offices; and
 3. The potential consequences of violating multiple office-holding rules.

Tuesday, May 12, 2020

Class Location: Zoom

9:00-10:00 **Advanced Board Procedures (Flipped Classroom)**

Trey Allen

Description: This session will expand on the fundamentals of parliamentary procedure covered during Segment I of the Certification Institute. Participants will be required to demonstrate their mastery of those fundamentals and the statutory rules governing local board procedures by successfully completing a series of practical exercises.

Objectives:

1. Apply statutory quorum rules in a variety of scenarios
2. Apply statutory and common law voting rules in a variety of scenarios
3. Determine the impact of a board member's failure in a variety of scenarios
4. Analyze when a member may or must be excused from voting in a variety of scenarios.

10:15-11:15 **Advanced Board Procedures (continued)**

Trey Allen

Wednesday, May 13, 2020

Class Location: Zoom

9:00-10:00 **Disposal of Government Property**

Connor Crews, Assistant Professor of Public Law and Government, UNC School of Government

Description: Procedures and legal requirements governing disposal of local government property.

Objectives:

1. Distinguish between real property and personal property
2. Recognize the statutory and constitutional requirements for obtaining consideration
3. Identify the appropriate procedures for specific types of property and options for situations when particular programmatic goals are involved
4. Become familiar with available tools and resources for answering questions about property disposal

10:15-10:45 **Disposal of Government Property (continued)**

11:15-11:45 **Quasi-Judicial Hearings (Flipped Classroom)**

Adam Lovelady, Associate Professor of Public Law and Government, UNC School of Government

Description: Overview of quasi-judicial decisions and evidentiary hearings.

Objectives:

1. Distinguish which decisions are classified by the law as "quasi-judicial" as opposed to legislative, administrative, or advisory decisions
2. Understand how to provide notice for and conduct evidentiary hearings
3. Understand the legal requirements for decision documents on quasi-judicial matters
4. Apply voting rules for quasi-judicial decisions when there are vacancies or conflicts of interest by board members
5. Understand preparation of hearing record for quasi-judicial matters

Thursday, May 14, 2020

Location: Zoom

9:00-9:40

Municipal Annexation (Flipped Classroom)

Frayda Bluestein, David M. Lawrence Distinguished Professor of Public Law and Government, UNC School of Government

Description: Overview of legal requirements for municipal annexation, including voluntary, involuntary, and legislative annexations; procedures for annexation; remedies and rights of citizens; specific requirements for clerks.

Objectives:

1. Distinguish among the different authorized procedures for annexation
2. Describe the basic legal requirements for involuntary annexation and the rights of property owners to petition to deny the annexation
3. Identify the service providers who might be affected by an annexation, and the possible compensation that may be due
4. Recognize legal challenges including the rules for gaining priority in competition with other cities

10:00-11:00

Emergency Management and Clerks (Flipped Classroom)

Norma Houston

Description: This session will address roles and responsibilities of local governments (primarily cities and counties) in responding to natural and man-made disasters, including legal authorities of cities and counties under a locally declared state of emergencies and the role of the clerk in local emergency management operations.

Objectives:

1. Understand the role of local governments in emergency management operations, including the role of the clerk
2. Understand emergency management legal authority and local government responsibilities
3. Understand the legal authorities of cities and counties under a locally declared state of emergency

Friday, May 15, 2020

Location: Zoom

9:00-10:00

Public Notices (Flipped Classroom)

Trey Allen

Description: As the local officials typically charged with providing notice to the public, clerks have to be familiar with the web of statutory notice requirements that apply to the meetings of local governing boards, certain public hearings, and designated local government actions. This session will guide participants through these requirements, in part by having them complete a series of notice exercises.

Objectives:

1. Understand when public notices are commonly required
2. Categorize the different types of public notices
3. Explore the statutory notice provisions most important to clerks
4. Identify the time limits for certain kinds of public notices

5. Apply notice requirements in a variety of hypothetical situations

10:15-11:00 **Public Notices (continued)**
Trey Allen

Monday, May 18, 2020

Location: Zoom

9:00-10:00 **Board and Committee Vacancies**
Trey Allen

Description: This session will explain the legal rules and examine many of the practical considerations relevant to filling vacancies on municipal and county governing boards, committees, and appointed boards.

Objectives:

1. Describe the basic statutory requirements for filling vacancies on municipal and county governing boards
2. Evaluate various approaches to filling committee vacancies
3. Analyze the potential benefits and drawbacks of the motion-and-vote method and the nomination-and-ballot methods of filling vacancies on local boards
4. Locate statutory provisions that control the filling of vacancies on some appointed boards

10:00-11:15 **Board and Committee Vacancies (continued)**
Trey Allen

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Faculty/Speaker Biographies

Trey Allen joined the School of Government in 2013. He researches and writes about the general regulatory and enforcement powers of local governments, local government liability, and board procedures. He also teaches and advises extensively on those topics. Allen has authored books, book chapters, and articles on issues involving his subject areas, and he contributes to the School's blog *Coates' Canons: NC Local Government Law*. In 2019 he received the Margaret Taylor Writing Award for his book *Local Government Immunity to Lawsuits in North Carolina*. On the programming side, Allen plays a major role in planning and coordinating the School's many educational offerings for clerks to municipal and county governing boards. Annually these programs include the Clerks Certification Institute, the New Clerks Institute, a three-day academy for experienced clerks, educational sessions for conferences of the NC Association of Municipal Clerks and NC Association of County Clerks, and several regional academies conducted around the State in cooperation with the NCAMC and NCACC. Allen previously worked as an attorney at Tharrington Smith LLP in Raleigh, where he represented local school boards. Prior to that he served as a law clerk for Justice Paul M. Newby of the North Carolina Supreme Court and as a judge advocate in the United States Marine Corps. Allen earned a bachelor's degree from the University of North Carolina at Pembroke and a law degree from the University of North Carolina at Chapel Hill, where he was a published staff member of the *North Carolina Law Review*.

Frayda Bluestein joined the School of Government (then the Institute of Government) in 1991. Prior to that time, she worked in private law practice, focusing primarily on municipal and land use law, and for one year in the Legislative Drafting Division of the North Carolina General Assembly. Her publications include books and articles about local government structure³ and authority, public contracting, conflicts of interest and transparency laws. She is a frequent contributor to the School's Coates' Cannons Local Government Law Blog, writing on topics including North Carolina local government authority, annexation, public records, open meetings, conflicts of interest, and First Amendment issues affecting local government. She was awarded the School of Government's two-year professorship for outstanding junior faculty achievement in 1998, the two-year professorship for teaching excellence in 2004, and the David M. Lawrence Distinguished Professorship in 2014. Bluestein earned a BA from the University of California at Berkeley and a JD from the University of California at Davis.

Connor Crews joined the School of Government in February 2020 and his work focuses on local government contracting, procurement, and ethics. Immediately prior to joining the School, he worked as an associate at McGuireWoods LLP in Raleigh, where he served as bond counsel, borrower's counsel, and underwriter's counsel in a wide range of tax-exempt and tax-advantaged financings for public entities and nonprofit organizations. Crews received his J.D. from the University of Virginia School of Law, where he served as an Articles Editor for the Journal of Law & Politics. He earned a B.A. with highest distinction from the University of North Carolina at Chapel Hill. He is a member of the North Carolina State Bar and the District of Columbia Bar.

Norma Houston joined the School of Government in 2006. Prior to that, she served as chief of staff and general counsel to State Senate President Pro Tempore Marc Basnight. She has also worked for UNC President Erskine Bowles and served as Dare County attorney, assistant attorney general in the NC Department of Justice, and staff attorney for NC Prisoners Legal Services. She is a member of the North Carolina State Bar and serves on the boards of several organizations. Houston has been an adjunct faculty member at the UNC-Chapel Hill School of Law and also teaches state government in the School's graduate program in public administration. She was named Albert and Gladys Hall Coates Term Lecturer for Teaching Excellence for 2015-2017. Houston earned a BS in criminal justice and psychology and a JD from the University of North Carolina at Chapel Hill.

Adam Lovelady is an Associate Professor of Public Law and Government at the School of Government at UNC-Chapel Hill. His work focuses on land use law and community planning. He teaches, researches, and advises on topics of zoning, land subdivision, transportation, renewable energy, and historic preservation. He joined the School of Government in 2012. Lovelady also serves as an Adjunct Associate Professor in the Department of City and Regional Planning at UNC-Chapel Hill. Lovelady was named Albert and Gladys Hall Coates Term Professor for Teaching Excellence for 2019-2021, and he was named Coates Distinguished Term Assistant Professor for 2015-2017. His publications include *Chapter 160D: A New Land Use Law for North Carolina* (2019), *Quasi-Judicial Handbook: A Guide for Boards Making Development Regulation Decisions* (2017), and *Land Subdivision Regulation in North Carolina* (2015). He has authored a variety of land use law bulletins, law review articles, and special reports. Additionally, he regularly posts to the School's local government law blog, Coates Canons. His 2014 report, *Planning and Zoning for Solar in North Carolina*, received the Margaret Taylor Writing Award in 2015. When the North Carolina legislature adopted a comprehensive update to the state's land use laws in 2019, Lovelady led efforts to train and equip local governments and private practitioners for the change. Along with colleague David Owens, Lovelady authored a book on the new Chapter 160D, produced a series of explanatory videos, led eight regional workshops across the state, and provided an array of additional resources and training. Lovelady has served as co-faculty lead for the School of Government's interdisciplinary Opioid Response Project from 2018-2020. Through this collaborative effort, the School partnered with ten community teams across North Carolina to support local efforts to curb the opioid epidemic. The Opioid Response Project has included five forums, ongoing support for community collaborative work, direct technical assistance, and financial support. The project is supported by nearly \$500,000 in grant funds from Blue Cross NC. In 2016 Lovelady established and coordinated the Solutions Forum, a collaborative workshop bringing together local government officials from multiple jurisdictions and multiple departments to address a common challenge. Following the Forum, Lovelady published *Reshaping Suburban Spaces: Lessons from North Carolina Cities* (2016). Along with his SOG colleague David Owens, he has designed and authored a library of web-based training modules on zoning topics for use by local boards. In addition, he has served as a trainer for the National Alliance for Preservation Commissions, teaching local preservation commissions around the country. Before coming to the School, Lovelady practiced law with McGuireWoods LLP in Richmond, VA, where he focused on land use regulation, environmental law, and sustainable development. Prior to that, he taught second grade in Atlanta as part of Teach for America and worked in historic preservation in Asheville and Shelby, NC. Lovelady earned a BA in history from Auburn University and a Master of Urban and Environmental Planning as well as a JD from the University of Virginia.