

Essentials of County Government

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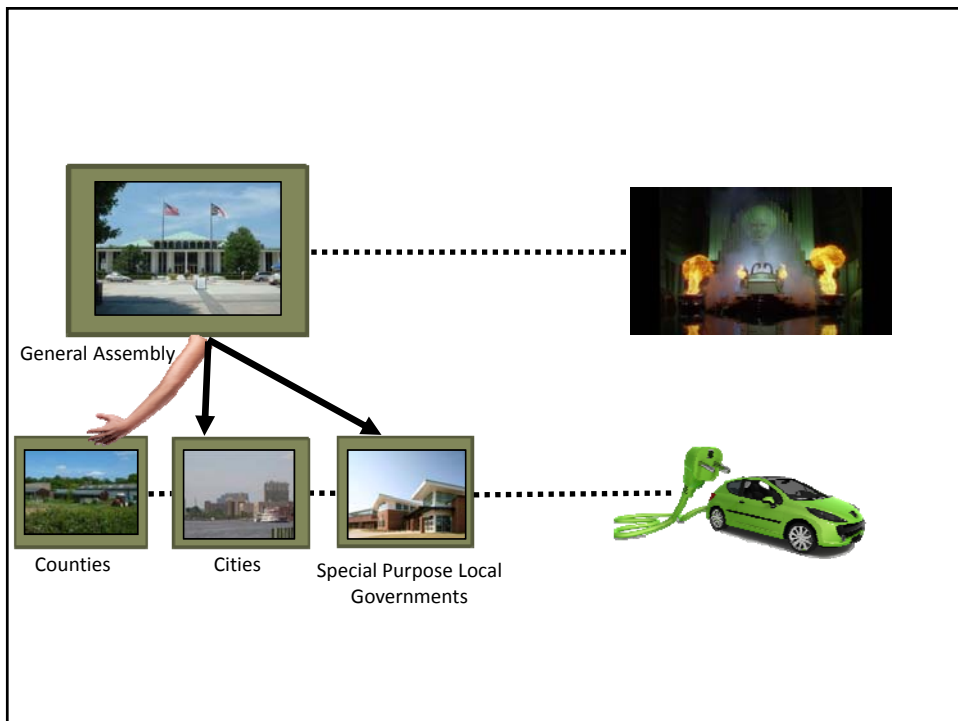
Winter 2017

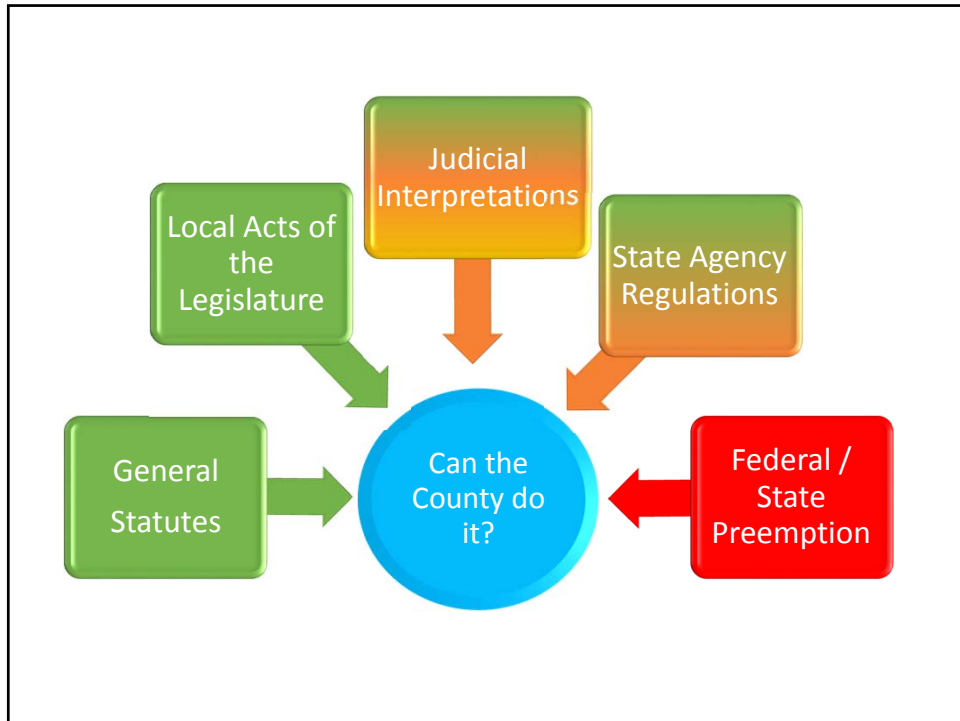


Agenda

- **NC Local Government Structure and Powers**
- **Mandated and Authorized County Functions**
- **County Government Structure**
- **Shared Responsibility**
- **Open Government**

NC Government Structure and Powers

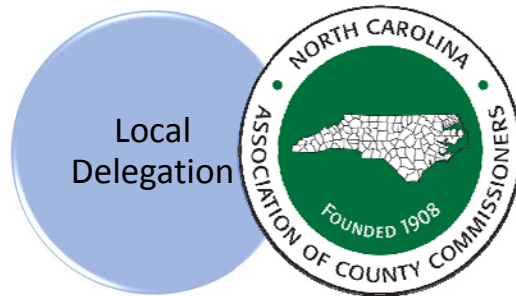




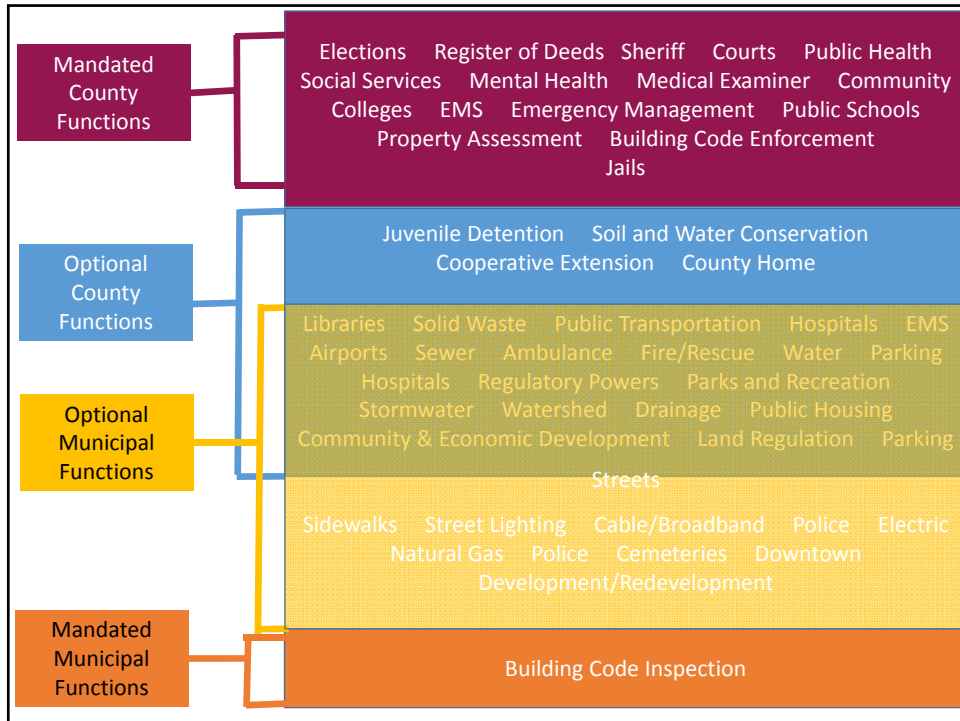
~~What statute says I can't do that?~~

- ✓ What statute/local act says I can do that?
- ✓ Are there any judicial interpretations of the statute/local act?
- ✓ Are there any state agency requirements or limitations?
- ✓ Are there any pre-emption issues?

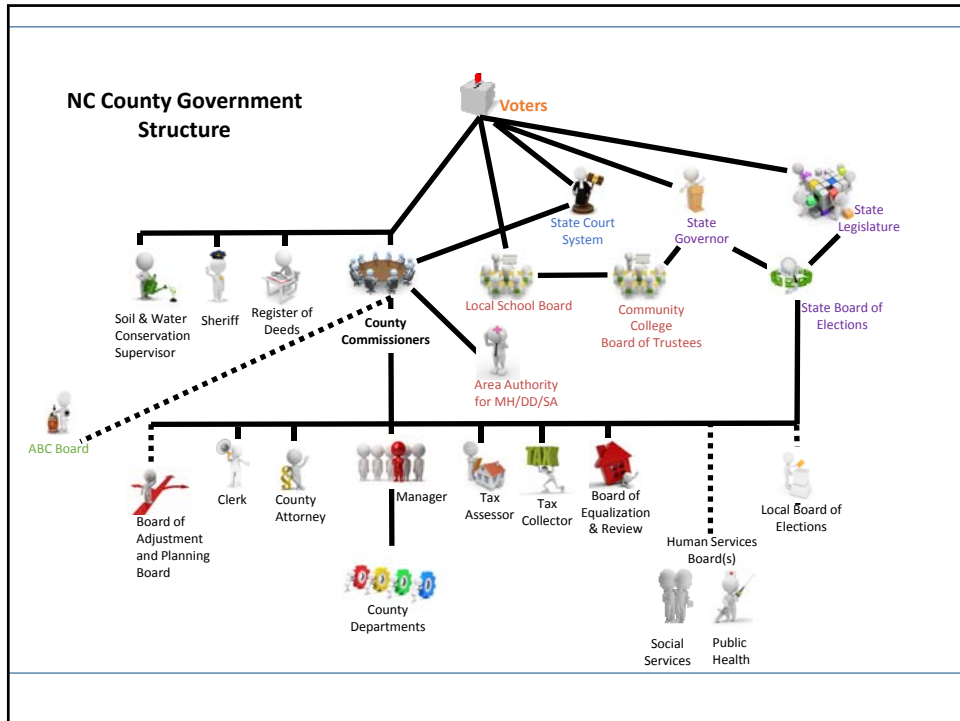
Your relationship with the state legislature is important



Authorized / Mandated
Functions



County Government Structure



What is “Your” Role?

- Fund mandated functions
- Share power and authority over mandated functions
- Determine which discretionary functions to fund/provide
- Work with private sector and other government entities to address local and regional issues
- Adopt regulatory policies

“Your” = County Board of Commissioners



Shared Responsibility

Major State-Mandated Functions	Policy-Setting Authority	Funding Authority / Responsibility	Control Over Personnel
Law Enforcement	State, Sheriff, County Board	County Board	Sheriff (but County Board sets number of personnel and compensation)
Register of Deeds	State, County Board	County Board	Register of Deeds (but County Board sets number of personnel and compensation)
Public Schools	State, Local Board of Education	State, County Board	Local Board of Education
Public Health	State, Local Public Health Board/County Board	State, County Board	Local Public Health Board/County Board
Mental Health	State, Regional Mental Health Board	State, County Board	Area Mental Health Authority Board
Social Services	State, Local Social Services Board/County Board	State, County Board	Local Social Services Board/County Board
Elections	State, Local Board of Elections	State, County Board	Local Board of Elections (but county board sets total salary amount)
Community Colleges	State, Community College Board	State, County Board	Community College Board

County Commissioners vs.

Group A



Sheriff

Group B



Local Board of
Elections



Open Government





Open Meetings

Must provide **Public Notice**
and **Access to Official**
Meetings of Public
Bodies

What is a public body?

- Any **governmental body** that has **2 or more** members and exercises one or more of the following functions:
 - Legislative
 - Policy-making
 - Quasi-judicial
 - Administrative
 - advisory






Is it a public body?

-  ■ A 5-member board of county commissioners.
-  ■ A 7-member board of county commissioners.
-  ■ A 3-member audit committee, comprised of county commissioners
-  ■ 1 commissioner serves as liaison to public works department

What is an official meeting?

- Majority of members of the public body
- Gather together in person *or* electronically;
- And do one or more of the following:
 - Conduct a hearing
 - Deliberate (receive info, discuss issue)
 - Vote on public business
 - Otherwise transact the public business

Is it an official meeting?

- 
 Two of a three-member committee discuss committee work by phone.
- 
 Majority of board members attend political party social event.
- 
 Manager e-mails board members—majority “reply all” to discuss issue by e-mail.
- 
 Majority of board members text each other during regular board meeting about where to meet for dinner after the meeting
- 
 Majority of board members attend School of Government training.

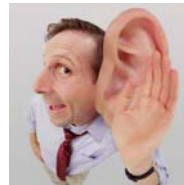
Notice & Access Requirements

Notice

- Regular Meeting
 - File schedule with clerk; post on website
- Special Meeting
 - 48 hour notice to those who request it; post on bulletin board or meeting room door; post on website
- Emergency Meeting
 - Notice to news media; same manner as board
- Recessed Meeting
 - Post on website

Access

- Must provide reasonable public access to all officials meetings of public body
 - Except for closed session portion



When can board hold closed session?

- Preserve records
- Preserve attorney-client privilege
- Discuss economic development
- Discuss bargaining for property
- Consider performance, qualifications, appointment of public employees and officers (not board members)
- Matters involving alleged criminal misconduct

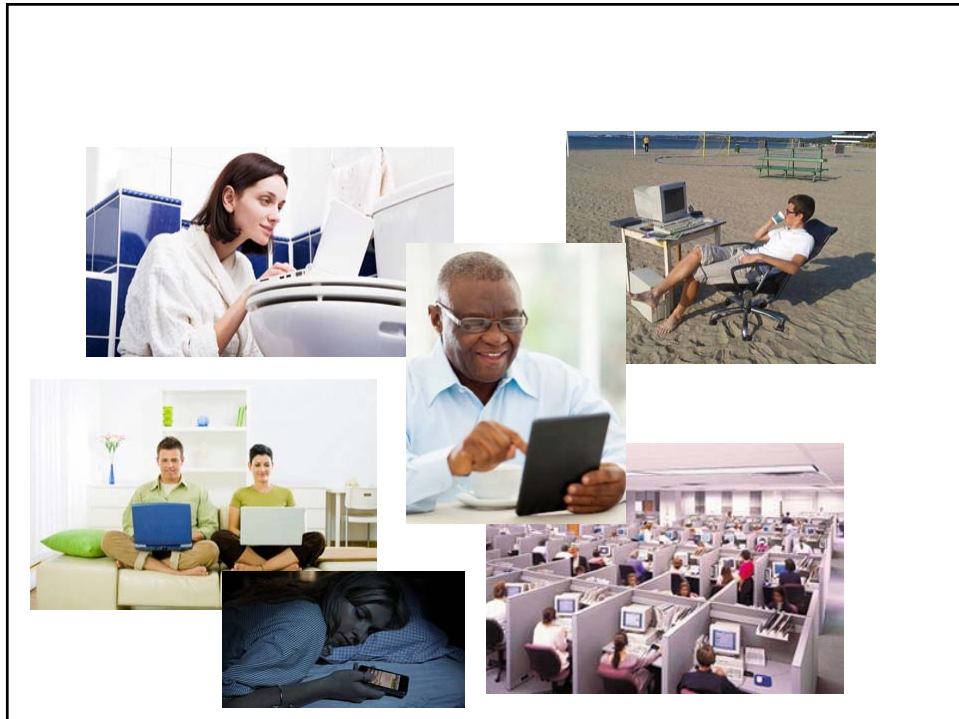


A Public Record is....

a record that is made or received in connection with public business.

Rule of Thumb

Everything document, fax,
email, text message,
facebook post, tweet,
instagram, etc. related to
your duties as a
commissioner is a public
record!



Is this a public record?

- E-mail from manager to board chair member attaching draft agenda for next meeting, sent to board member's personal G-mail e-mail account.



Is this a public record?

- E-mail from council member to "significant other" about dinner plans for evening, sent from council member's government e-mail account.



Is this a public record?

- Text message from board member to another board member informing board member of change in meeting room number.



Is this a public record?

- Telephone call between a commissioner and the county manager to talk about the agenda for an upcoming board meeting.



If something is a public record, then what?



Retention Requirements

- Must save/preserve a public record according to record retention schedules
- Record retention schedules are based on substantive content of the public record

Public Access Requirements

- Public has a right to inspect record and a right to copy record unless there is a specific statutory exception /exemption

and wife want to meet
6 2moro?

Mayor: ... as last Fri? scallops were delish

Citizen: ... dtw. Y potholes on Jones St. not fixed yet? ruining my car shocks mayoer promised theyd be fixed 6 months ago. As usual LOPSOD

Mayor: ... publ. works crew painfully slow. will direct to fix asap

Citizen: ... it's doog to know peeps in high paces :-}

Mayor: ... had pull rank. crew will get there early next week at latest.. ITMT take Smith st

Citizen: YTM. where/when the council mto

Mayor: in 3 weeks ... reg. room. 7pm. CU

Public Records in a Nutshell

- Every record created or received by any employee, official, or agent of the county is a public record
- County must keep/retain public records in accordance with schedule published by Dept. of Archives
- Anyone has a right to inspect an existing public record, unless there is a statutory exemption
- Anyone has a right to obtain a copy of an existing public record, unless there is a statutory exemption
- The costs of complying with public record requests generally are borne by county

