

**2019 Clerks Certification Institute  
Agenda  
May 6-10, 2019**

**Monday, May 6, 2019**

**Class Location: Room 2603**

- 7:30-8:00      **Registration**
- 8:00-10:00    **The Clerk's Role in Local Government**  
**Donna Warner**, Former Director, Local Elected Leaders Academy, UNC School of Government  
**Description:** The clerk is an important part of the city/county management team. This session will focus on giving clerks insight into themselves as leaders and examine their role vis-a-vis the city/county manager and the governing board.  
**Objectives:**
1. Raise awareness of clerks' role in the city/county management team (understand that leadership is everyone's business)
  2. Define and describe ways in which clerks contribute as public leaders
  3. Review the various types of formal and informal power accessible to the clerk
- 10:00-10:15      Break
- 10:15-12:00    **The Clerk's Role in Local Government (continued)**
- 12:00-12:45      Lunch
- 12:45-1:45    **The Clerk's Role in Local Government (continued)**
- 1:45-2:00      Break
- 2:00-3:30      **Managing Public Records**  
**Mark Holland**, Supervisor, Records Analysis Unit, NC Department of Natural and Cultural Resources  
**Description:** State law generally prohibits local governments from destroying public records without the consent of the Department of Natural and Cultural Resources. The Department has developed detailed retention schedules that specify how long different kinds of local government records must be kept. In addition to reviewing those retention schedules, this session will examine topics related to records retention, including the public records law, principles of records management, vital records and disaster preparedness, confidential records, electronic records management, digital communication management, and scanning public records.
- 3:30-3:45      Break
- 3:45-5:15      **Managing Public Records (continued)**

**Tuesday, May 7, 2019**

**Class Location: Room 2603**

**8:00-9:30 Disposal of Government Property**

**Norma Houston**, Lecturer in 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

9:30-9:45 Break

**9:45-12:00 Emergency Management and Clerks**

**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 authorities and responsibilities of local governments
3. Understand the legal authorities of cities and counties under a locally declared state of emergency
4. Identify resources to assist with local government emergency management responsibilities

12:00-12:45 Lunch

**12:45-2:15 Municipal Annexation**

**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

2:15-2:30 Break

2:30-3:30 **Advanced Board Procedures**

**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 whether a member may or must be excused from voting in a variety of scenarios.

3:30-3:45 Break

3:45-5:30 **Advanced Board Procedures (continued)**

**Trey Allen**

**Wednesday, May 8, 2019**  
**Classroom 2603**

- 8:00-10:00     **Agendas & Minutes**  
**Trey Allen**  
**Description:** This session will cover the legal requirements and practical considerations relevant to the preparation and approval of agendas and minutes for local government boards in North Carolina.  
**Objectives:**
1. Describe the legal rules applicable to agendas and minutes
  2. Organize the agenda for a hypothetical board meeting
  3. Draft minutes for a hypothetical board meeting
- 10:00-10:15             Break
- 10:15-12:00            **Agendas & Minutes (continued)**  
**Trey Allen**
- 12:00-12:45            Lunch
- 12:45-1:45     **Advanced Board Procedures (continued)**
- 1:45-3:00     **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.
- 3:00-3:15     Break
- 3:15-4:45     **Quasi-Judicial Hearings**  
**David Owens**, Gladys Hall Coates 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 9, 2019**  
**Classroom 2603**

- 8:00-9:30      **Public Notices**  
**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
- 9:30-9:45      Break
- 9:45-10:45     **Public Notices (continued)**  
**Trey Allen**
- 10:45-11:00              Break
- 11:00-12:00              **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
- 12:00-12:45              Lunch
- 12:45-2:15      **Board and Committee Vacancies (continued)**  
**Trey Allen**
- 2:15-2:30      Break
- 2:30-3:30      **Ordinance Books and Codes of Ordinances**  
**Trey Allen**

**Description:** This session will cover the statutory rules applicable to ordinances 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. State the possible consequences of failing to include an ordinance in an ordinance book or code of ordinances.

3:30-3:45 Break

3:45-4:45 **Public Comment Periods**

**Frayda Bluestein**

**Description:** This session will review summarize the rights of citizens to speak at meetings, with a focus on the public comment periods.

**Objectives:** Clerks will be able to describe:

1. The statutory requirement for public comment periods;
2. What are the legal limits on local policies governing public comment periods;
3. How public comment periods are different from regular meetings, public hearings, and quasi-judicial hearings; and
4. How free speech rights factor into public comment rules and practices.

4:45-5:45 **Oaths of Office**

**Trey Allen**

**Description:** This session will provide clerks with an overview of the different forms of notice required for certain local government actions. It will also train clerks in how to go about identifying the specific forms of notice that must accompany certain local government undertakings.

**Objectives:**

1. Explain the basic purposes of statutory notice requirements
2. Determine the particular forms of notice that must be provided for various kinds of local government action

**Friday, May 10, 2019**  
**Classroom 2603**

8:00-10:00      **Conflict Resolution and Clerks**

**John Stephens**, Associate Professor of Public Administration and Government, UNC School of Government

**Description:** Overview of situations, goals and strategies for managing conflicts and tensions with key partners or co-workers involved in clerks' job responsibilities

**Objectives:**

1. Identify the options, strategies and best practices for handling sources of conflict affecting clerks' duties with board members and with CEOs/managers
2. Practice using conflict management concepts to assess and respond to situations
3. Identify steps which may prevent or minimize workplace conflicts experienced by clerks

10:00-10:15      Break

10:15-12:15      **Putting It All Together**

**Trey Allen**

**Description:** Participants will take part in a mock board meeting that will afford them the opportunity to apply much of what they will have learned so far in the Certification Institute. Participants will fill the roles of board members, the board attorney, and the clerk to the board, among others. They will confront various legal and practical issues as they work their way through the meeting agenda.

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**Faculty/Speaker Biographies**

**Trey Allen** joined the faculty at the School of Government as Assistant Professor of Public Law and Government in 2013. He was previously an attorney at Tharrington Smith LLP in Raleigh, where he represented local school boards. Prior to that Trey 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. Trey 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*. Trey's areas of expertise include local government liability, the general regulatory authority of local governments, and board procedures. Trey serves as the School of Government's advisor to municipal and county clerks.

**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 structure<sup>3</sup> 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.

**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.

**David Owens** joined the Institute of Government in 1989. Prior to that, he was an attorney and senior planner for the Wisconsin State Planning Office and spent 10 years with the NC Division of Coastal Management. His publications include numerous books and articles on zoning law, including the basic legal reference, *Land Use Law in North Carolina*, and the widely used guide for citizen boards, *Introduction to Zoning*. He has also written on the a variety of land use law topics (variances, special use permits, extraterritorial jurisdiction), the scope of local government authority, urban growth management, regulation of religious land uses and adult businesses, conflicts of interest, planning legislation, and various aspects of coastal management law and policy. Owens received a graduate planning degree and law degree from the University of North Carolina at Chapel Hill.



**John Stephens** joined the School of Government in 1996. Previously, he was research director of the Ohio Commission on Dispute Resolution and Conflict Management. His publications include *Guidebook to Public Dispute Resolution in North Carolina* and *Public Management Bulletin: Using a Mediator in Public Disputes*. He is co-author of *Reaching for Higher Ground: Tools for Powerful Groups and Communities* and *School Funding Disputes: Mediate, Don't Litigate*. Stephens also teaches in the Natural Resources Leadership Institute at North Carolina State University. He is chair of the steering committee of the University Network for Collaborative Governance. Stephens earned a BA from Earlham College, a Master of Philosophy from The City University, London, and a PhD from George Mason University's Institute for Conflict Analysis and Resolution.

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**Donna Warner** is a former director of the Local Elected Leaders Academy at the UNC School of Government. In this capacity, she worked with faculty to design and implement education and training programs for city and county elected officials. Warner has expertise in budget and management analysis, strategic planning, human resource administration, and retreat facilitation. She has conducted planning and board retreats for multiple North Carolina municipalities and counties, helping boards plan and work together to solve public problems. Warner earned a BA from the University of Virginia and an MPA from the University of North Carolina at Chapel Hill.