

AGENDA

Catawba County Board of Commissioners Meeting
Monday, May 5, 2014, 9:30 a.m.
Robert E. Hibbitts Meeting Room, 1924 Courthouse
30 North College Avenue, Newton, NC

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Invocation.
4. [Approval of the minutes from the Board's Regular Meeting of April 21, 2014.](#)
5. Recognition of Special Guests.
6. Public Comment for Items Not on the Agenda.
7. Presentations:
 - a. [James Burke, Assistant Director, Fiscal Management Section of the State and Local Government Finance Division, Department of State Treasurer, and Paula Hodges, representing the North Carolina Association of Certified Public Accountants Governmental Accounting and Auditing Subcommittee, will present the State Treasurer's Governmental Award for Excellence in Accounting and Financial Management for Fiscal Year 2012-2013 to the County Finance Department.](#)
 - b. [Emergency Medical Services Week Proclamation. *Presented to Sylvia Fisher, Emergency Medical Services Manager.*](#)
8. Public Hearing:
[Relocation of the Boundary Lines between Bandys Fire Protection Service District and Maiden Rural Fire Protection Service District. *Presented by Assistant Director of Emergency Services Mark Pettit.*](#)
9. [Appointments.](#)
10. Departmental Reports:
 - a. Juvenile Crime Prevention Council (JCPC):
 1. [Juvenile Crime Prevention Council Annual Plan for FY 2015. *Presented by Debbie Bradley, JCPC Staff.*](#)
 2. [Juvenile Crime Prevention Council Increase in Funding for FY 2014. *Presented by Debbie Bradley, JPCP Staff.*](#)
 - b. Utilities and Engineering:
[Biodiesel Production Facility/Operations Privatization. *Presented by Assistant Director of Utilities and Engineering Jack Chandler and County Attorney Debra Bechtel.*](#)
11. Other Items of Business.
12. Attorneys' Report.

13. Manager's Report.

14. Adjournment.

PERSONS WITH DISABILITIES: Individuals needing assistance should contact the County Clerk at 828-465-8990 within a reasonable time prior to the meeting. Access to the 1924 Courthouse for individuals with disabilities is at the south side ("A" Street). The elevator is located at the north end of the building. Participation in public meetings is without regard to race, creed, religion, national origin, sex, age, color, or disability.

INFOTALK/INTERNET: The Catawba County Telephone Information System will allow you to use your touch tone telephone to obtain current information on Catawba County 24 hours a day. Information is updated on a regular basis. Dial 465-8468 and INFOTALK will direct your questions with easy to understand instructions. Reach Catawba County on the Internet at <http://www.catawbacountync.gov>.

CALENDAR: The May 19, 2014 Board of Commissioners Meeting and accompanying Subcommittee Meetings on May 12, 2014 are cancelled. Budget Hearings with Departments and Outside Agencies will be held on Tuesday, May 27, 2014 from 8:00 a.m. to 5:00 p.m., and the Budget Public Hearing and Wrap-Up will be held on Thursday, May 29, 2014 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room, 1924 Courthouse, 30 North College Avenue, Newton, NC.



**PREVIEW OF COUNTY COMMISSION AGENDA
MONDAY, MAY 5, 2014, 9:30 A.M.
ROBERT E. HIBBITTS MEETING ROOM
1924 COURTHOUSE, NEWTON, N.C.**



The Catawba County Board of Commissioners will hold a public hearing on the proposed relocation of boundary lines between the Bandys Rural Fire Protection Service District and the Maiden Rural Fire Protection Service District, when the Board meets at 9:30 a.m. on Monday, May 5, 2014, at the 1924 Courthouse at 30 North College Avenue in Newton. A total of 66 parcels would be impacted and the relocation of the boundaries will either improve the fire protection ratings for the affected parcels or the fire protection ratings will remain the same.

The Board will also consider a proposed lease with Blue Ridge Biofuels of Asheville, NC, for operation of the Biodiesel Research Facility at the Catawba County EcoComplex. The lease agreement would create ten jobs and a new \$1 million investment as Blue Ridge Biofuels moves its operation to the county, and privatize that operation.

The Board will consider approving an annual plan for the Catawba County Juvenile Crime Prevention Council (JCPC), as recommended by the Council, and an appropriation of additional State funds available in the current fiscal year to four JCPC programs.

The Board will issue a proclamation declaring May 18-24 as Emergency Medical Services Week. And the Board will recognize the County's Finance Department for winning the State Treasurer's Governmental Award for Excellence in Accounting and Financial Management for Fiscal Year 2012-2013. The award is presented annually to units of local government that have excelled in implementing fiscally responsible procedures during the fiscal year.

PRESENTATIONS

A. Mr. James Burke, Assistant Director of the Fiscal Management Section, State and Local Government Finance Division, Office of the State Treasurer, will recognize the County's Finance Department for winning the State Treasurer's Governmental Award for Excellence in Accounting and Financial Management for Fiscal Year 2012-2013. The award is presented annually to units of local government that have excelled in implementing fiscally responsible procedures during the fiscal year.

B. The Board will issue a proclamation declaring May 18-24 as Emergency Medical Services Week to recognize the value and accomplishments of Emergency Medical Services providers.

PUBLIC HEARING

The Board will hold a public hearing to receive citizen comments and consider approval of a resolution changing the boundary lines between the Bandys Fire Protection Service District and Maiden Rural Fire Protection Service District. On May 20, 2013, pursuant to North Carolina General Statute (NCGS) 153A-301, the Board created fire protection service districts. NCGS 153A-304.3 establishes the requirements for the Board to relocate boundary lines between adjoining county service districts.

A property owner in Maiden requested the Board consider transferring his property from the Bandys Fire Protection Service District to the Maiden Rural Fire Protection Service District. Currently, the property has a fire insurance rating of "Unrated". If the property is transferred to the Maiden Rural Fire Protection Service District, the fire insurance rating would be a "9", which would reduce annual insurance costs for the property owner. While staff was researching this request, it became evident that other parcels in the same area would benefit from a boundary line change. Additionally, the chiefs of each fire department identified a separate area that would benefit from similar changes.

The proposed boundary line changes impact a total of 66 parcels in Maiden and Newton. The chiefs of both fire departments are in agreement with the proposed boundary lines. A report containing the required information has been on file with the Clerk to the Board of Commissioners since April 17, 2014, and any citizen wishing to review the report

may do so at the Clerk's Office at the Government Center at 100-A Southwest Boulevard in Newton. The Board's Policy and Public Works Subcommittee recommends the Board hold a public hearing and approve the Resolution to relocate the boundary lines between the adjoining Bandys and Maiden Rural Fire Protection Service Districts.

DEPARTMENTAL REPORTS

A. JUVENILE CRIME PREVENTION COUNCIL

1. The Board will consider the FY 2015 Annual Plan for the Catawba County Juvenile Crime Prevention Council (JCPC). The Plan includes the JCPC-recommended proposed funding plan. The JCPC is an organization established by the North Carolina Department of Public Safety's Division of Juvenile Justice. It exists to identify risks of youth in the community, prevent crime among at-risk youth, review court data, and identify needed programs to provide intervention and prevention. Funding is allocated by the State, distributed to the County and then to the programs. Membership is determined mostly by the North Carolina General Statute establishing the JCPC. Representatives on the Council are those involved with youth.

Every year there is a process the JCPC must follow that begins with prioritizing risks and needs, with the final step being approval of a funding plan. The risks and needs priorities are determined in the fall and early winter, and the approval of the funding plan occurs in the spring. Steps in developing the plan include identification of risk factors based on court data, development of a list of priorities to address the risk factors, and review of and approval of the priorities. Once priorities are developed, the JCPC advertises for programs to submit proposals to address risk factors, reviews proposals and recommends a funding plan to the JCPC, which is subject to the State of North Carolina budget.

In the spring, and once proposals are received, the JCPC develops an annual plan and submits the Plan to the Board of Commissioners. The recommended funding for next year and the services provided is as follows: Conflict Resolution Center: \$53,599, for mediation and interpersonal skill building; Family Net: \$152,591, for psychological assessments, substance abuse, sex offender treatment and counseling; Parenting Education: \$44,603, for parenting/family skill building; Project Challenge: \$64,434, for restitution/community service, and JCPC Administration: \$13,719. The State has advised local JCPCs to plan for the same funding as received in FY 2014, which is \$328,946. The Plan does not require any County funding. The Board's Finance and Personnel Subcommittee recommends approval of the recommended JCPC Funding Plan.

2. The Board will consider approval of increased funding to the FY 2014 Funding Plan for the Catawba County Juvenile Crime Prevention Council. On April 4, 2014, the Department of Public Safety, Adult Corrections/Juvenile Justice Area Office notified current JCPC programs that additional funds were available. Programs were given until April 11, 2014, to apply for funds. During the April JCPC meeting, the membership was advised of the applications. Requirements for receiving the approved funds include that it should be used to enhance service to youth; a 30% match is required (these funds generally come from in-kind funding, fundraising efforts and Medicaid funds); the program must have a budget revision approved and signed by May 7; and the Board of Commissioners must approve the revised funding plan, and have it returned to the Area Office in time to distribute funding. (NOTE: Since the fiscal year ends June 30, by policy, this means by May 31.)

Four Catawba JCPC programs applied for funding. On April 25, 2014, JCPC was notified that each of the four programs will receive all or some of the requested dollars. Programs receiving additional funds and the amounts are: Conflict Resolution Center, \$1,172; Family Net, \$2,325; Parenting Network, \$500 and Project Challenge, \$1,820.

The funds will be used for: Conflict Resolution Center: 2 NSJJ registration packages (for national juvenile justice training to be held in Greensboro); a Family Net Online Certification Course for Juvenile Sex Offender treatment providers for three staff; Parenting Education: two bookshelves, program supplies and needed materials; and Project Challenge Catawba: cost overruns due to employee health insurance cost for staff, \$725; fuel for transportation, \$400; vehicle service & repair maintenance cost, \$695. The Board's Finance and Personnel Subcommittee recommends approval of this increased funding.

B. UTILITIES AND ENGINEERING.

The Board will consider approval of a lease with Blue Ridge Biofuels of Asheville, North Carolina for the Biodiesel Production Facility and authorizing Chair Barnes to execute the lease and documents associated with the existing lease with Appalachian State University (ASU). In an effort to improve the economic benefit (including increased fuel production) of the Biodiesel Research, Development and Production Facility, and in keeping with the fundamental tenets of the EcoComplex to facilitate the incubation of a new industry in Catawba County, staff developed a Request for Qualifications/Request for Proposals (RFQ/RFP) in conjunction with staff from Appalachian State University for the privatization of the Facility. The RFQ/RFP was advertised on February 3, 2014, and Statements of Qualification/Proposals were received on February 28, 2014. The following companies submitted Statements of Qualification/Proposals: Blue Ridge Biofuels, Asheville, NC and Foothills Bio-Energies, Lenoir, NC

County staff, along with staff from ASU, reviewed the proposals and jointly selected the proposal from Blue Ridge Biofuels as most closely matching the County's vision to privatize the operations of the Facility while maintaining an enhanced university presence. County staff has negotiated a lease agreement with Blue Ridge Biofuels (BRB) that includes the following terms and conditions:

- Lease payments will be \$500 per month for the first 24 months of the Agreement. Following the initial 24 months, the monthly lease payment will be adjusted annually by the Consumer Price Index, not to exceed 3%. Additional rent throughout the term of the Agreement includes BRB selling fuel to the County at a discounted rate.
- BRB commits to producing biodiesel fuel that meets American Society for Testing and Materials standards within one year from the date of contract signing.
- BRB agrees to provide a minimum 1,750 gallons per week of a B10 biodiesel fuel (10% biodiesel and 90% petroleum diesel), for use in the County's landfill equipment.
- The cost of the fuel will be 90% of the price for petroleum diesel (plus \$0.02 per gallon administrative cost and minus State taxes of \$0.3775 per gallon) plus 10% of the discounted price for Catawba County as posted by the North Carolina Department of Administration (discounted at \$0.20 per gallon). The petroleum diesel must be purchased from the entity offering BRB the best price.
- BRB is willing to offer the same discounts to other County fleets and all three school systems (Catawba County Schools, Newton-Conover City Schools and Hickory Public Schools) if the demand arises.
- BRB will own and be able to market any product produced at the Facility and not consumed by the County.
- BRB agrees to manage delivery of biodiesel blends to a specified delivery point. BRB agrees to deliver fuel to the County in 7,000 gallon shipments as frequently as necessary.
- BRB agrees to supply as much fuel as the County is interested in purchasing for the County's or school systems' use.
- BRB will retain all rights to any subsidies directly produced or generated by the production of the B100 biodiesel fuel including, but not limited to, federal renewal biodiesel tax credits, state biodiesel tax credits, and USDA Bioenergy Program payments.
- BRB shall provide an annual performance bond to the County in the amount of \$30,000 for the guaranteed supply of fuel under the terms and conditions of the lease.
- BRB agrees to lease a portion of the Facility to Appalachian State University for research purposes.
- County will provide internet availability to the Facility because the County's Broadband Mesh Network at the landfill relies on the internet connection in the Facility.
- County will provide lawn care, sidewalk and paved area maintenance, fire extinguisher servicing, pest control, solid waste disposal and recycling.
- County will facilitate, at no financial responsibility, BRB's use of waste heat from the County's landfill gas to energy system.
- County will assist with the relocation of ASU's existing equipment within the Facility.
- In order to insure that adequate environmental safeguards are in place, the County will construct an outdoor retention dike for BRB's outdoor bulk storage tanks.
- BRB is responsible for full maintenance of the Biodiesel Facility including: paint, flooring, fixtures, HVAC,

plumbing, electrical, and lighting.

- BRB agrees to permit the County's visitors to tour the Facility.
- Throughout the term of the lease, the County retains the right to use the lobby, meeting room, back office, bathrooms and parking.
- BRB is responsible for all costs and fees associated with any changes to any of County's current permits, licenses or other approvals as a result of BRB's activities.
- BRB will cooperate with the County, and any other research institutions the County has an association with, and will not interfere with current and future development of the EcoComplex.
- BRB will provide quarterly reports, or more frequently if required or requested, which are necessary to maintain the compliance with any agreement, permit, grant or any other applicable law, rule or regulation as well as statistics related to production amounts, chemicals used, etc.

The privatization of the Biodiesel Production Operations provides the County with an annualized savings of \$52,272. The existing lease with ASU will be terminated by mutual agreement or in accordance with the terms of the lease. The Policy and Public Works Subcommittee recommends the Board approve a lease with Blue Ridge Biofuels of Asheville, North Carolina for the Biodiesel Production Facility and authorize Chair Barnes to execute the lease and documents associated with the existing lease with Appalachian State University (ASU).

CONTACT: DAVE HARDIN, PUBLIC INFORMATION OFFICER 465-8464

March 31, 2014

STATE TREASURER ANNOUNCES CATAWBA COUNTY AMONG WINNERS OF EXCELLENCE AWARD IN ACCOUNTING AND FINANCIAL MANAGEMENT

North Carolina State Treasurer Janet Cowell announced on March 28, 2014, that Catawba County was among only five local governments in the State of North Carolina presented with the Governmental Award for Excellence in Accounting and Financial Management for Fiscal Year 2012-2013.

The awards are presented annually to units of local government that have excelled in implementing fiscally responsible procedures during the fiscal year.

“It’s great to see local governments across North Carolina exhibiting strong financial management on behalf of the citizens they serve,” Cowell said. “Congratulations to this year’s Treasurer’s Awards winners: Brevard, Catawba County, Alexander County, Cary and Pinehurst.”

Catawba County was named a winner among counties with a population of 50,000 people or greater. It was recognized for improving efficiency in accounting through its use of electronic processing and storage of accounts payable files, including supporting documentation.

“We are honored to be one of five recipients of this award from the Treasurer’s Office,” said Rodney Miller, Catawba County’s Finance Director. “I thank Jeanne Jarrett, the County’s Assistant Finance Director, for acknowledging the efforts of our Finance and Technology staff, and those staff members for their hard work to streamline our accounting processes.”

All counties, municipalities, school units, special districts, and public authorities in North Carolina are eligible for awards. Winners are categorized by size.

Applications should outline improvements in capital asset control, cash management and investment policies, budgetary control, purchasing and inventory control, or other areas of fiscal control and responsibility. The North Carolina Association of Certified Public Accountants (NCACPA) designates a subcommittee that selects award recipients on behalf of the Department’s State and Local Government Finance Division.

The State and Local Government Finance Division staff monitors and analyzes the fiscal and accounting practices of all local governments. Additionally, the Division handles the sale and delivery of all State and local debt and monitors the repayment of State and local government debt.

More information can be found at <http://www.nctreasurer.com/slg>

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Government of Catawba County, North Carolina

"Keeping the Spirit Alive Since 1842!"

PROCLAMATION

EMERGENCY MEDICAL SERVICES WEEK

May 18-24, 2014

WHEREAS, emergency medical services (EMS) is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, both career and volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week.

NOW, THEREFORE, THE CATAWBA COUNTY BOARD OF COMMISSIONERS does hereby proclaim the week of May 18-24, 2014 as "Emergency Medical Services Week in Catawba County" and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

This the 5th day of May, 2014.

**Katherine W. Barnes, Chair
Catawba County Board of Commissioners**

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Policy and Public Works Subcommittee

DATE: May 5, 2014

SUBJECT: Relocate the boundary lines between Bandys Fire Protection Service District and Maiden Rural Fire Protection Service District

Request

The Policy and Public Works Subcommittee recommends the Board of Commissioners hold a public hearing and approve a resolution changing the boundary lines between Bandys Fire Protection Service District and Maiden Rural Fire Protection Service District.

Background

On May 20, 2013 pursuant to NCGS 153A-301 the Board of Commissioners created fire protection service districts. NCGS 153A-304.3 establishes the requirements for the Board to relocate boundary lines between adjoining county service districts.

A property owner in Maiden, North Carolina, requested the Board consider transferring their property from the Bandys Fire Protection Service District to the Maiden Rural Fire Protection Service District. Currently the property has a fire insurance rating of "Unrated". Upon the property being transferred to the Maiden Rural Fire Protection Service District, the fire insurance rating will be a "9" which will reduce annual insurance costs for the property owner.

While researching the previously mentioned request it became evident other parcels in the same area would also benefit from a boundary line change. Additionally, the chiefs of each fire department identified a separate area that would benefit from similar changes. The proposed boundary line changes impact a total of 66 parcels in Maiden and Newton, North Carolina. The chiefs of both fire departments are in agreement with the proposed boundary lines identified in the attached maps and resolution.

A report containing the required information is attached and has been on file with the Clerk to the Board since April 17, 2014. A public hearing, which has been properly advertised, and a resolution are necessary for the relocation of the boundary lines.

Recommendation

The Policy and Public Works Subcommittee recommends the Board of Commissioners hold a public hearing and approve the attached Resolution to Relocate the Boundary Lines Between Adjoining County Service Districts.

Report on changing boundary lines between Bandys Fire Protection Service District and Maiden Rural Fire Protection Service District.

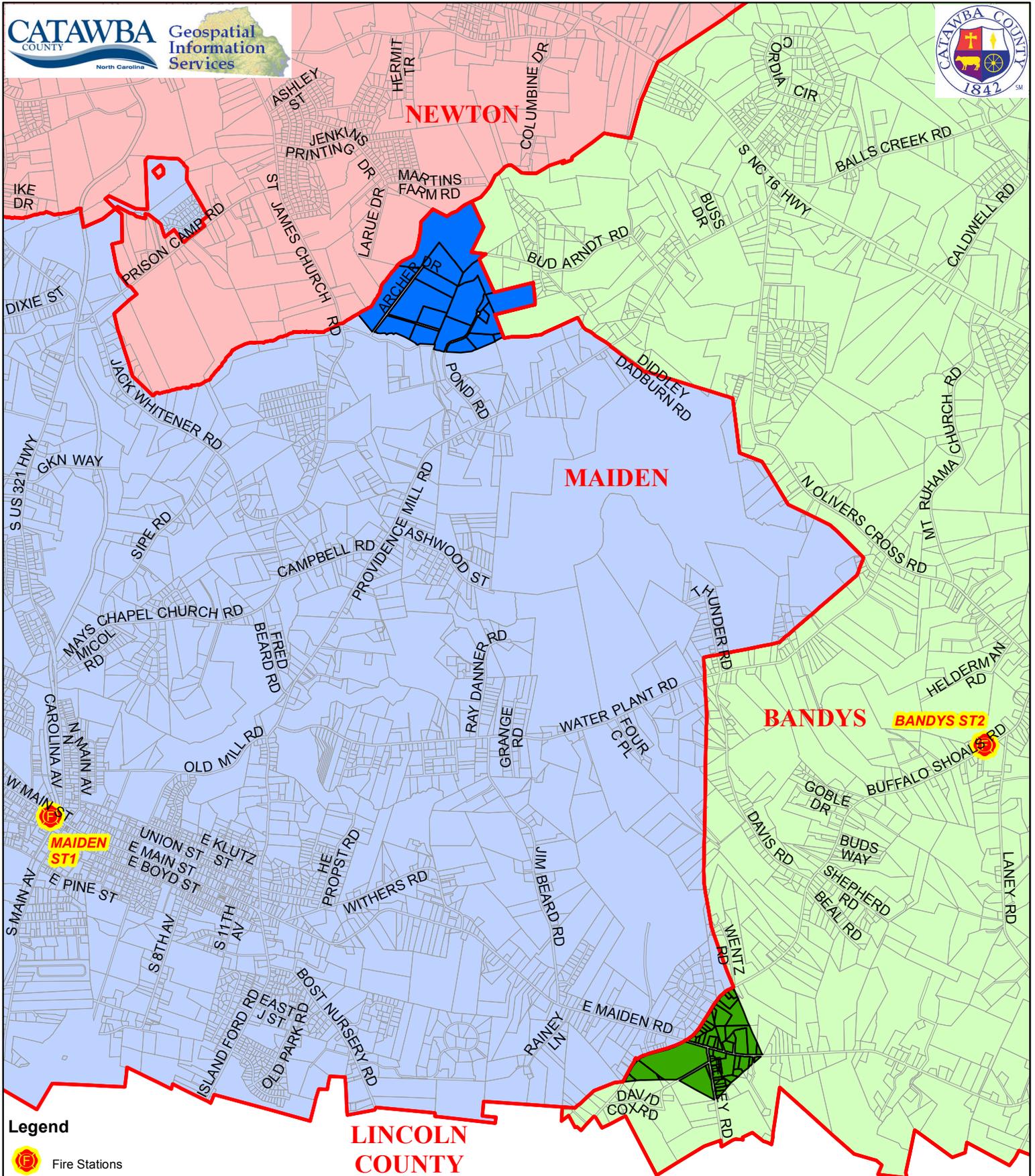
Attached to this report, and incorporated by reference, are maps of the affected service districts showing the current and proposed boundaries of each district.

The proposed boundary relocation meets the requirements of NCGS 153A-304.3(a) in that each district was established for substantially similar purposes, specifically fire protection, and the fire department providing fire protection services for each fire protection service district is in agreement with the change.

The relocation of the district boundaries will either improve the fire protection rating for the affected parcels or the fire protection rating will remain the same. No property owner will experience a worse fire protection rating.

There will be no appreciable change in the amount of taxable property in either service district. Therefore, neither district's ability to provide services or to service any debt will be affected.

This report was prepared and submitted the 17th day of April, 2014 by Mark Pettit, Catawba County Assistant Director of Emergency Services.

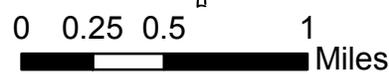


- Legend**
-  Fire Stations

-  Parcels to Change from Maiden to Bandys
-  Parcels to Change from Bandys to Maiden
-  Parcel Boundaries

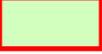
- Proposed Fire Districts**
-  Bandys
 -  Maiden
 -  Newton

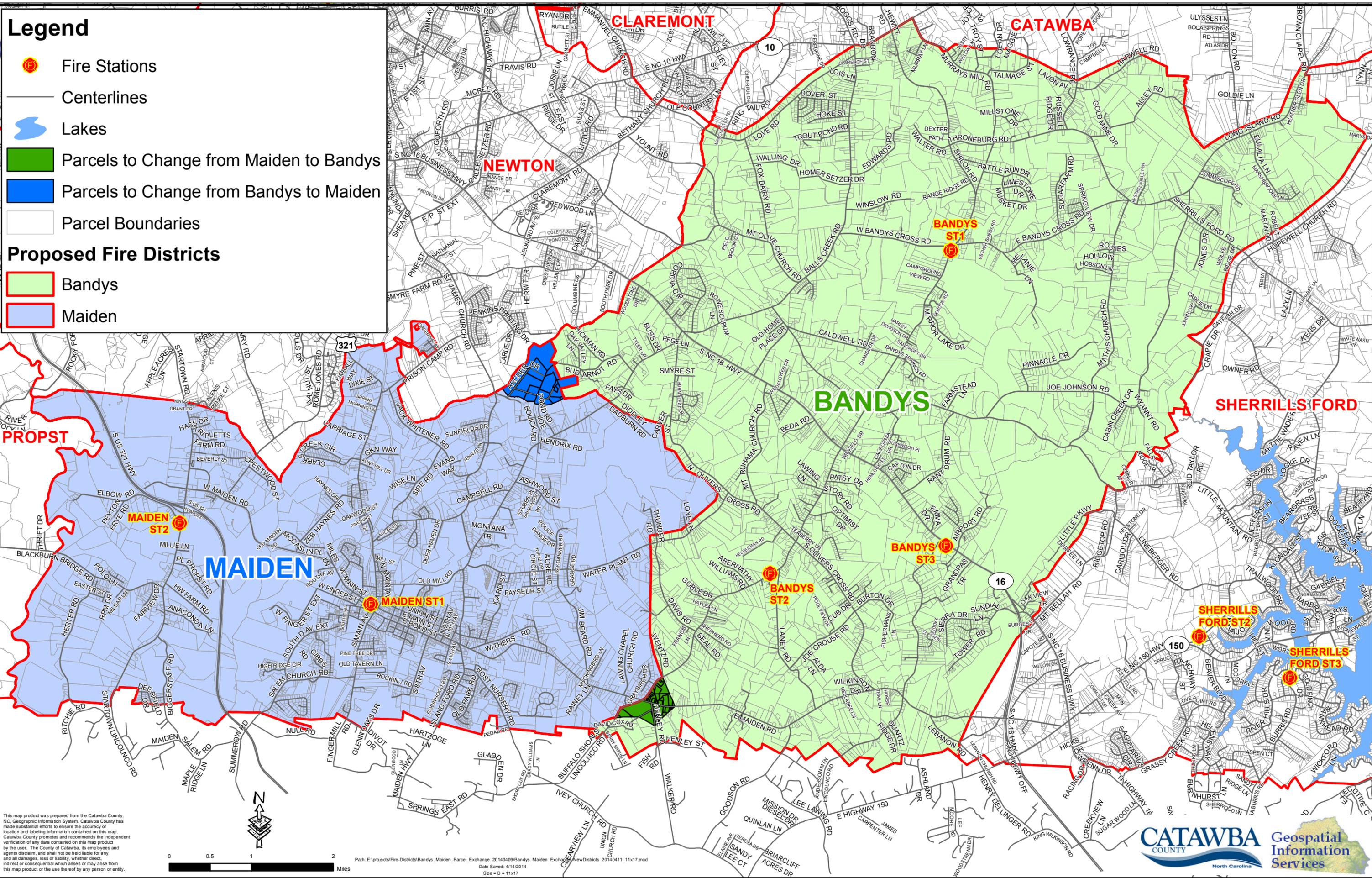
LINCOLN COUNTY



This map product was prepared from the Catawba County, NC, Geographic Information System. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map. Catawba County promotes and recommends the independent verification of any data contained on this map product by the user. The County of Catawba, its employees and agents disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map product or the use thereof by any person or entity.

Legend

-  Fire Stations
 -  Centerlines
 -  Lakes
 -  Parcels to Change from Maiden to Bandys
 -  Parcels to Change from Bandys to Maiden
 -  Parcel Boundaries
- ### Proposed Fire Districts
-  Bandys
 -  Maiden



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Resolution No. 2014-

Resolution to Relocate the Boundary Line between Adjoining County Service Districts

WHEREAS, NCGS 153A-304.3 authorizes the board of county commissioners to relocate the boundary lines between adjoining county service districts if the districts were established for substantially similar purposes; and

WHEREAS, the service districts were established for similar purposes, specifically fire protection; and

WHEREAS, the boundary lines may be changed in any manner the board deems appropriate; and,

WHEREAS, the fire department servicing each affected county service district is in agreement with the relocated boundary lines; and

WHEREAS, a report containing a map of the service districts and the adjacent territory showing the current and proposed boundaries of the districts, a statement indicating that the proposed boundary relocation meets the requirements of the statute, a plan for providing service to the area affected by the relocation of district boundaries, and the effect that the changes in the amount of taxable property will have on the ability of the district to provide services or to any service debt has been in file in the office of the clerk of the board for at least two weeks before the date of today's public hearing,

NOW, THEREFORE, BE IT RESOLVED by the Catawba County Board of Commissioners:

The boundary lines for Bandys Fire Protection Service District and Maiden Rural Fire Protection Service District are hereby relocated so that Parcel Identification Numbers 365801267361, 365805284043, 365809066411, 365809272300, 365809260863, 365809167369, 365809158877, 365809059626, 365809156399, 365801372063, 365809254423, 365801354716, 365801353923, 365801356398, 365801259187, 365801350239, 365801461411 which were in Bandys Fire Protection Service District, are now a part of Maiden Rural Fire Protection Service District and Parcel Identification Numbers 365604743823, 365604747866, 365604842854, 365602857418, 365604941628, 365602955108, 365604948550, 366603040680, 366603040841, 366603041872, 365604948802, 365604947984, 365602957065, 365602956262, 365602957345, 365602958229, 365602956419, 365602955676, 365602957588, 366601050340, 366601052386, 366601054384, 366601053038, 366603141737, 365602960072, 365602951999, 365602964014, 365602966250, 365602956924, 365602957911, 365602958803, 366601050820, 366601053968, 366601066222, 366601160140, 366601061043, 365602968159, 365602962116, 365602963257, 365602964334, 365602965411, 365602965557, 365602966757, 365602968652, 366601065877, 366601070160, 366601070243, 366601071277, 366601073321 which were in Maiden Rural Fire Protection Service District are now a part of Bandys Fire Protection Service District.

Adopted this 5th day of May, 2014.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

APPOINTMENTS

KITTY BARNES (Upcoming) CVCC Board of Trustees

06/30/14 Charles Preston

Eligible for a 3rd term

4-year terms

Chair Barnes recommends the reappointment of Charles Preston for a third term on the CVCC Board of Trustees. Mr. Preston's term will expire June 30, 2018.

KITTY BARNES (Upcoming) Economic Development Corporation

**06/30/14 Ellie Bradshaw
Garrett Hinshaw**

Eligible for a 3rd term

Eligible for a 3rd term

3-year terms

Chair Barnes recommends the reappointment of Ellie Bradshaw and Garrett Hinshaw for third terms on the Economic Development Corporation Board of Directors. These terms will expire June 30, 2017.

Memorandum

TO Catawba County Board of Commissioners

FROM Finance and Personnel Subcommittee

RE Juvenile Crime Prevention Council Annual Plan for FY 2015

DATE May 5, 2014

Request: To approve the FY 2015 Annual Plan for the Catawba County Juvenile Crime Prevention Council (JCPC). The Plan includes the JCPC proposed funding plan and is recommended by the Catawba Juvenile Crime Prevention Council (JCPC).

Background: The Juvenile Crime Prevention Council is an organization established by the State of North Carolina, Department of Public Safety – Division of Adult Correction/Juvenile Justice. Membership is mostly determined by the Statute establishing the JCPC; representatives are those involved with youth. The JCPC exists to identify risks of youth in the community, prevent crime among at risk youth, and to review court data and identify needed programs to provide intervention and prevention. Funding is allocated by the State, distributed to the County, and then is allocated to programs.

The JCPC must follow a process each year which begins with prioritizing risks and needs, with the final step being approval of a funding plan. The risks and needs priorities are determined in the fall/early winter, and the approval of the funding plan occurs in the spring. The steps are:

- identification of risk factors, based on court data
- development of a list of priorities to address the risk factors
- review and approval of the priorities

Once priorities are developed, the JCPC takes the following steps:

- advertising for programs to submit proposals to address risk factors
- reviewing proposals
- recommending a funding plan to the JCPC, which is subject to the State of North Carolina budget.

In the spring, and once proposals are received, JCPC has the following requirements:

- development of an annual plan; commonly called the “County Plan”.
- submission of the items to the Board of Commissioners

The County Plan for FY 2015, including the Funding Plan, is presented for consideration.

Attached is the recommended Annual Plan for FY 2015. This is based on the risks and needs data, and priorities approved by the Board of Commission on November 4, 2013.

The annual plan consists of the following:

- I. Executive Summary
- II. Department of Juvenile Justice and Delinquency Prevention Funding Allocation
- III. Juvenile Crime Prevention Council Organization
- IV. County Risk and Needs Assessment Summary
- V. Research-Based Programs Summary
- VI. County Juvenile Crime Prevention Council Requests for Proposals
- VII. Funding Decisions Summary
- VIII. Programs Description Summary

A summary of each component is given below:

- I. The Executive Summary summarizes the JCPC goals.
- II. Funding Allocation: The form lists the recommended allocation to each program, and the source of their required 30% match.
- III. JCPC Organization: The Council is required to maintain a list of JCPC officers, list the dates the JCPC met, and if a quorum was present.
- IV. County Risk and Needs Assessment Summary: This summarizes court data over three years and compares it to State averages. Data is given in two areas. Risks data is used to predict the likelihood of the juvenile being involved in future delinquent behavior. Needs data is used to examine a youth's needs in various aspects of life, including individual, school, peer and community domains. The JCPC uses this data to detect service intervention needs.
A concern voiced in the Risks and Needs Summary is mental health funding for JCPC programs. Funding streams are either reduced or are being eliminated. JCPC programs rely on other sources to help make their match, or to serve youth after JCPC funding runs out.
- V. Research-based Programs Summary: This information is taken from program agreements submitted by each program. Program type is the service the JCPC funds; programs may provide other youth services that are funded by other sources.
- VI. JCPC Action Plan: This is the JCPC evaluation component that is used for reporting purposes by programs. JCPC funded programs are required to establish measurable objectives consistent with the Action Plan. Programs report on their progress to the JCPC quarterly, and online to the State four times a year.
- VII. Requests for Proposals: This is the statement verifying that JCPC advertised based on risks and needs, including the dates. JCPC is required to run a legal advertisement.
- VIII. Program Descriptions: Attachment with program descriptions taken from their program agreement.

The recommended funding and services for next year:

- Conflict Resolution Center: \$53,599 for mediation and interpersonal skill building;
- Family Net: \$152,591 for psychological assessments, substance abuse, sex offender treatment, and counseling;
- Parenting Education (commonly known as Parenting Network): \$44,603 for parenting/family skill building;
- Project Challenge: \$64,434 for restitution/community service; and
- JCPC Administration: \$13,719

The State has advised local JCPCs to plan for the same funding as received in FY 2014, which is \$328,946.

You may note that the JCPC does not have a crisis beds program recommended for next year. The current provider submitted their request after the RFP closed. After much discussion, review of their client-served information, and state policy, it was decided not to reopen the advertisement.

The JCPC Finance Committee uses the criteria on the Funding Decisions Summary form when reviewing proposals for the next year to indicate reasons for funding.

The plan does not require any Catawba County funding, and as stated previously, is subject to State budget.

Recommendation: The Finance and Personal Subcommittee recommends the Board of Commissioners approve the proposed FY 2015 Annual Plan for the Catawba County Juvenile Crime Prevention Council (JCPC).

Executive Summary

The Catawba County Juvenile Crime Prevention Council (JCPC), in fulfillment of the duties and responsibilities as set forth in the General Statutes of the State of North Carolina has reviewed and updated the County Plan for FY 12/13 through FY 14/15

The JCPC has identified the issues and factors which have an influence and impact upon delinquent youth at risk youth and their families in Catawba County Further the JCPC has identified the strategies and services most likely to reduce/prevent delinquent behavior

Priorities for Funding Through a risk & needs assessment and a resource assessment the JCPC has determined that the following services are needed to reduce/prevent delinquency in Catawba County Recommended funding priorities for FY 2014 2015

- 1 Psychological services/comprehensive assessments
- 2 Substance abuse
- 3 Counseling
- 4 Restitution/community service
- 5 Mediation
- 6 Sexual offender
- 7 Crisis beds/emergency shelter
- 8 Home based services
- 9 Structured day
- 10 Parenting /family skill building
- 11 Interpersonal skills
- 12 Mentoring
- 13 Residential group homes

Monitoring and Evaluation Each program funded in the past year by the JCPC has been monitored The monitoring results and program outcomes evaluations were considered in making funding allocation decisions The JCPC continues to conduct implementation monitoring of its action plan and its funded programs on a quarterly basis

Funding Recommendations Having published a Request for Proposals for these needed services for a minimum of thirty (30) days the JCPC has screened the submitted proposals and has determined which proposals best meet the advertised needed services As required by statute the JCPC recommends allocation of the NC Department of Public Safety (NC DPS) Funds to the following Programs in the amounts specified below for FY 14/15 (See JCPC Funding Allocations page)

- Conflict Resolution Center \$53 599

Review years 2014 2015

- Family Net \$152 591
- Parenting Network \$44 603
- Project Challenge \$64 434



The JCPC further recommends that the following amount be allocated from the NC DPS funds for the administrative costs of the Council for FY 14/15
\$13,719

Respectfully Submitted,

Captain Alton Price Chair Catawba County Juvenile Crime Prevention Council

Date

Catawba County FY

Department of Juvenile Justice and Delinquency Prevention County Funding Allocation

Available Funds \$ 328 946 Local Match \$ 95 168 Rate 30%

A Program Agreement Form for each program listed below is included as an attachment to the Community Prevention and Intervention Plan

#	Program Provider	DJJDP Funding	LOCAL FUNDING		OTHER	OTHER	Total	/ Non DJJDP Program Revenues
			Local Cash Match	Local In Kind	State/ Federal	Funds		
1	JCPC Administration	\$13 719					\$13 719	0%
2	Conflict Resolution, Ctr Lifeskills Mediation	\$53 599		\$16 080			\$69 679	23%
3	Family Net, 4 components	\$152 591	\$46 250		\$25 000		\$223 841	32%
4	Parenting Education (Parenting Network)	\$44 603		\$13 508			\$58 111	23%
5	Project Challenge Restitution/Comm Service	\$64 434		\$19 330			\$83 764	23%
6							\$0	#DIV/0!
7							\$0	#DIV/0!
8							\$0	#DIV/0!
9							\$0	#DIV/0!
10							\$0	#DIV/0!
11							\$0	#DIV/0!
12							\$0	#DIV/0!
13							\$0	#DIV/0!
14							\$0	#DIV/0!
15							\$0	#DIV/0!
16							\$0	#DIV/0!
17							\$0	#DIV/0!
18							\$0	#DIV/0!
TOTALS		\$328 946	\$46 250	\$48 918	\$25 000	\$0	\$449 114	27%

The above plan was derived through a planning process by the Catawba County Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2014 2015

Chairperson Juvenile Crime Prevention Council (Date)

Chairperson Board of County Commissioners (Date)

Juvenile Crime Prevention Council County Plan

Catawba County

2014-2015

**Year 2015 of Planning Documents for
Fiscal Year 2013 to Fiscal Year 2016
Year 3 of 4**

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- II Department of Juvenile Justice and Delinquency Prevention County Funding Allocation
- III Juvenile Crime Prevention Council Organization
- IV County Risk and Needs Assessment Summary
- V Research-Based Programs Summary
- VI County Juvenile Crime Prevention Council Request for Proposals
- VII Funding Decisions Summary

Attachment

Juvenile Crime Prevention Council Funded Program Descriptions

Juvenile Crime Prevention Council Organization

	Name	Organization	Title
Chairperson	Captain Alton Price	Catawba County Sheriff Dept	Captain
Vice Chairperson	Jennie Connor	Catawba County United Way	Executive Director
Secretary	Captain Alton Price	Catawba County Sheriff Dept	Captain
Treasurer	Jennifer Mace	Catawba County	Budget Manager
Outreach Committee Chairperson	Sarah Nelson	Hickory Police Dept	Gang of One Coordinator
Finance Committee Chairperson	Jennifer Mace	Catawba County	Budget Manager

Number of members 12

List meeting dates during the current fiscal year and identify the number of JCPC members in attendance for each

Meeting Date	Number of Members in Attendance	Quorum Present? Yes/No
July 16, 2013	8	Yes
August 20, 2013	11	Yes
September 17, 2013	9	Yes
October 15, 2013	7	Yes
November 19, 2013	9	Yes
December –training		
January 21, 2014	8	Yes
February 18, 2014	10	Yes
March 18, 2014	6	No
April 15, 2014	8	Yes

**SUMMARY REPORT OF THE
CATAWBA COUNTY RISK AND NEEDS ASSESSMENT COMMITTEE**

- I Risk Assessment Summary**
- II Needs Assessment Summary**
- III Resource Assessment Summary**
- IV Summary of Gaps and Barriers in the Community Continuum**
- V Proposed Priority Services for Funding**

Part I Risk

The Risk and Needs Assessment Committee reviewed data gleaned from the Juvenile Risk Assessment instrument administered by Juvenile Court Counselors after juveniles are referred with a complaint alleging that a delinquent act has occurred and prior to adjudication of the juvenile. The Juvenile Risk Assessment is an instrument used to predict the likelihood of the juvenile being involved in future delinquent behavior. For some youth, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s). For these items (*represented by percentages which with a star next to them*) there is a likelihood of under reporting the incidence of a particular behavior and the actual incidence may be higher than suggested by these figures. In those cases, the figure should be interpreted as a measure of the minimum level of occurrence.

County Risk Factor Observations FY 2012 - 2013

R1 Age for First Delinquent Offense Alleged in a Complaint Elevated Observations 20% of assessed youth are under age 12 for their first delinquent offense (increase from previous year's rate and higher than state rate for past four years)

R6 Known Use – Alcohol Illegal Drugs Elevated Observations (prior 12 months) 19% of assessed youth have some substance use in prior twelve months

R7 School Behavior Problems Elevated Observations (prior twelve months) 78% of assessed youth have serious to moderate school behavior (decrease from previous year's rate but higher than state rate past four years)

R8 Relationships with Peers Elevated Observations 55% of assessed youth lack prosocial peers or sometimes associate w/delinquent others (Two years increase trend and higher than state rate)

R9 Parental Supervision Elevated Observations 74% of assessed youth have parents willing and able to supervise (increase from previous year's rate but lower than the state rate the past four years) 26% of assessed youth need parental supervision (decrease from previous year's rate and higher than the state rate the past four years)

Part II Needs

The Risk and Needs Assessment Committee also reviewed data gleaned from the Juvenile Needs Assessment instrument administered by Juvenile Court Counselors prior to court disposition of a juvenile. The Juvenile Needs Assessment is an instrument used to examine a youth's needs in the various domains of his life: The Individual Domain, The School Domain, The Peer Domain and the Community Domain. This instrument was designed to detect service intervention needs as an aid in service planning. As with the Juvenile Risk Assessment, some of the individual item ratings may be heavily dependent upon information reported by the juvenile or the parent(s). For these items (*represented by percentages which with a star next to them*) there is a likelihood of under-reporting the incidence of a particular behavior and the actual incidence may be higher than suggested by these figures. In those cases, the figure should be interpreted as a measure of the minimum level of occurrence.

County Elevated Needs Observations FY 2012-2013

Y1 Peer Relationships Elevated Observations 46% of assessed youth have some to regular association with delinquent peers (Two year increase trend)

Y2 School Behavior Elevated Observations 61% of assessed youth have serious to medium school behavior problems

Y3 General Academic Functioning Elevated Observations 22% of assessed youth are functioning academically below grade level (slight decrease from the previous year's rate but higher than the state rate the past four years) 78% of assessed youth are functioning academically at grade level (slight two years increase trend but lower than the state rate the past four years)

Y4 Substance Abuse within the past 12 months Elevated Observations 80% of assessed youth have no substance abuse issues (three years increase trend and higher than the state rate the past three years) **20% of assessed youth have substance use/abuse issues (decreases from the previous year's rate)

Y6 Abuse Neglect History Elevated Observation 30% of assessed youth are abuse victims (higher than the state rate the past four years)

Y7 Sexual Behaviors During Past 12 Months Elevated Observations 10% of assessed youth have sexual behavior issues (slight decrease from previous year's rate but higher than the state rate the past four years)

Y8 Mental Health Elevated Observations 69% of assessed youth have mental health issues (increase from previous year's rate and higher than state rate the past four years)

F2 Family Supervision Skills Elevated Observations 55% of assessed youth have marginal to inadequate family supervision (increase from previous year's rate)

F4 Family Substance Abuse Elevated Observations **14% of assessed youth have family with substance issues (increase from previous year's rate and higher than state rate past four years)

Part III Summary of the Existing Community Resources

Structured Activities

- Experiential (4 H Activities)
- Private Recreational Programs
- Parks & Recreational Programs
- Mentoring (Council on Adolescents Lunch Buddy program is restricted Young People of Integrity program is restricted at the time this summary was completed)
- Teen Up
- Eckard Camp – restricted to court-involved youth
- Tutoring/Academic Enhancement (Champions of Education (developing mentoring)
- Parent Family Skill Building (Parenting Network)
- Church programs
- Boys and Girls Scouts
- Boys and Girls Clubs
- Gang of One – Ridgeview After School/Tutoring Program accessibility limited
- Temple of Refuge After School Program/Tutoring – access limited

Restorative Services

- Restitution/Community Services (Project Challenge)
- Mediation

Community Day Programming

- Alternative Schools
- Day Treatment Programs

Assessment Services

- Psychological Assessment Catawba Department of Social Services/Family Net
- Private Sector

Clinical Treatment

- Mental Health Services Critical Access Behavioral Health Agencies (CABHAs) and the Private/Public Sector Agencies
- Home Base Family Counseling In Home Therapeutic Services Intensive & Multisystemic Therapy
- Substance Abuse Assessment & Treatment Family Net Cognitive Connections
- Sex Offender Specific Treatment –Family Net
- Counseling School based mental health Family Net crisis
- Child Advocacy Center
- Mobile crisis – Partners Behavioral Healthcare

Residential

- Group Home Care – Corner House I and II

- Temporary/ Emergency Shelter – Rapid Response Beds Blevins Andrea s Place & Eckard – short term program for male youth restricted and limited
- Alexander Youth Network – dependent upon JCPC funding
- Therapeutic Foster Care /Specialized Foster Care – Catawba Social Services & Private Sector
- Temporary Foster Care – Catawba Department of Social Services
- Tarheel ChalleNGe it is restricted and limited
- West Care – female short term residential facility
- Sipes Orchard home – restricted and limited

Part IV Summary of Gaps and Barriers in the Continuum of Services

Structured Activities

- Parent Family Skill Building – Parenting Education which is dependent upon JCPC funding for access
- Tutoring/Academic Programs – hard to access limited participation
- Youth Interpersonal Skill Building if JCPC funded program is not provided
- Mentoring program if grant funds not provided

Restorative Services

- Restitution/Community Services if JCPC funded program is not provided
- Mediation/Conflict Resolution Services if JCPC funded program is not provided
- Teen Court – not available

Community Day Programming

- Structured day programs not available

Assessment Services

- Psychological Assessment Services are a priority Assessments within 21 days for court involved youth would not be available if the JCPC funded program is not provided

Clinical Treatment

- Substance Abuse for JCPC youth is needed would be difficult to access plus there would be financial barriers if JCPC did not fund
- Counseling for youth and families is needed There are financial barriers plus programs are difficult to access
- Home based and multi systemic treatment is needed
- Sex Offender Assessment/Treatment Services – difficult to access plus financial barriers exist if JCPC did not fund

Residential

- Group Home services are limited
- Therapeutic Foster Care has limited access
- Emergency Shelter – limited access

Part V Proposed Priority Services for Funding

The committee compared the services needed to address the elevated Juvenile Risk Factors and Juvenile Needs with services currently available in the community. Services which are currently available in the community and sufficient to meet the needs of court involved youth or those youth most at risk for court involvement are not considered as a priority for JCPC funding.

The Committee proposes that the following services in ranked order be approved as the funding priorities for FY 2014-2015

- 1 Psychological services/comprehensive assessments
- 2 Substance abuse
- 3 Counseling
- 4 Restitution/community service
- 5 Mediation
- 6 Sexual offender
- 7 Crisis beds/emergency shelter
- 8 Home based services
- 9 Structured day
- 10 Parenting /family skill building
- 11 Interpersonal skills
- 12 Mentoring
- 13 Residential group homes

Catawba County Juvenile Crime Prevention Council Request for Proposals

\$328 946

30%

Jan 5 & 12 2014

Anticipated County Allocation

Required Local Match Rate

Date Advertised

The Juvenile Crime Prevention Council (JCPC) has studied the risk factors and needs of Juvenile Court involved youth in this county and hereby publishes this Request for Proposals. The JCPC anticipates funds from the Department of Juvenile Justice and Delinquency Prevention (DJJDP) in the amount stated above to fund the program types specified below. Such programs will serve delinquent and at risk youth for the state fiscal year 2014 2015 beginning on or after July 1 2014. The use of DJJDP funds in this county requires a local match in the amount specified above.

The JCPC will consider proposals for the following needed Programs

Psychological services/comprehensive assessments substance abuse counseling restitution/community service mediation sexual offender crisis beds/emergency shelter home based services structured day parenting/family skill building interpersonal skills mentoring residential group homes

Proposed Program Services should target the following Risk Factors for Delinquency or Repeat Delinquency

Age for first delinquent offense alcohol/drug substance abuse school behavior relationships with peers & family parental supervision

Programs should address the following concerns as reported in the Needs Assessments for Adjudicated Youth

Peer Domain	Peer relationships school behavior academic functioning substance abuse sexual behavior mental health
Individual Domain	peer relationships school behavior academic functioning substance abuse sexual behavior mental health
Family Domain	peer relationships school behavior academic functioning substance abuse abuse/neglect history sexual behavior mental health family supervision skills family substance abuse
School Domain	peer relationships school behavior academic functioning substance abuse mental health sexual behavior, mental health,

Applicants are being sought that are able to address the legislatively mandated items below

- 1 Program services compatible with research that is shown to be effective with juvenile offenders
- 2 Program services are outcome based
- 3 The program has an evaluation component
- 4 Program services detect gang participation and divert individuals from gang participation
- 5 Programs that can have a demonstrable impact on the following success factors: a reduce the use of alcohol or controlled substances b reduce subsequent complaints c reduce violation of terms of community supervision d reduce convictions from subsequent offenses e fulfill restitution to victims and f increase parental accountability

Local public agencies 501(c)(3) non profit corporations and local housing authorities are invited to submit applications (Program Agreements) for programs addressing the above elements. Application forms and other necessary information may be obtained from

Debbie Bradley JCPC Staff

at

828 446 4974

JCPC Chairperson or Designee

Telephone #

*****Program Agreement forms may also be downloaded from the DPS web-site*****

<http://www.ncdjdp.org/jcpc/forms.html>

NOTE For further information technical assistance or inquiring about grant writing workshops in your area contact the Dept of Juvenile Justice and Delinquency Prevention Area Office by calling Massey Whiteside DPS Area Consultant at 828 296 4744

Deadline for Application is February 4 2014 by 5 00 P M

Mail or deliver Jennifer Mace Catawba Co Budget Manager

applications to 100 A Southwest Blvd

Newton NC 28658

Number of copies to submit TBD

Telephone 828 465 8207

Juvenile Crime Prevention Council Funding Decisions Summary

Program Funded	Reason for Funding (Check all that apply)
Conflict Resolution Center Lifeskills	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input checked="" type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input checked="" type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input checked="" type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other prevention program targeted towards at risk youth <input checked="" type="checkbox"/> Other interpersonal skill building targeted to help with peer relationships/resource for schools <input type="checkbox"/> Would increase funding to this service if funds were available
Conflict Resolution Center Mediation	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other Interpersonal skill building <input checked="" type="checkbox"/> Other teaches lifeskills to help with prosocial skills <input type="checkbox"/> Would increase funding to this service if funds were available
Family Net Counseling/Mental Health	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input checked="" type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input checked="" type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input checked="" type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other mental health needs continue to grow/lack of availability for counseling for high risk youth <input type="checkbox"/> Other <input type="checkbox"/> Would increase funding to this service if funds were available
Family Net Psychological Assessments	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input checked="" type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other Assessments help identify needs that may be unidentified may help place youth where needs are greatest <input type="checkbox"/> Other <input type="checkbox"/> Would increase funding to this service if funds were available
Family Net Sexual Offender	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input checked="" type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other Provides assessment for needed services/provides treatment <input type="checkbox"/> Other <input type="checkbox"/> Would increase funding to this service if funds were available
Family Net Substance Abuse	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input checked="" type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input checked="" type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other provides group and individual counseling <input type="checkbox"/> Other <input type="checkbox"/> Would increase funding to this service if funds were available
Parenting Network Family Skillbuilding	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input checked="" type="checkbox"/> Has evaluation component <input checked="" type="checkbox"/> Addresses parental accountability <input checked="" type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input checked="" type="checkbox"/> Other exit information indicates parents feel it helps family relationship <input checked="" type="checkbox"/> Other involves family/parenting skills helped <input type="checkbox"/> Would increase funding to this service if funds were available
Project Challenge	<input checked="" type="checkbox"/> Meets funding priority <input checked="" type="checkbox"/> Compatible with research <input checked="" type="checkbox"/> Cost efficient <input checked="" type="checkbox"/> Addresses reductions of complaints violations of supervision & convictions <input checked="" type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input checked="" type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other <input type="checkbox"/> Other <input type="checkbox"/> Would increase funding to this service if funds were available
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Juvenile Crime Prevention Council Funding Decisions Summary

	<input type="checkbox"/> Meets funding priority <input type="checkbox"/> Compatible with research <input type="checkbox"/> Cost efficient <input type="checkbox"/> Addresses reductions of complaints <input type="checkbox"/> violations of supervision & convictions <input type="checkbox"/> Has evaluation component <input type="checkbox"/> Addresses parental accountability <input type="checkbox"/> Addresses use of alcohol/controlled substances <input type="checkbox"/> Addresses restitution to victims <input type="checkbox"/> Addresses gang participation <input type="checkbox"/> Other
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Program Not Funded	Reason for Not Funding (Check all that apply)
Alexander Youth Network	<input type="checkbox"/> Lack of funding addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it s type <input type="checkbox"/> Greater cost than program of same type and quality <input checked="" type="checkbox"/> Other Application submitted after RFP deadline <input type="checkbox"/> Other
	<input type="checkbox"/> Lack of funding addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it s type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other
	<input type="checkbox"/> Lack of funding addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it s type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other
	<input type="checkbox"/> Lack of funding addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it s type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other
	<input type="checkbox"/> Lack of funding addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it s type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other
	<input type="checkbox"/> Lack of funding addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it s type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other
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	<input type="checkbox"/> Lack of funding addresses priority need and would fund if resources allowed <input type="checkbox"/> Does not meet funding priority <input type="checkbox"/> Not compatible with research <input type="checkbox"/> Lesser quality than another program funded of it s type <input type="checkbox"/> Greater cost than program of same type and quality <input type="checkbox"/> Other

Catawba JCPC
Program Descriptions
FY 2015

Note This information is copied directly from online program agreements
Information is ranked by component in order of funding priorities

Family Net Psychological Assessments component This component covers the provision of psychological testing and/or comprehensive clinical assessments and the writing of the report of findings and recommendations

Family Net Substance Abuse component This component covers the provision of substance treatment to ACJJ referred clients who meet the diagnostic criteria for abuse or dependence

Family Net Mental Health component This component covers all the various forms of mental health treatment provided to ACJJ clients, including individual family, and group, as well as psychiatric intervention

Project Challenge is a dispositional option to juvenile court allowing participants to repay or give back to their community Project Challenge provides participants the opportunity to fulfill their obligation to the courts by completing community service and provides victims repayment of monetary loss Our mission is to help youth become confident, productive members of their community through the offering of their time and talents and through challenging recreational activities

Mediation component The Juv Mediation/Conflict Resolution Educ program provides Juvenile Court Counselors School Resource Officers Law Enforcement/School officials/Social Workers with dispositional options and an alternative to school suspensions for at risk/delinquent youth with serious school behavioral problems/social conflicts as well as youth who indicate that they have an anger management issue The program provides an alternative to court petitions by resolving minor issues and problems at a local level

Sex Offender component This program shall provide specific evaluation, counseling and treatment to juveniles and their families as outlined in an individualized needs based, sex offender evaluation

Alexander Youth Network's Rapid Response program offers brief treatment, structure and supervision in a temporary Therapeutic Foster Care setting to children with serious emotional disturbance and temporary relief to primary caregivers in order to reduce the constant and often stressful responsibility of caring for a child with emotional and behavioral challenges. The service can be provided on either a planned or an emergency basis. In either case, the service is designed to support family stability, prevent abuse and neglect, provide a therapeutic environment in which to conduct a comprehensive child and family assessment/evaluation, and prevent or minimize the need for lengthier and/or more intensive out of home placement.

Parenting Education Our program provides opportunities for skill-building to parents/guardians and their teens pursuant to changing attitudes and behaviors. The programming uses Nurturing Adolescents, an evidence based curriculum to address skills needed to build healthy non abusive family interactions and address challenges through effective communication.

Project Challenge is a dispositional option to juvenile court allowing participants to repay or give back to their community. Project Challenge provides participants the opportunity to fulfill their obligation to the courts by completing community service, and provides victims repayment of monetary loss. Our mission is to help youth become confident, productive members of their community through the offering of their time and talents and through challenging recreational activities.

Conflict Resolution Center Lifeskills component A substance/violence prevention program to resist drug/alcohol/tobacco use/supports the reduction of violence/other high-risk behaviors designed to promote health and personal development. Goal is to use developmentally appropriate/collaborative learning strategies to include conflict resolution/anger management/positive decision making that focus on how to effectively deal with/develop the required personal/social skills to interact in a positive way to develop independence/responsibility.

Memorandum

TO Catawba County Board of Commissioners

FROM Finance and Personnel Subcommittee

RE Juvenile Crime Prevention Council Increase in Funding
FY 2014

DATE May 5, 2014

Request: To approve increased funding to the FY 2014 Funding Plan for the Catawba County Juvenile Crime Prevention Council.

Background:

The Juvenile Crime Prevention Council is an organization established by the State of North Carolina, Department of Public Safety – Division of Adult Correction/Juvenile Justice. Membership is mostly determined by the Statute establishing the JCPC; representatives are those involved with youth. The JCPC exists to identify risks of youth in the community, prevent crime among at risk youth, and to review court data and identify needed programs to provide intervention and prevention. Funding is allocated by the State, distributed to the County, and then is allocated to programs.

On April 4, 2014, the Department of Public Safety, Adult Corrections/Juvenile Justice Area Office notified current programs that additional funds were available. Programs were given until April 11, 2014, to apply for funds. Due to the fiscal year time frame, the application was to be made directly to the Area Office. During the April JCPC meeting, the membership was advised of the applications.

There are a few requirements of receiving the approved funds:

- The funding should be used to enhance service to youth.
- The required 30% match was required (these funds generally come from in-kind funding, fundraising efforts, and Medicaid funds).
- The program must have a budget revision approved and signed by May 7.
- The Board of Commissioners must approve the revised funding plan, and have it returned to the Area Office in time to distribute funding. (NOTE: Since the fiscal year ends June 30 and by policy, this means by May 31.)

Four Catawba JCPC programs applied for funding. Late on Friday, April 25, 2014, JCPC was notified that each of the four programs will receive all or some of the requested dollars.

Programs receiving additional funds and the amount are:

Conflict Resolution Center	\$1,172
Family Net	\$2,325
Parenting Network	\$500
Project Challenge	\$1,820

The funds will be used for:

Conflict Resolution Center – 2 NSJJ registration packages (national juvenile justice training to be held in Greensboro);

Family Net - Purchase Online Certification Course for Juvenile Sex Offender TX providers for 3 staff;

Parenting Education - 2 bookshelves and program supplies and needed materials;
and

Project Challenge – Catawba - Cost over runs due to employee health insurance cost for staff \$725; fuel for transportation \$400; Vehicle Service & repair maintenance cost \$695.

Recommendation: The Finance and Personnel Subcommittee recommends the Board of Commissioners approve the revised FY 2014 Funding Plan.

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Debra N. Bechtel, County Attorney
Jack Chandler, Assistant Director of Utilities and Engineering

DATE: May 5, 2014

IN RE: Biodiesel Production Facility/Operations Privatization

REQUEST

Policy and Public Works Subcommittee recommends the Board of Commissioners approve a lease with Blue Ridge Biofuels of Asheville, North Carolina for the Biodiesel Production Facility and authorize Chair Barnes to execute the lease and documents associated with the existing lease with Appalachian State University (ASU).

BACKGROUND

In an effort to improve the economic benefit (including increased fuel production) of the Biodiesel Research, Development and Production Facility and in keeping with the fundamental tenets of the EcoComplex to facilitate the incubation of a new industry in Catawba County, staff developed a Request for Qualifications/Request for Proposals (RFQ/RFP) in conjunction with staff from Appalachian State University (ASU) for the privatization of the Facility. The RFQ/RFP was advertised February 3, 2014 and Statements of Qualification/Proposals were received on February 28, 2014. The following companies submitted Statements of Qualification/Proposals:

- Blue Ridge Biofuels, Asheville, NC
- Foothills Bio-Energies, Lenoir, NC

County staff, along with staff from ASU, reviewed the proposals and jointly selected the proposal from Blue Ridge Biofuels as most closely matching the County's vision to privatize the operations of the Facility while maintaining an enhanced university presence. County staff has negotiated a lease agreement (attached) with Blue Ridge Biofuels (BRB) that includes the following terms and conditions:

- Lease payments will be \$500 per month for the first twenty-four months (24) of the Agreement. Following the initial 24 months, the monthly lease payment will be adjusted annually by the Consumer Price Index, not to exceed 3%. Additional rent throughout the term of the Agreement includes BRB selling fuel to the County at a discounted rate.
- BRB commits to producing biodiesel fuel that meets American Society for Testing and

Materials (ASTM) standards within one year from the date of contract signing.

- BRB agrees to provide a minimum 1,750 gallons per week of a B10 biodiesel fuel (10% biodiesel and 90% petroleum diesel), for use in the County's landfill equipment.
- The cost of the fuel will be 90% of the price for petroleum diesel (plus \$0.02 per gallon administrative cost and minus State taxes of \$0.3775 per gallon) plus 10% of the discounted price for Catawba County as posted by the NC Department of Administration (discounted at \$0.20 per gallon). The petroleum diesel must be purchased from the entity offering BRB the best price.
- BRB is willing to offer the same discounts to other County fleets and all three school systems (Catawba County Schools, Newton-Conover City Schools and Hickory City Schools) if the demand arises.
- BRB will own and be able to market any product produced at the Facility and not consumed by the County.
- BRB agrees to manage delivery of biodiesel blends to a specified delivery point. BRB agrees to deliver fuel to the County in 7,000 gallon shipments as frequently as necessary.
- BRB agrees to supply as much fuel as the County is interested in purchasing for the County's or school systems' use.
- BRB will retain all rights to any subsidies directly produced or generated by the production of the B100 biodiesel fuel including, but not limited to, federal renewal biodiesel tax credits, state biodiesel tax credits, and USDA Bioenergy Program payments.
- BRB shall provide an annual performance bond to the County in the amount of \$30,000 for the guaranteed supply of fuel under the terms and conditions of the lease.
- BRB agrees to lease a portion of the Facility to Appalachian State University (ASU) for research purposes.
- County will provide internet availability to the Facility because the County's Broadband Mesh Network at the landfill relies upon the internet connection in the Facility.
- County will provide lawn care, sidewalk and paved area maintenance, fire extinguisher servicing, pest control, solid waste disposal, and recycling.
- County will facilitate, at no financial responsibility, BRB's use of waste heat from the County's landfill gas to energy system.

- County will assist with the relocation of ASU's existing equipment within the Facility.
- In order to insure adequate environmental safeguards are in place, the County will construct an outdoor retention dike for BRB's outdoor bulk storage tanks.
- BRB is responsible for full maintenance of the Biodiesel Facility including: paint, flooring, fixtures, HVAC, plumbing, electrical, and lighting.
- BRB agrees to permit County's visitors to tour the Facility.
- Throughout the term of the lease, The County retains the right to use the lobby, meeting room, back office, bathrooms and parking.
- BRB is responsible for all costs and fees associated with any changes to any of County's current permits, licenses or other approvals as a result of BRB's activities.
- BRB will cooperate with County, and any other research institutions County has an association with, and will not interfere with current and future development of the EcoComplex.
- BRB will provide quarterly reports, or more frequently if required or requested, which are necessary to maintain the compliance with any agreement, permit, grant or any other applicable law, rule or regulation as well as statistics related to production amounts, chemicals used etc.

The privatization of the Biodiesel Production Operations provides the County with an annualized value as shown in the chart below.

Biodiesel Facility Privatization			
Expense/Revenue	ASU Conditions	Proposed Blue Ridge Biofuels Conditions	FY 14/15 Solid Waste Fund Budget Implications
Taxable Investment	\$0.00	\$1,000,000	n/a
Jobs	0	5-10	n/a
Ad-Valorem Tax Revenue	\$0.00	\$5,300	n/a
Landfill Fuel Cost	\$352,740	\$321,621	\$337,181
Lease:	\$12,000	\$9,120	\$10,560
Utilities:			
Electricity	\$12,753	\$0	\$6,376.50
Interent	\$2,710	\$0	\$1,355.00
Telephone	\$1,945	\$0	\$972.50
Water/Sewer	\$535	\$0	\$267.50
Propane Gas	\$190	\$0	\$95.00
Fire Alarm System	\$600	\$0	\$300.00
Net Expense:	\$359,473	\$307,201	\$335,988
FY 14/15 Savings to Solid Waste Fund:			\$23,486
Annualized Savings to County:			\$52,272.00

The existing lease with ASU will be terminated by mutual agreement or in accordance with the terms of the lease. Attached is the proposed Agreement to Terminate Lease sent to ASU.

RECOMMENDATION

Policy and Public Works Subcommittee recommends the Board of Commissioners approve a lease with Blue Ridge Biofuels of Asheville, North Carolina for the Biodiesel Production Facility and authorize Chair Barnes to execute the lease and documents associated with the existing lease with Appalachian State University (ASU).

Prepared by and return to: Debra Bechtel, County Attorney
PO Box 389, Newton, North Carolina 28658

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

LEASE AGREEMENT

THIS AGREEMENT OF LEASE made this _____ day of _____, 2014, between Catawba County, a political subdivision of the State of North Carolina, (hereinafter referred to as “Lessor”), and Blue Ridge Biofuels, LLC, a limited liability corporation, (hereinafter referred to as “Lessee”).

WITNESSETH, that in consideration of the rent, fuel discounts and covenants contained herein on the part of Lessee to be paid and performed, Lessor does hereby demise and lease unto Lessee a portion of Parcel Identification Number 361803318190, located at 3961 Rocky Ford Road, Newton, North Carolina hereinafter called the “Biodiesel Facility”, a building plus an outdoor space for production-related activity and the adjoining parking lot. The leased premises are depicted in Exhibit A, attached and incorporated herein by reference.

TO HAVE AND TO HOLD for a term of twenty (20) years (pursuant to NCGS 62-160A-272(c)) commencing on the 1st day of January, 2015 and ending on the 31st day of December, 2035.

This Lease is made upon the following terms and conditions:

1. Lessee shall pay to Lessor the sum of Five Hundred Dollars (\$ 500.00) per month for the first twenty-four months (24) of the Agreement. Additional rent due to Lessor throughout the entire term of the Agreement includes Lessee selling Lessor fuel at a discounted rate. Specific details of the discounted fuel are contained in paragraph 2 of this Lease. All rental payments shall be payable by Lessee to Lessor by the first of each month during the term of this Agreement. Following the initial 24 months, the monthly lease payment will be adjusted annually. The fee change shall be based on the one year change in the Consumer Price Index (CPI), All Urban Consumers, U.S. City Average, All items, as published for the month of December of the preceding year. The amount of the CPI adjustment shall not exceed 3%. Lessor and his suppliers/customers shall have the non-exclusive right of egress and ingress from Rocky

Ford Road, a public right of way, seven (7) days a week twenty-four (24) hours a day.

2. Lessee's provision of blended Biodiesel (B10) as a portion of the rent is as follows:

- (a) Lessee commits to producing ASTM biodiesel fuel within one year from the date of contract signing.
- (b) Lessee agrees to provide a minimum 1,750 gallons per week of a B10 blend of biodiesel fuel, for use in the Lessor's landfill equipment which would meet all active fleet equipment warranties at the Facility at an agreed price per gallon ("the Price").
- (c) Lessee agrees to provide a minimum of 175 gallons per week of B100 biodiesel to Lessor at the Biodiesel Research, Development, and Production Facility ("the Facility") at a price per gallon equal to a twenty cent discount to ULSD#2 Tank Wagon prices for Catawba County as posted by the NC Department of Administration Division of Purchases and Contract. Pricing will be based on the weekly price posted for the week the delivery takes place ("the B100 Price"). Lessee is willing to offer similar discounts to other Lessor fleets and all three school systems (Catawba County Schools, Newton-Conover City Schools and Hickory City Schools) if the demand arises. Lessee will own and be able to market any additional product produced at this Facility and not consumed by Lessor.
- (d) Lessee will be the signatory to any agreements for the sale of biodiesel and accepting responsibility for failing to satisfy requirements under those agreements.
- (e) Lessee agrees to purchase, on average, 1,575 gallons per week of petroleum diesel at the rack price of Biltmore Oil Company in Asheville, NC ("the Diesel Price") or a similar regional fuel supplier plus \$0.02/gallon to cover administrative costs. The fuel must be purchased from the entity offering Lessee the best price.
- (f) Lessee agrees to blend the two fuels above to produce, on average, 1,750 galls per week of B10. The price for this fuel is a composite of 10% of the biodiesel B100 Price per gallon and 90% of the petroleum Diesel Price per gallon plus any delivery costs.
- (g) Lessee agrees to manage the delivering of the biodiesel blends to a specified delivery point. Lessee agrees to make delivery in 7,000 gallon allotments to Lessor as frequently as necessary. Lessee agrees to supply as much fuel as Lessor is interested in purchasing for Lessor's or school systems' use.
- (h) Lessor agrees to provide a storage tank of no less than 10,000 gallons for the storage of the B10 biodiesel fuel blend.
- (i) Lessor will remit payment to Lessee for the B10 biodiesel fuel within 30 days of receipt of invoice from Lessee.

- (j) Lessee will retain all rights to any subsidies directly produced or generated by the production of the B100 biodiesel fuel including, but not limited to, EPA RFS RINs, federal biodiesel tax credits, state biodiesel tax credits, and USDA Bioenergy Program payments.
 - (k) Lessee shall provide an annual performance bond to Lessor in the amount of \$30,000 for the guaranteed supply of fuel as outlined in this Paragraph 2.
3. Lessee shall indemnify and save Lessor, including its elected officials and employees, harmless from and against any liability for personal injury or property damage arising from Lessee's use or occupation of the Biodiesel Facility, including specifically liability for any personal injury or property damage suffered or allegedly suffered by employees, members, guests, business invitees or social invitees of Lessee. Lessee shall also assume the burden and expense of defending all legal actions, including attorney's fees, whether brought before the expiration of this Lease or thereafter, which are commenced to recover for injuries occasioned by such accidents. This obligation of Lessee shall extend to both injuries to persons and to property, and shall extend to claims arising from such accidents which are either valid or groundless.
 4. With the exception of internet availability, Lessee agrees it is solely responsible for all expenses and costs related to utilities and cleaning services. Lessor has internet with a commercial cable provider. Lessee agrees to allow Lessor access to the leased premises at any time for the purposes of servicing internet. In exchange Lessor shall provide Lessee internet access without charge. The manner in which internet is provided is in the sole discretion of Lessor. Lessor shall provide the following:
 - a. Maintenance and cleaning of lawns, shrubbery, sidewalks, and paved areas, including snow and ice removal.
 - b. Any fire or safety inspection as may be required by Local, State or Federal laws and regulations.
 - c. Required fire extinguishers and servicing, pest control, and outside trash disposal, including provision for the handling of recyclable items such as aluminum cans, cardboard and paper.
 - d. Lessor agrees to assist and facilitate, although not having any financial responsibility for, Lessee obtaining access to jacket water waste heat generated from Lessor's GE-Jenbacher's; this waste heat shall be provided at no cost. Any actions to or associated with the GE-Jenbacher's is at the sole discretion and control of Lessor.
 5. Certain lease hold improvements must be made before Lessee takes possession of the premises; specifically the relocation of Appalachian State University's (hereinafter "ASU") equipment within the leased premises, which Lessor, although not having any financial responsibility for, will assist with facilitating, and the erection of an outdoor retention dike for bulk storage which Lessor will be responsible for.
 6. Lessor agrees to assist and facilitate, although not having any financial responsibility for, the erection of:

- a. An attached boiler room no less than 15ft x 15ft on the southern end of the western wall; and
 - b. Two roofs to cover the areas where trucks will be loading and unloading.
- Any such improvements shall be submitted by Lessee for approval by Lessor. Improvements are subject to all Local, State and Federal laws and regulations and the provisions of paragraph 12 below.
7. Lessee agrees that it shall use the Biodiesel Facility only for the purpose of manufacturing biodiesel and associated byproducts and shall follow all the rules and regulations for operation of the Biodiesel Facility. Lessee shall not change the use from biodiesel manufacturing and associated byproducts without the prior written approval of Lessor.
 8. Lessee agrees to lease a portion of the Biodiesel Facility to ASU for research purposes. Lessee agrees to provide ASU with a minimum of 180 days notice prior to terminating the lease between Lessee and ASU.
 9. Lessee is responsible for full maintenance of the Biodiesel Facility. Full maintenance shall include all permanent aspects of the building including: paint, flooring, fixtures, HVAC, plumbing, electrical, lighting. Prior to Lessee making any alterations to the building or grounds, Lessee must first obtain written authorization to proceed from Lessor. Lessee hereby grants Lessor the authority to perform regular inspections of the premises, both inside the building and out, for purposes of ensuring there are no outstanding maintenance issues.
 10. Lessee recognizes the importance of education regarding the work done in this facility and agrees to permit Lessor's visitors to tour the Facility providing all visitors are accompanied by a guide representing Lessor while in the Facility. All visitors must follow established safety protocols and must not disrupt the normal course of biodiesel production.
 11. Throughout the term of this Agreement, Lessor shall retain the right to use the lobby, meeting room, back office, bathrooms and parking.
 12. Lessor will provide Lessee with any information already in Lessor's possession that Lessee may need to obtain any licenses, permits or other approvals necessary for Lessee's production of biodiesel. Lessee is responsible for all costs and fees associated with any changes to any of Lessor's current permits, licenses or other approvals as a result of Lessee's activities.
 13. Lessee is responsible for complying with any fuel reporting requirements including, but not limited to, EPA Renewable Fuel Standard Program, federal excise taxes, federal EIA reporting, and state fuel taxes. Lessee will maintain, at its discretion, optional accreditations and licenses.
 14. Lessor will permit Lessee's fuel customers to have access to the bulk rack Twenty-four

(24) hours a day, seven (7) days a week.

15. Lessee will cooperate with Lessor, and any other research institutions Lessor has an association with, and will not interfere with current and future development of the EcoComplex.
16. Lessee will provide quarterly reports to Lessor, or more frequently if required or requested, which are necessary to maintain the Lessees' and Lessors' compliance with any agreement, permit, grant or any other applicable law, rule or regulation as well as statistics related to production amounts, chemicals used etc.
17. Attached as Exhibit B and incorporated herein (BRB to provide Exhibit), is a list of chemicals and quantities thereof that Lessees anticipates having at the leased premises. Lessee agrees it shall provide immediate written notice to Lessor of any changes in the types of chemicals and/or an increase of 10% or more of any chemical listed. The parties acknowledge that due to Lessor's activities and requirements this is an essential component of this lease.
18. Lessor shall continue to provide insurance coverage for the real property that is the subject of this Agreement. Lessee shall provide liability insurance including coverage for all contents and personal property located within the Biodiesel Facility and coverage for any incident of personal injury that may occur on the leased premises. Specifically Lessee shall maintain at all times during the term of this Agreement, at Lessee's sole expense:
 - a. Commercial General Liability insurance, including coverage for products and completed operations liability, contractual liability, liability from independent contractors, property damage liability, bodily injury liability, and personal injury liability with limits of not less than \$1,000,000 per occurrence, and \$2,000,000 annual aggregate. The limits may be satisfied by a combination of primary and excess insurance. The coverage shall be written on an occurrence basis.
 - b. Business Auto insurance for any owned, hired, rented, or borrowed vehicle with a limit of not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage liability. The limit may be satisfied by a combination of primary and excess insurance. The policy must also include the MCS-90 endorsement.
 - c. Statutory Workers Compensation insurance in accordance with the laws of North Carolina. Lessee shall also maintain Employers' Liability insurance with limits of not less than \$1,000,000 per accident and \$1,000,000 each employee for injury by disease.
 - d. General Requirements
 - i. Prior to beginning the work, Lessee shall provide written evidence of insurance as requested by the Lessor to confirm that these insurance

requirements are satisfied. This requirement must be met on an annual basis in January of each year.

- ii. Lessor must be named as an additional insured under Lessee's automobile and general liability insurance. In the event of a loss arising out of, or related to, Lessee's services performed under this Agreement, Lessee's Liability insurance shall be primary (pay first) with respect to any other insurance which may be available to Lessor (including, but not limited to, self-insurance), regardless of how the "other insurance" provisions may read. Additional insured endorsements must be attached to Lessee's evidence of insurance and must include coverage for completed operations.
 - iii. The workers compensation policy must contain a waiver of subrogation in favor of Lessor.
 - iv. Lessor is responsible for insuring all of its own property and equipment.
 - v. All insurance policies put forth to satisfy the above requirements shall require the insurer to provide a minimum of sixty (60) days notice to Lessor of any material change in coverage, cancellation, or non-renewal.
 - vi. All insurance put forth to satisfy the above requirements shall be placed with insurance companies acceptable to Lessor. Any deductibles or self-insured retentions in the required insurance shall be subject to approval by Lessor.
 - vii. Lessee shall provide certificates of insurance to Lessor as evidence of the required coverage. Lessee agrees to provide complete copies of policies if requested. Failure of Lessee to provide timely evidence of insurance, or to place coverage with insurance, or to place coverage with insurance companies acceptable to Lessor, shall be viewed as Lessee's delaying performance entitling Lessor to all appropriate remedies under the law including termination of this Agreement.
19. Lessee is fully responsible for operating, maintaining and staffing the Biodiesel Facility and will, at all times, stay in compliance with all applicable local, state and federal laws, rules, regulations and requirements. Should Lessee be found in violation of any law, rule, regulation or requirement by any regulatory body or court of law, Lessee will be responsible for any corrective action, fines, costs or other remedies that may be accessed or determined.
20. If Lessee shall fail to comply with any other provision or condition of this Agreement upon its part to be kept and performed, or if Lessee shall file for bankruptcy, or shall make an assignment for the benefit of creditors, or if a receiver of any property of Lessee in or upon the Biodiesel Facility be appointed by action against Lessee, and such action

shall not be vacated or annulled within sixty (60) days it shall be lawful for Lessor to re-enter the Biodiesel Facility, and again possess same as if this Lease had not been made, and all improvements to said real property shall become the property of the Lessor, and everything herein contained on the part of Lessor to be done and performed shall cease and determine without prejudice.

21. Lessee shall make all reasonable efforts to obtain required permits or approvals for its operations in the facility, however if Lessee is unable to secure a requisite permit or approval, Lessee shall immediately notify Lessor and Lessor shall release Lessee from further obligations under this Agreement.
22. As a result of an event of force majeure, including fires, explosions, acts of God, acts of public enemy, insurrections, riots, terrorism, embargoes, labor disputes, including strikes, lockouts and job actions, or boycotts and as a direct result Lessee is unable to continue its biodiesel operations, Lessor shall relieve Lessee until such time as Lessee is relieved from the effect of an event of force majeure and resumes completion of biodiesel production.
23. Lessee may terminate this Agreement, without cause, by providing no less than 364 days written notice to the other party. Lessor may terminate this Agreement, without cause, by providing no less than 2 years written notice to the other party, or one year provided that Lessor pays the cost of moving the Lessee from the Facility to a site within 80 miles of the Facility. Upon termination of this lease the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear excepted.
24. For all purposes hereunder, including payment of rental, the address of the parties hereto are as follows:

Lessor: Catawba County
 C/o Barry Edwards, Director of Utilities and Engineering
 Post Office Box 389
 Newton, North Carolina 28658

Lessee: Blue Ridge Biofuels, LLC
 C/o Woodrow Eaton, General Manager
 109 Roberts Street
 Asheville, North Carolina 28801

25. It is expressly understood and agreed by and between the parties hereto that this Lease sets forth all the promises, agreements and understandings between them.
26. This Lease Agreement is not assignable by either party without the written consent of the other, with the exception of the sub-lease to ASU as referenced herein.

27. This Lease, and all covenants, provisions and conditions herein contained shall inure to the benefit of and be binding upon the parties hereto, their respective heirs, executors and administrators and each person executing this document has the full authority to do so.

IN WITNESS WHEREOF, the parties hereunto have set their hands the day and year above first written.

**CATAWBA COUNTY
BOARD OF COMMISSIONERS**

By: _____
Katherine W. Barnes, Chair

ATTESTED BY:

Barbara E. Morris, Clerk

BLUE RIDGE BIOFUELS, LLC.

By: _____
Woodrow Eaton, General Manager

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, _____, a Notary Public, do hereby certify that Barbara E. Morris personally appeared before me this day and acknowledged that she is County Clerk and that, by authority duly given and as the act of the Catawba County Board of Commissioners, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal, and attested by herself as its Clerk.

WITNESS my hand and official seal, this the ____ day of _____, 2014.

{Seal}

Notary Public

My commission expires: _____

**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

I, _____, a Notary Public for said County and State, certify that Woodrow Eaton personally came before me this day and acknowledged that he is the General Manager of Blue Ridge Biofuels, LLC, a limited liability corporation, and that by authority duly given to him by the corporation, the foregoing instrument was signed in its name sealed with its corporate seal.

WITNESS my hand and official seal, this the ____ day of _____, 2014.

{Seal}

Notary Public

My commission expires: _____



**STATE OF NORTH CAROLINA
COUNTY OF CATAWBA**

AGREEMENT TO TERMINATE LEASE

THIS AGREEMENT, entered into the ____ day of _____, 2014 between **Catawba County**, ("County"), and **Appalachian State University Foundation, Inc.**, ("ASU"). The parties agree as follows:

1. The County and ASU executed a Lease Agreement, dated July 24, 2008 whereby ASU would conduct research in a building constructed and owned by County.
2. The County is entering into a lease agreement with Blue Ridge Biodiesel who will produce biodiesel at the facility ASU currently occupies.
3. The County and Blue Ridge Biodiesel want to continue to have ASU conduct research at the facility.
4. The County in its lease with Blue Ridge Biodiesel references Blue Ridge Biodiesel entering into a sub-lease with ASU so that ASU may continue research in the facility.
5. The parties hereby agree to terminate the July 24, 2008 Lease, with each party owing nothing further to the other, effective _____, 2014.
6. Should the Lease Agreement between the County and Blue Ridge Biodiesel terminate for any reason, County shall make good faith efforts to negotiate a lease with ASU for a continued presence at the facility.

IN TESTIMONY WHEREOF, this lease has been execute by the parties hereto, in duplicate originals, as of the date first above written.

LESSOR:

LESSEE:

CATAWBA COUNTY

APPALACHIAN STATE UNIVERSITY
FOUNDATION, INC.

By: _____
Katherine W. Barnes

By: _____
Chair

: