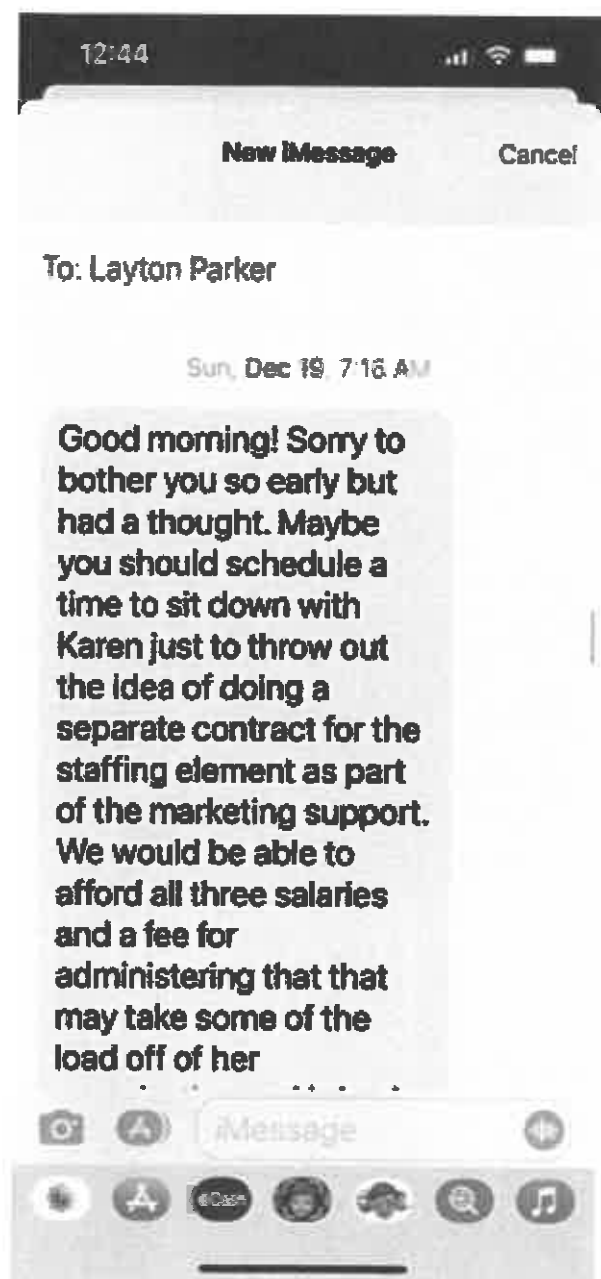
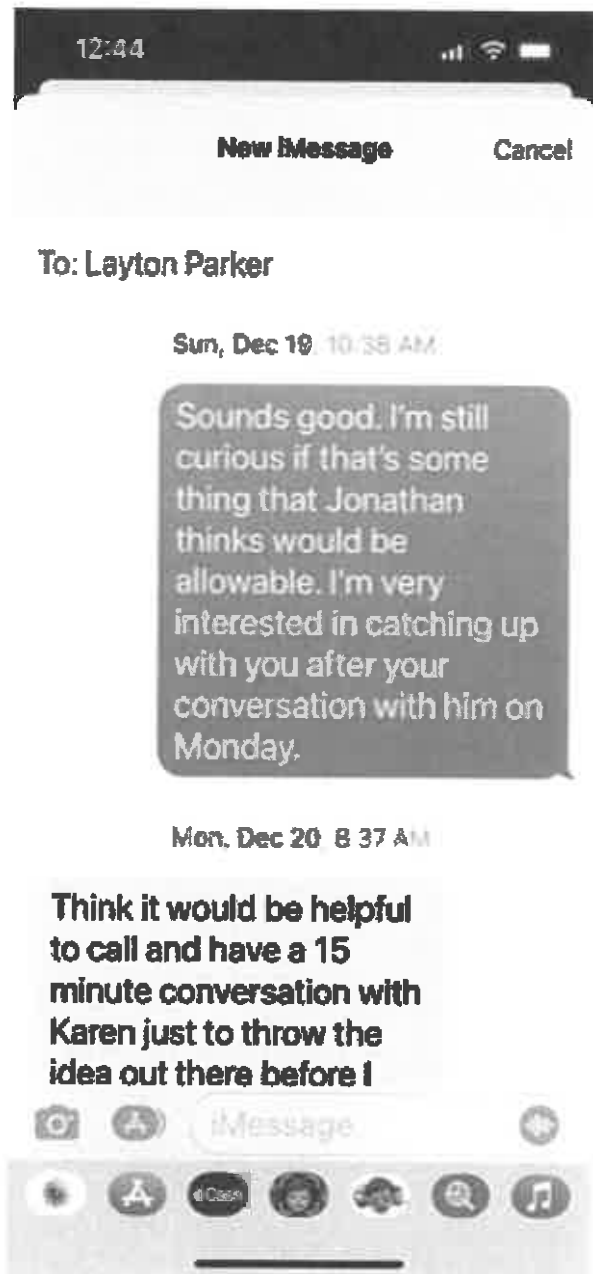


**Communications from  
12/19/21 – 12/31/21**





12/19, 7:16 AM  
Continued





12/20, 8:37 AM  
Continued



Clark Lovelace &lt;clark@brevardncchamber.org&gt;

**Re: January 6 agenda**

Layton Parker &lt;laytonparker@gmail.com&gt;

Tue, Dec 28, 2021 at 7:23 AM

To: Clark Lovelace &lt;clark@brevardncchamber.org&gt;

Sorry saw the event. Can we do 9:30?

Layton

On Dec 28, 2021, at 7:15 AM, Layton Parker <laytonparker@gmail.com> wrote:

I am available from 10:30-noon.

Layton

On Dec 27, 2021, at 10:49 PM, Clark Lovelace <clark@brevardncchamber.org> wrote:

Hope you had a good Christmas. Attached is an agenda for next week's meeting and a 2021 committee list. Are you available to discuss tomorrow (Tuesday)? Let me know. FYI - I'm in tomorrow and Wednesday morning and then out for the remainder of the week.

**Clark E. Lovelace**

Executive Director

Brevard/Transylvania Chamber of Commerce

Transylvania County Tourism Development Authority

175 East Main St., Brevard NC, 28712

Chamber: 828-883-3700, [brevardncchamber.org](http://brevardncchamber.org)

TCTDA: 828-884-8900 / 800-648-4523, [explorebrevard.com](http://explorebrevard.com)

**2 attachments**

**TCTDA Agenda (1-6-22) - w-notes.doc**  
60K



**2021 TCTDA Committees.docx**  
38K

**Transylvania County Tourism Development Authority**  
**Board Meeting Agenda**  
**January 6, 2022**  
**8:30 am**

- I. **Call to Order – Layton Parker**
  - This will be Paulette's, Isaac's, and Aaron's first meeting. Introductions would be good.
  - As is now custom, we should have each guest identify themselves.
- II. **Presentation of Minutes – Layton Parker**
- III. **Director's Report – Clark Lovelace**
  - A. **Financials**
    - I haven't received anything from Jonathan. You may want to reach out to him. FYI, I believe he may not want to send the ADR and occupancy information any more.
  - B. **Office Report and Tourism Updates**
    - Remind about the next marketing committee meeting with board members invited to have a focused conversation with Chris Cavanaugh about what we want to get out of a market study. Any questions on what I sent?
- IV. **Chair's Report – Layton Parker**
  - A. **TCTDA Organizational Structure**
    - Not sure what you want to cover here. Curious for your thoughts. Are you meeting with folks ahead of time? How can we get good feedback from the board and have a path forward? Should the resolution be covered here or another agenda item? Are you having Jonathan review the resolution at this meeting?
  - B. **2022 Committees**
    - I have included a list of committees in 2021. We need to go through assignments for board members. Everyone needs to be on at least one committee. It's helpful if a couple of folks are on two. We also need to select chairs. Community members can be discussed or left to committees. We should confirm what reporting schedule we want for committees.
  - C. **Upcoming Meetings**
    - We have a meeting in 3 weeks on 1/27. Market Connections and Transylvania Always are slated based on the normal schedule (unless we change above). Anything else we want to discuss?
    - Our next meeting will be the retreat, which we have identified an 8:30am-2:30pm meeting on our normal day of February 24. It is slated to be in person with Parker Concert Hall or the commissioners chambers as the location. You and I can connect on the final decision later. For now, we may want to confirm what we want to discuss. Should we review the strategic plan action list and review it at the meeting?
  - D. **Ecusta Trail Advisory Board**
    - The City of Brevard has created an entity to work on making the trail happen. A slot for the TCTDA has been set. Who wants to serve?
- V. **Old Business**



## 2021 Committees

### Marketing

**Meetings:** Third Monday of each month at 9:00 am

**Membership:**

- **Board (2):** Dee Dee Perkins (Chair), Layton Parker
- **Community (3):** Kathy King, Dionne Hodgson
- **Support:** Clark Lovelace, MJ Gordon (admin), Corey Gafnea, Karen Tessier, Christian McLauchlin

**Duties:**

- Work with Market Connections and staff to create an annual marketing plan that is presented to the full board for approval.
  - Receive updates from Market Connections and staff on current marketing plan and provide input as appropriate on implementation.
  - Consider new marketing initiatives and make decisions on contingency funds or recommendations to the full board for use of other funds.
- 

### Destination Infrastructure

**Meetings:** First Wednesday of each month at 4:00 pm

**Membership:**

- **Board (3):** Dee Dee Perkins (Chair), Mac Morrow, David Gulce
- **Community (3):** TBD (TEA), Nicole Bentley (HOB), Brenda Valenti (Chamber)
- **Staff:** Clark Lovelace, Corey Gafnea (admin)

**Duties:**

- Focus on the long-term board vision for our destination, which is to create a strong sustainable tourism economy that provides benefit to our community and makes this a desirable place to visit and live.
  - Consider key elements, such as downtown Brevard, the gateways to our community and public lands, outdoor recreation, arts and culture, outlying communities, etc., seeking opportunities for collaboration and project support.
  - Utilize funds appropriated by the board to support projects fulfilling the committee mission and make recommendations to the board if additional funds are needed when appropriate.
-



## **Annual Committee Presentation Schedule**

January - Market Connections, Transylvania Always  
February (retreat) - All  
March – None (retreat follow up)  
April - Market Connections, Marketing  
May – Finance, Destination Infrastructure  
June - Market Connections, Transylvania Always  
July – None  
August - Market Connections, Destination Infrastructure  
September - Transylvania Always  
October - Market Connections, Marketing  
Nov/Dec – Finance, Destination Infrastructure

Here is a suggested new schedule. It has MC and marketing together to keep is simple. TA is 3 times. Finance and DI are twice.

January - Market Connections, Marketing  
February (retreat) – Key Items from any committee will be covered. Market Connections will attend a portion.  
March – Transylvania Always  
April - Market Connections, Marketing  
May – Finance, Destination Infrastructure  
June - Market Connections, Marketing  
July – Transylvania Always  
August - Market Connections, Marketing  
September – Finance, Destination Infrastructure  
October - Market Connections, Marketing  
Nov/Dec – Transylvania Always



Clark Lovelace &lt;clark@brevardnccchamber.org&gt;

**Fwd: To-Do List follow up and related questions for upcoming meeting**

1 message

Layton Parker <layton@explorebrevard.com>  
 Reply-To: Layton Parker <layton@explorebrevard.com>  
 To: clark <clark@explorebrevard.com>

Wed, Dec 29, 2021 at 10:46 AM

FYI

## ----- Original Message -----

From: Layton Parker <layton@explorebrevard.com>  
 To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
 Date: December 29, 2021 10:44 AM  
 Subject: To-Do List follow up and related questions for upcoming meeting

Good morning Jonathan,

I hope you had a wonderful Christmas. As a follow up to our meeting last week and preparation for our board meeting next month, I have 3 questions:

1) 1/8 Agenda - I am working on integrating the items you listed on the "To-Do List". I may send you a specific email regarding those listed items and any questions or drafts at another time. As I continue to learn more about the procedural rules, I had one specific additional question regarding the financial reporting during the meeting. Clark mentioned you amending the financial reporting procedure. Would you prefer to present the monthly financial reports or present them prior to the meeting for me or Clark to present? Also, will we continue to report the statistical data to help identify trending in tourism?

2) Potential need for short term director - Clark is continuing to have conversations with the Chamber leadership regarding the creation of their dedicated director and their recruitment process. They will be obligated to continue to fulfill the existing agreement through the end of the contract term, but I think it would be beneficial to prepare early for any gaps in structure implementation of either organization regarding the Tourism director role. The board plans to continue efforts to identify the most effective long term staffing structure, but just in case there is a need for an interim structure, can we begin working through the process of developing an agreement for an independent contract for the executive director position and what that would look like?

3) Permanent Staffing structure - This is obviously the most detailed process the board has to continue to work through. Now that we have the County's personnel plan integration option presented for the TDA board's consideration, I anticipate the board (especially new board members unfamiliar with the restructuring) to ask for a summary of the County plan and to also inquire about all the alternative options we have to consider. It seems that all the options have opportunities and challenges so I want to accurately describe them. I had written the email regarding this item on December 10th that was then distributed to the BOCC for informational purposes prior to their meeting, but I have not received any comments directly from anyone. Do you mind helping me in summarizing the options to the board by looking over this condensed list and us either scheduling a time to discuss or you providing written feedback from a finance officer perspective?

PLAN	PROs	CONs
County Personnel Plan	<ul style="list-style-type: none"> <li>Utilized by several TDAs</li> <li>Approved and ready to implement from BOCC and County Administration</li> <li>Improved benefit package compared to COC</li> <li>Wage Ranges within existing parameters of staff compensation</li> </ul>	<ul style="list-style-type: none"> <li>Reduction of wages if existing specific staff members filling similar roles are hired</li> <li>\$122,000+ cost of implementation and administration to County</li> </ul>
RFQ for Contract of services	<ul style="list-style-type: none"> <li>Reduced liability and responsibilities from County and TDA passed on to the contracted agent</li> <li>Simple Financial procedure with one check and agreement</li> <li>Similar structure has proven to work prior to accelerated growth of the organization</li> </ul>	<ul style="list-style-type: none"> <li>Growth of occupancy tax and tourism initiatives have "outgrown" existing similar structure due to limitations of a shared director</li> <li>Current contract agent COC has informed board that they desire their own director and prefer to remove the staffing element from the agreement</li> <li>Not familiar with other non-profit or similar organizations that may be a good fit</li> </ul>
County Integration with 3 <sup>rd</sup> party outsourcing for payroll and HR functions "Jackson County Model"	<ul style="list-style-type: none"> <li>Professional support of companies specializing in payroll and HR functions reducing work load of County finance and HR handling same responsibilities</li> <li>Several TDAs use similar structure</li> <li>Provides flexibility for compensation levels and structure for recruitment and retention of staff</li> </ul>	<ul style="list-style-type: none"> <li>A similar structure of 100% autonomy and the TDA becoming completely independent was asked to be removed from consideration by the BOCC and no further discussions have occurred to consider a close alternative using the model currently being used by Jackson County</li> </ul>
Independent Contract	<ul style="list-style-type: none"> <li>Possible simple structure with reduced risk level and responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>Most often used for short term periods or interim directors</li> <li>Have not heard back from NCSOG or any authority of it being a viable option that is compliant with rules and procedures</li> </ul>

On December 18, 2021 12:08 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

If needed, I can do 1:30 or 2:30 today. Any earlier and I'll be in a elf costume from the county Christmas party today. On the flip side we can just do it in a half hour before your meeting with Shella or the half hour today. If next Tuesday, I can do 11

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**From:** Layton Parker <layton@explorebrevard.com>  
**Sent:** Thursday, December 16, 2021, 11:11 AM  
**To:** Jonathan Griffin  
**Subject:** RE: Slide 9

I am also flexible today until 3 pm if you would prefer that.

On December 16, 2021 11:10 AM Layton Parker (TCT) <layton@explorebrevard.com> wrote:

I could do anytime Monday before my meeting with Sheila at 2. I could also Tuesday morning before noon and could do anytime on Thursday. Traveling Tuesday afternoon and Wednesday. Thanks for flexibility.

On December 16, 2021 11:02 AM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Sure, just let me know what you'd like to do and I'll make sure I block out the time.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-558-1584

**From:** Layton Parker (TCT) <layton@explorebrevard.com>  
**Sent:** Wednesday, December 15, 2021 11:45 AM  
**To:** Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
**Subject:** RE: Slide 9

Either is fine with me. I am out of the office on Friday, but could probably do other times before the meeting. Or we can schedule for next week following the meeting with HR.

On December 15, 2021 11:21 AM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

We need to touch base and discuss the new County resolution, and I can give you a copy of the OMB calculation for the Board of Elections at that time. Do you want to do it before or after your planned meeting with HR on the 20<sup>th</sup> or earlier or later?

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-558-1584

**From:** Layton Parker (TCT) <layton@explorebrevard.com>  
**Sent:** Friday, December 10, 2021 12:48 PM  
**To:** Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
**Subject:** Re: Slide 9

Sounds good, lets touch base after the meeting next week.

On December 10, 2021 12:38 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton, the cost allocation covers more than payroll. I will be describing it in full detail at the BOCC meeting with the full calculations as part of the presentation. I keep a copy of the document on my desk so I had just planned on holding it up and pointing at it during TDA.

Be happy to sit down on phone or in person after BOCC to discuss further if you'd like.

Get Outlook for Android

---

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Friday, December 10, 2021 12:32:34 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: Slide 9

Good afternoon Jonathan,

quick question for the presentation. I know you used the Board of Elections as a benchmark regarding the County compensation for handling the full payroll function. Can you elaborate more about how that would look more specifically for the TDA? I had a question about that from a board member and wanted to accurately describe it but also realize a final number will come later after everything is finalized and approved.

Thank you,

Layton

On December 2, 2021 1:59 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I believe Kate may have already discussed this with you but I heard from her that we had final numbers, so I've updated the packet accordingly. This will be the same information that will go on the agenda for Board of Commissioners consideration.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1664

From: Layton Parker <laytonparker@gmail.com>  
Sent: Wednesday, December 1, 2021 7:58 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: Layton Parker (TCT) <layton@explorebrevard.com>; David Gulce <David.Gulce@transylvaniacounty.org>; Jalme Laughter <jalme.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>  
Subject: Re: follow up items

Thank you Jonathan!

I can tell your team has put a lot of effort in the research in the proposed policy and implementation plan if the board chooses to integrate into the county personnel plan. I appreciate you expediting getting it to us for review.

In essence of time, I think it would be best for us (Clark and me) to do a thorough review of your research and recommendations so we can accurately describe the options to the board. It will also be beneficial to integrate the missing pieces prior to that presentation and explanation as well.

In the meeting tomorrow, I will plan to let them know we received this preliminary information and hope to receive a finalized version very soon so we can present it to them for review and future decisions.

Thank you very much for so much support.

Layton

On Dec 1, 2021, at 8:17 PM, Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org> wrote:

Hi Layton,

We twiddled our thumbs most of the afternoon waiting to hear back from Naomi.

The incomplete slide is slide 8, which encompasses the ranges into which each position will be slotted.

In the notes field I summarized the sequence of events, but we got the first draft back on 10/24, did a zoom call for feedback on 10/28 and I checked with Sheila at 5 and we still haven't received the final recommendation yet. We may get them tomorrow AM before the day starts and be able to jot those in quickly.

Most slides have explanatory notes or additional context as necessary and cover the three items.

1. The employment language for the County resolution
2. Addition of job classifications, amendments to personnel plan
3. Proposal to proceed to negotiating a three year agreement btwn County, Authority and Chamber

The rest of the attachments are the still draft job descriptions and the policies that would apply.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Wednesday, December 1, 2021 12:09 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Jonathan,

I was thinking it may be best to give a general update to the board tomorrow and then follow up with the smaller pre-briefing type meetings you suggested for the following reasons:

1. Gives you more time to present a complete presentation without urgency for tomorrow
2. Sensitive information such as salary parameters would be presented to individual board members versus for the first time to current staff filling those positions
3. Immediate feedback from board members for questions, comments and then opportunity for a full board discussion at the next board meeting

If you want to provide to me and Clark for review now, that would be fine or you can finalize it and I can arrange the pre-briefing meetings following you getting the full information to us.

Thanks again for the extra effort to get the information together.

On November 30, 2021 6:34 PM Jonathan Griffin  
<jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I see Clark has already distributed the agenda packet for Thursday's meeting. I was hoping that I would be able to submit all of the details for Plan A today, but unfortunately Sheila, Kate and I ran into some last second stumbling blocks and were unable to complete our work.

The presentation is mostly finished, with about two or three data points that are outstanding. My hope is that we will be able to submit it to you tomorrow, for you to distribute as you see fit.

If you are uncomfortable distributing the information with that little time for review from the Board, I certainly understand.

Jonathan

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Jonathan Griffin  
Sent: Friday, November 19, 2021 3:45 PM  
To: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaimelaughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Hi Layton,

- We would draft and release a document, give it a time period and receive responses. We could likely also craft an RFQ for something of this nature – which would involve less a specific price tag and more a general assessment of an organization's ability to be an entity that supports the TDA board as it carries out its duties.
- OK – I have not personally received any communication from the Chamber, or seen anything that would suggest that the end-of-calendar year request was that flexible. As I shared with you previously, my primary concern is that we will still be trying to get a plane in the air but have run out of runway. If you are confident that the Chamber's position has changed and they are willing to ride out all the way to 6/30, that satisfies me.
- Yes, I agree it is no longer feasible to do anything before the full meeting because we are too close to 12/2.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931

m: 828-558-1584

From: Layton Parker (TCT)  
 <layton@explorebrevard.com>  
 Sent: Wednesday, November 17, 2021 11:21 AM  
 To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
 Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Shella Cozart <Shella.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
 Subject: RE: follow up items

Kate has received the resumes and is working on the review.

- RFP - Can you describe the process we would follow if we did want to issue one to see if any organizations are interested to review and see if it that is an option before we decide as a board want to issue one?
- Chamber deadline- With all the needed information to make a decision for the staffing structure of the TDA, having a hard date mandated creates an urgency that is not necessary. The Chamber is continuing to explore the best structure for their own director and staff and a plans to present a proposal back to the TDA for the visitor center and office space. Neither organization wants to rush this decision nor the transition steps necessary so I am confident we can all find a timeline that meets the needs of all organizations without creating steps necessary to expedite being proactive due to a date only. The delivery from their executive board at our joint meeting clarified their desire to pursue their own director and referenced a date but they are willing to work with us on that timeline to allow for the most effective long term structure of both organizations. We are covered through the end of the current contract date and I believe we could even do another short term agreement if all organizations are continuing to work towards the final goal but that is my opinion only at this point.
- Pre-meeting briefings - With Thanksgiving next week and the full board meeting scheduled on December 2, I feel that facilitating meetings prior to that may be challenging to make sure every board member is included and I also feel the information available to provide to them regarding options with the County personnel plan or informing them of a potential RFP would be limited at this point until we hear more from you regarding the Catapult Analysis. We would not have the expectation for the County to be 100% prepared to answer every question following that analysis by the meeting on December 2. I suggest we continue to do our best to have much more detail for the board to consider and possible pre-meetings prior to our meeting in January.

On November 15, 2021 12:48 PM  
 Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Thanks for the follow up and directing them to Kate.

- On presentation: We'll present it whatever way you prefer, it is only a suggestion that we try for pre-meeting briefings. I do anticipate an overview of the County's HR policies, the Catapult analysis concerning salary ranges and FLSA and finalized pay and benefits will make for a long question and

- could generate questions that are difficult to answer on the spot.
- I don't know that it will be possible to find an organization that can slot in for the administrative component quite the same way that the Chamber served in this role without soliciting via RFP, but for the purposes of facilitating Plan B, we copied in the scope of work from the Chamber agreement, but the rest is boilerplate language. Up to you whether or not you want it issued – my view is that we need to be proactive, as you and I have previously discussed if the Chamber were to

My last conversation on the resolution update was on 9/30, so I don't have any updates on that front aside from I know there was going to add the hire/fire language to the resolution so that it was possible, and then some clean up on top of that on issues like we have previously discussed (like the Robert's Rules issue that doesn't match best practice for local governments or how TCTDA has governed its meetings). Generally, the resolution needs to define the TCTDA directors and their powers and responsibilities, while the by-laws are the procedures and processes about how those powers and responsibilities are exercised.

I will follow up with the County Attorney to see if we are on track for those to go forward at the 12/13 for the BOCC meeting.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1831

m: 828-558-1564

From: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Sent: Wednesday, November 10, 2021 3:45 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaimelaughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>  
Subject: Re: follow up items

Thank you for the updates Jonathan,

I am looking forward to getting the updates and information following the report from Catapult. I have let contacts with Chamber know that we are continuing to work on a solution for the new structure and will continue to communicate with them as soon as we have more information and direction. In response to some of your points in the email below:

- We will plan to present reports or recommendations received by the County regarding development of a integrated county personnel plan to the board on the 5th or if information is provided prior to that meeting, we can arrange smaller meetings



with the task force or other representatives to keep the process moving and allow for as much understanding as possible for the Board members to consider to allow expedited, yet informed decisions to help all organizations get this wrapped up soon.

- I am asking Clark and the other staff members to provide their resumes to Kate Hayes to assist with that review process
- Plan B - We have not discussed any additional options following the Chamber's desire to pursue their own director and request for the TDA to provide its own staffing. Our primary plan still remains to either initiate the County Personnel plan following the information the County plans to provide soon or "Plan B" would be to continue to evaluate other versions of hybrid structures where other Counties and TDAs work together for staffing needs. I briefly reviewed the RFP template and would be happy to assist with developing a version of that but I am unaware of any nonprofit support agencies in our County that may be interested or qualified to partner with. I would be interested in hearing more if anyone has suggestions.
- Resolution and by-law revisions - As we finalize the structure, I expect several revisions needed to implement. Do you have any current drafts of any revisions you know of already that would be needed based on the due diligence process we have all completed so far regarding our resolutions, by-laws or statutes?

Thanks again for your detailed guidance as we get closer to a solution.

Layton

On November 8, 2021  
4:55 PM Jonathan Griffin  
<jonathan.griffin@transylvaniaco

unity.org> wrote:

Hi Layton,

Touching base on what I am aware of as we move towards a conclusion on the Authority's restructuring:

- We expect to have the HR consultant's report back from Catapult and in hand within a week or two
- The second Board of Commissioners meeting for this month has been cancelled
- The Authority will have its next meeting on Dec 5<sup>th</sup>
- The earliest we can put the revisions to the establishing resolution and by-

laws of the Authority and authorize creation of County staff TDA positions would be December 13<sup>th</sup>, 2021 (the BOCC meeting)

- I have not heard back from you about whether or not there is a plan B for a support services contract

I believe I mentioned this in passing at the Authority's October meeting, but I think the smoothest path forward is that we organize smaller meetings with individual or small groups of the Board of Directors to put the information in front of the BOD before a full review at the Authority's Dec 5 meeting. Since we do have at least an informal deadline from the Chamber, it seems that we can make a good faith effort to at least formalize a decision by the end of the calendar year.

I expect at this point we need each member of the board of directors familiar with the following items (the "Plan A" from our earlier email) before 12/5:

- The salary ranges, job descriptions and benefit structure under the County's formal plans
- The human resources policies for the County which would be followed by the Authority
- The budget amendments (either through a reduction in expenses elsewhere, or an appropriation of fund balance) necessary to implement it

There are two items we can work on while we wait for that Catapult package to come back:

- Since you moved during the Authority's October meeting to offer future County staff positions to the three employees of the Chamber, can you instruct your selected individuals to submit resumes/curriculum vitae to Kate Hayes?

- The County evaluates relevant skills, experience and academic background to determine base pay, so we can start getting some numbers together
- I asked Brian to use a template to draft a potential RFP for the Authority to contract with a new nonprofit entity for support services – please review and let me know if you would like us to release this document to solicit options for a Plan B.

Looking forward to stitching this up, let me know what you think!

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-656-1564

<TDA Slideshow pt2 - Staffing.pdf>  
<County Travel Policy - v2021.pdf>  
<Personnel Policy v2021.pdf>  
<Transylvania County Employee Benefits FY 2022.pdf>  
<Marketing Specialist Job Description\_CLEAN v2.docx>  
<Outreach Specialist Job Description\_CLEAN v2.docx>  
<Tourism Development Director Job Description\_CLEAN v2.docx>



Clark Lovelace &lt;clark@brevardncchamber.org&gt;

**Copies of BOCC resolutions and NCGS bills related to TDA and To-do list from recent resolution**









1 message

**Layton Parker** <layton@explorebrevard.com>  
Reply-To: Layton Parker <layton@explorebrevard.com>  
To: clark <clark@explorebrevard.com>

Wed, Dec 29, 2021 at 11:11 AM

For your records. Plan to send a summary and list of attachments to TDA board members along with the link from recent BOCC meeting

**8 attachments**

-  **To-Do List following resolution.pdf**  
26K
-  **NCGS Bill 470 from 2005 Increasing occupancy tax rate.pdf**  
93K
-  **Transylvania County BOCC Resolution 35-2021 approved December 13 2021.pdf**  
198K
-  **NCGS Bill 830 from 1999.pdf**  
117K
-  **Transylvania County BOCC Resolution 33-2019.pdf**  
83K
-  **NCGS Bill 948 from 1985 authorizing occupancy tax collection.pdf**  
94K
-  **NCGS 153A-149 related to Resolution Item 14d.pdf**  
225K
-  **NCGS Bill 473 related to NonProfit Gain from elected official serving.pdf**  
175K

## Tourism Authority

### To-Do List:

1. Prepare for the 1/6/21 meeting
  - a. Agenda pre-meeting
  - b. Secretary will distribute packets
    - I. New Business should probably include Clerks' advisory board training, a review of the new County resolution
    - II. Need to adopt rules of procedures to govern meetings (suggested "procedural rules for local appointed boards)
    - III. Need to have an agenda item to open the discussions around a written code of ethics for Directors (160A-86)
    - IV. Need a resolution setting the regular meeting schedule for the rest of the year (the Clerk to BOCC must receive a copy of the resolution
    - v. Need resolution(s) re-establishing committees for the Authority. Requirements:
    - vi. Purpose, scope, number of members and term of office must be in writing
    - vii. Copy of each committee resolution must be filed with Clerk to BOCC
    - viii. Rosters of membership have to go to the Clerk to BOCC at least quarterly

Other new duties and changes to discuss.

### 2. ADMINISTRATION

- a. Board chair has responsibility for following the fiscal control act procedures
  - I. Have someone putting together an overview of the legal procedures from Chapter 159

### 3. CONTRACTS:

- a. All contracts require three signatures (Board Chair, Finance Officer, County Manager)
- b. No leases or purchases of real property without BOCC approval
- c. Contracts >\$50,000 will be reviewed by County Commissioners
- d. Contracts that impact purpose of County government will be reviewed by County Commissioners
- e. Contracts with a term of longer than one year will require Board of County Commissioner approval

### 4. Personnel authority

- a. Buncombe and Jackson County language

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

**SESSION LAW 2005-88  
HOUSE BILL 470**

**AN ACT TO ALLOW TRANSYLVANIA COUNTY TO INCREASE THE  
OCCUPANCY TAX RATE IN THAT COUNTY.**

The General Assembly of North Carolina enacts:

**SECTION 1. Levy of Additional Occupancy Tax.** – In addition to the tax authorized by Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205, the Transylvania County Board of Commissioners may levy a room occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of accommodations taxable under that Chapter. The levy, collection, administration, and repeal of the tax authorized by this act shall be in accordance with the provisions of Section 1 of Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205. Transylvania County may not levy a tax under this act unless it also levies the tax authorized under Chapter 969 of the 1985 Session Laws.

**SECTION 2. Use of Proceeds of Additional Tax.** – Transylvania County shall use funds collected under this act only in accordance with Section 1(e) of Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205 and this act.

**SECTION 3.** Section 1(e) of Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205, reads as rewritten:

"(e) **Use of Tax Revenue.** ~~Transylvania County shall place revenue collected from a tax levied under this act in a special Travel and Tourism Fund. Revenue in this Fund may be used only to promote travel and tourism and for tourism-related expenditures in Transylvania County.~~ shall, on a quarterly basis, remit the net proceeds of the occupancy tax levied under Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205 and this act, and under Section 1 of this act to the Transylvania Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Transylvania County and shall use the remainder for tourism-related expenditures.

The following definitions apply in this subsection:

- (1) **Net proceeds.** – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (1)(2) **Promote travel and tourism.** – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract

tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.

(2)(3) Tourism-related expenditures. – Expenditures that, in the judgment of the governing authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures."

**SECTION 4. Tourism Development Authority.** – (a) Appointment and Membership. – The board of commissioners shall adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority including the members' terms of office and for the filling of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the occupancy tax in the county and at least one-half of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The board of commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to members of the Authority.

The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Transylvania County shall be the ex officio finance officer of the Authority.

**SECTION 4.(b) Duties.** – The Authority shall expend the net proceeds of the taxes levied under this act and under Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205, for the purposes provided in Section 1(e) of Chapter 969 of the 1985 Session Laws, as amended. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

**SECTION 4.(c) Reports.** – The Authority shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

**SECTION 5.** This act applies only to Transylvania County.

**SECTION 6.** This act is effective when it become law.

In the General Assembly read three times and ratified this the 16<sup>th</sup> day of June, 2005.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ James B. Black  
Speaker of the House of Representatives

**BOARD OF COMMISSIONERS**

Jason Chappell, Chair  
Jake Dalton, Vice-Chair  
Larry Chapman  
W. David Guice  
Teresa McCall



**TRANSYLVANIA**  
**COUNTY**  
NORTH CAROLINA

**COUNTY MANAGER**

Jaime Lougher  
828-884-3100  
Fax 828-884-3119

101 South Broad Street  
Brevard, NC 28712

**RESOLUTION # 35- 2021**  
**RESOLUTION ESTABLISHING**  
**TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY**

**WHEREAS**, Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205 and S.L. 2005-88, authorizes the Transylvania County Board of Commissioners to levy a room and accommodations occupancy tax, and;

**WHEREAS**, subsequent amendments to Senate Bill 948 of the 1985 Session Laws, as enacted by S.L. 2005-88 obligate and authorize the Transylvania County Board of County Commissioners to create the Transylvania County Tourism Development Authority, and;

**WHEREAS**, the Board of County Commissioners are responsible for general oversight over the affairs of the Authority, by virtue of the relationship between the Commissioners and Authority established by state law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Transylvania County as follows:

1. **AUTHORITY.** Pursuant to North Carolina Session Law 2005-88, the Transylvania County Board of County Commissioners establishes the Transylvania County Tourism Development Authority.
2. **OFFICES.** The Office of the Authority shall be located at 101 South Broad Street, Brevard, North Carolina, or at such other location as may be determined by the Transylvania County Board of Commissioners.
3. **SEAL.** The Seal of the Authority shall bear the name of Transylvania County Tourism Development Authority.
4. **MEMBERS.** The Transylvania County Tourism Development Authority Board of Directors shall be composed of the following nine members, who shall be entitled each to one vote on issues coming before the Authority's board:
  - a. Two owners or operators of hotels, motels or other taxable tourist accommodations, to be appointed by the Board of Commissioners.
  - b. Two individuals interested in the tourism business who have demonstrated an interest in tourism development and do not own or operate a hotel, motel or other taxable tourist accommodation, to be appointed by the Board of Commissioners.
  - c. Two members-at-large to be appointed by the Board of Commissioners.
  - d. A County Commissioner appointed by the Board of Commissioners.
  - e. One individual appointed by the Brevard City Council
  - f. One individual appointed by the Town of Rosman Board of Aldermen



5. **TERMS.** Members of the Authority Board of Directors shall serve terms of office according to the following specifications:
  - a. Six members shall be appointed by the Board of County Commissioners, according to sections A, B, and C of Section 4 and shall serve terms of no longer than three years, as determined at time of appointment by the Board of County Commissioners.
  - b. These members shall not serve more than two consecutive terms on the Board of Directors.
  - c. Three members, as established by section D, E, and F of section 4 of the Resolution shall be appointed by their respective boards and shall serve at the pleasure of their appointing board.
  - d. The City Council of Brevard and the Board of Alderman of the Town of Rosman shall submit their appointments in writing to the Clerk to the Board of County Commissioners
  - e. The Board of County Commissioners reserves the right to modify the length of terms for members of the Authority Board of Directors as is necessary for the continued operation of the Authority.
6. **VACANCIES:** If a vacancy occurs on the Board of Directors of the Authority, the Clerk to the Board of County Commissioners will publicly notice the vacancy and will receive applications for position. An appointed member of the Board of Directors must submit a resignation in writing to the Clerk to the Board of County Commissioners.
7. **OFFICERS:** The Tourism Development Authority shall have the following officers: a Chair, a Vice-Chair and a Secretary.
  - a. **CHAIR:** The chair shall call and preside at all regular and special meetings of the Authority. The chair shall appoint the chair and members of all committees. The chair shall perform such other duties as may come within the authority of the office. At each meeting, the chair shall submit such recommendations and information considered proper concerning the business affairs and policies of the Authority. The Authority shall annually, in December of each year, submit a nomination for Chair to the Board of County Commissioners. The Board of Commissioners shall designate a chair for the Authority.
  - b. **VICE-CHAIR:** The vice-chair shall preside at meetings and perform duties of the chair in the absence or incapacity of the chair. The vice-chair shall perform other duties as assigned by the chair. The Chair shall appoint the Vice-Chair, whose term shall coincide with that of the Chair.
  - c. **SECRETARY:** The secretary shall have the general responsibility for the records of the Authority. The Secretary shall be responsible for assisting the Chair with the preparation and distribution of agendas and agenda packets, keeping the full and accurate minutes of regular and special meetings, preparation of official copies of ordinances and resolutions adopted by the Tourism Authority Board and shall be custodian of the public records for the Tourism Authority Board.
8. **DUTIES.** The Transylvania County Tourism Development Authority is a public authority subject to the Local Government Budget and Fiscal Control Act and shall carry out the following duties:
  - a. Expend funds distributed to it to promote travel and tourism in Transylvania County,
  - b. Adopt rules of procedures to govern its meetings, in compliance with S.L. 2005-88
  - c. Adopt a written code of ethics which complies in all material respects with NCGS 160A-86, and a copy of the written code of ethics shall be transmitted to the Clerk to the Board of County Commissioners within seven days of adoption.
  - d. Comply with the quarterly and annual reporting requirements of S.L. 2005-88. Those reports shall detail the revenues and expenditures by function and purpose and include a

list of all individuals, vendors or contractors who have received more than \$10,000 in payments from the Authority.

- e. Adhere to the Transylvania County Procurement Resolution and Procedures, as administered by the Transylvania County Finance Office.
9. **MEETINGS.** The Transylvania County Tourism Development Authority shall in December of every year, by resolution, adopt a schedule of regular meetings for the following year.
  - a. After adopting an annual schedule of meetings, it shall file a copy of the schedule with the Clerk to the Board of County Commissioners within seven days of adoption.
  - b. Any amendments to the schedule of meetings or a notice of a special meeting shall also be filed with the Clerk to the Board of County Commissioners within seven days.
  - c. The meeting place of the Transylvania County Tourism Development Authority shall be the Chambers of the County Commissioners located at the Transylvania County Administration Building at 101 S. Broad Street, Brevard or at such place as may be determined by the Transylvania County Board of Commissioners.
  - d. All meetings shall be conducted in accordance with North Carolina Open Meetings Law.
10. **EXPENSES.** The members of the Transylvania County Tourism Development Authority shall serve without pay. Members and officials of the Transylvania County Tourism Development Authority may be reimbursed for expenses related to travel or professional development only in accordance with the Transylvania County Travel Policy.
11. **ADMINISTRATION.** The Chair of the Authority shall serve as budget officer for the Authority pursuant to the North Carolina Local Government Budget and Fiscal Control Act.
  - a. The Chair has the responsibility for overseeing the preparation and submission of a recommended budget to the Authority board of directors in accordance with all procedures outlined in NCGS Chapter 159.
  - b. The Chair of the Authority shall submit the recommended budget for the Authority to the Office of the Transylvania County Manager not later than June 1<sup>st</sup> of each year.
  - c. The Chair of the Authority shall submit the adopted budget for the Tourism Authority to the Office of the Transylvania County Manager no less than seven days after adoption.
12. **FINANCE OFFICER.** The Transylvania County Board of Commissioners appoints the Finance Officer of Transylvania County as the Finance Officer of the Transylvania County Tourism Development Authority.
  - a. The Finance Officer is responsible for the financial oversight, internal controls and ensuring that the Tourism Development Authority's financial affairs are conducted in compliance with generally accepted accounting principles, state law and regulations imposed by the Local Government Commission.
  - b. The Finance Officer or his or her designee shall serve as secretary to the Authority board.
  - c. The Finance Officer shall prepare and submit to the Board of County Commissioners a report on the compliance of the Authority with all applicable financial reporting and disclosure laws and regulations on an annual basis.
  - d. The Authority shall not delegate or otherwise assign the NCGS 159-25 duties of the Finance Officer to any other individual, officer or staff.
13. **COMMITTEES:** The Authority may create committees and subcommittees to carry out its business in a manner that it deems appropriate.
  - a. If the Authority chooses to establish a committee, it shall first adopt a resolution defining the purpose and scope of the committee, number of members and length of terms and file a copy of the resolution with the Clerk to the Board of County Commissioners within seven days of adoption of the resolution.

- b. All appointments to committees shall be made by the Chair of the Authority in writing.
- c. Rosters of membership and records of appointment of each committee of the Authority shall be filed with the Clerk to the Board of County Commissioners quarterly.

**14. CONTRACTS.** The Authority may enter contracts for the procurement of goods or services to carry out its affairs, subject to the following conditions:

- a. All contracts must be executed by the Chair of the Authority Board, indicating it has been approved by the Authority Board, Finance Officer, to ensure it complies with Chapter 159 of the North Carolina General Statutes and by the Transylvania County Manager, to ensure it complies with terms of this County resolution.
- b. The Authority shall not enter into a contract for real property by lease or by purchase without prior written approval of the Transylvania County Board of County Commissioners.
- c. Any contract with a monetary value of greater than \$50,000 shall be subject to the review of the Transylvania County Commissioners according to procedures the Board of Commissioners determines.
- d. Any contract that pertains to an authorized purpose of County government, as defined by NCGS 153A-149 shall be subject to the review of the Transylvania County Board of Commissioners according to such procedures as the Board of Commissioners determines.
- e. Any Contracts with a term of longer than one fiscal year shall be subject to review and approval of the Transylvania County Commissioners to ensure the occupancy tax rate is set at a level sufficient to generate revenue to meet the required appropriation.
- f. All quarterly and annual reports shall include a list of all contracts entered by the Tourism Authority for the preceding quarter or year as applicable.

**15. PERSONNEL:** The Authority may, in its discretion, recommend to the Board of County Commissioners that county staff be employed for the purpose of advising it in its duties related to promoting tourism in Transylvania County,

- a. The Authority's ability to fire is subject to the limitations of federal and state laws and regulations, constitutional limitations and the Transylvania County Personnel Policy.
- b. The Authority's ability to compensate or provide benefits is subject to the Transylvania County Personnel Policy and determinations made by the County Human Resources Department.
- c. The Authority may employ up to three full-time equivalent positions, as determined by the County Human Resources Department. The classification and description of these positions shall be determined by the Board of County Commissioners. Any change in the number of positions overseen by the Authority shall occur only with prior approval of the Board of County Commissioners.

**16. PRIOR RESOLUTIONS:**

- a. This resolution replaces in full all prior amendments and modifications to County Resolution 053-86.

17. **EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

Adopted this the 13<sup>th</sup> day of December, 2021

TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

By:

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Clerk to the Board

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SESSION LAW 1999-205  
HOUSE BILL 830

AN ACT TO MODIFY THE PENALTIES FOR THE TRANSYLVANIA COUNTY  
ROOM OCCUPANCY TAX.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 969 of the 1985 Session Laws, as it applies to Transylvania County, reads as rewritten:

"Section 1. Transylvania Occupancy Tax. (a) Authorization and Scope. The board of commissioners of ~~a county~~ Transylvania County ~~may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto,~~ levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

(b) Administration. ~~A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.~~ Collection. ~~Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

(c) Administration. ~~The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.~~

~~A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

~~(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid.~~

~~Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.~~

~~(e) Use of Tax Revenue. Except as provided in Section 2 of this act for Durham County, a taxing county Transylvania County shall place revenue collected from a tax levied under this act in a special Travel and Tourism Fund. Revenue in this Fund may be used only to promote travel and tourism and for tourism-related expenditures in the county. Transylvania County.~~

The following definitions apply in this subsection:

(1) Promote travel and tourism. - To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area; the term includes administrative expenses incurred in engaging in these activities.

(2) Tourism-related expenditures. - Expenditures that, in the judgment of the governing authority, are designed to increase the use of lodging facilities, meeting facilities, and convention facilities in a county by attracting tourists or business travelers to the county. The term includes tourism-related capital expenditures.

~~(f) Effective Date of Levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal. A tax levied under this act may be repealed by a resolution adopted by the board of commissioners of the county. Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal."~~

Section 2. County Administrative Provisions. Section 3(b) of S.L. 1997-102, as amended by Section 2 of S.L. 1997-255, Section 2 of S.L. 1997-342, Section 3 of

S.L. 1997-364, Section 6 of S.L. 1997-410, and Section 2 of S.L. 1998-14, reads as rewritten:

"(b) This section applies only to Avery, Brunswick, Davie, Madison, Nash, Person, Randolph, and ~~Seotland~~ Scotland, and Transylvania Counties."

Section 3. This act becomes effective July 1, 1999, and applies to taxes due on or after that date.

In the General Assembly read three times and ratified this the 22nd day of June, 1999.

s/ Dennis A. Wicker  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives

BOARD OF COMMISSIONERS  
Mike Hawkins, Chair  
W. David Guice, Vice-Chair  
Will Cathey  
Jason Chappell  
Pete Lomel



COUNTY MANAGER  
Jaime Lougher  
828-884-3100  
Fax 828-884-3119  
101 South Broad Street  
Brevard, NC 28712

**RESOLUTION # 33 - 2019**  
**RESOLUTION MODIFYING THE MEMBERSHIP OF THE**  
**TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY**

**WHEREAS**, Senate Bill 948 passed by the 1985 North Carolina General Assembly authorized the Transylvania County Board of Commissioners to levy a room and occupancy tax pursuant to a resolution and ordinance passed on August 25, 1986; and

**WHEREAS**, the Board of Commissioners implemented the Transylvania County Tourism Development Authority to implement the resolution and ordinance via adoption of *Resolution 053-86 Resolution Creating the Transylvania County Tourism Development Authority* on September 22, 1986 ; and

**WHEREAS**, on February 25, 1991, the Board of Commissioners amended *Resolution 053-086* to modify the membership of the Transylvania County Tourism Development Authority; and

**WHEREAS**, on October 28, 2019, the Board of Commissioners modified the membership of the Transylvania County Tourism Development Authority to include two additional at-large members for a total makeup of nine members;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Transylvania County as follows:

1. **AUTHORITY.** Pursuant to Senate Bill 948 of the 1985 North Carolina General Assembly and Resolution 053-86 Resolution of the Transylvania County Board of Commissioners Creating the Transylvania County Tourism Development Authority.
2. **MEMBERS.** That the Transylvania County Tourism Development Authority shall be composed of the following nine members:
  - a. A County Commissioner appointed by the Board of Commissioners.
  - b. A member of the Brevard City Council appointed by the City Council.
  - c. Two owners or operators of hotels, motels or other taxable tourist accommodations, to be appointed by the Board of Commissioners.
  - d. Two individuals interested in the tourism business who have demonstrated an interest in tourism development and does not own or operate a hotel, motel or other taxable tourist accommodation, to be appointed by the Board of Commissioners.
  - ~~a~~-e. One individual who shall be appointed by the Brevard/Transylvania County Chamber of Commerce.
  - f. Two members-at-large to be appointed by the Board of Commissioners. (*effective January 1, 2020.*)
3. **TERMS.** The County Commissioner and Councilmember appointed by their respective boards shall serve at the pleasure of the respective boards. The individual appointed by the Chamber of Commerce shall be appointed annually. The remaining members shall be appointed for three-



year terms. Except that for the two members-at-large added to the membership effective January 1, 2020, one of the members shall be appointed for an initial term of one year and one shall be appointed for three years, and thereafter their terms shall be for three years.

4. **DUTIES.** The Transylvania County Tourism Development Authority is a public authority under the Local Government Budget and Fiscal Control Act and may expend funds distributed to it to promote travel and tourism in Transylvania County; that further, said Authority is authorized to contract with other agencies, private and public, in the furtherance of these duties. Each year the Transylvania County Tourism Development Authority shall make an annual report to the Board of Commissioners.
5. **MEETINGS.** The Transylvania County Tourism Development Authority shall hold such meetings as are necessary to conduct its business. All meetings shall be open to the public regardless of whether any formal action is taken. All meetings shall be conducted in accordance with North Carolina Open Meetings Law.
6. **EXPENSES.** The members of the Transylvania County Tourism Development Authority shall serve without pay. Members and officials of the Transylvania County Tourism Development Authority may be reimbursed for expenses only in accordance with Transylvania County's adopted Personnel Policy.
7. **ADMINISTRATION.** Funds derived from the occupancy tax levy shall be placed in a separate Tourism Development Fund. Expenditures made from this fund shall be in accordance with the Local Government Budget and Fiscal Control Act and administered by the Transylvania County Finance Office. The Tourism Development Authority shall conduct its financial planning and budget adoption in accordance with the Local Government Budget and Fiscal Control Act and shall adopt a budget prior to July 1<sup>st</sup> for the following fiscal year.
8. **FINANCE OFFICER.** The Transylvania County Board of Commissioners appoints the Finance Officer of Transylvania County as the Finance Officer of the Transylvania County Tourism Development Authority. The Finance Officer of the Transylvania County Tourism Development Authority is responsible for the financial oversight, internal controls and ensuring that the Tourism Development Authority's financial affairs are conducted in compliance with generally accepted accounting principles, state law and regulations imposed by the Local Government Commission.
9. **EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

Adopted this the 12<sup>th</sup> day of November, 2019.

TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

By:

Chair

ATTEST:

Clerk to the Board

**GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION**

**CHAPTER 969  
SENATE BILL 948**

**AN ACT AUTHORIZING SEVERAL OF THE WESTERN COUNTIES AND  
DURHAM COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM  
DEVELOPMENT TAX.**

The General Assembly of North Carolina enacts:

**Section 1. Occupancy Tax. (a) Authorization and Scope.** The board of commissioners of a county may by resolution, after not less than 10 days' public notice and after a public hearing held pursuant thereto, levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

**(b) Collection.** Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.

**(c) Administration.** The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the county finance officer in monthly installments on or before the 15th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 15th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.

A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.

**(d) Penalties.** A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission. In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall

be an additional tax, as a penalty, of five percent (5%) of the tax due for each additional month or fraction thereof until the tax is paid.

Any person who willfully attempts in any manner to evade a tax imposed under this act or who willfully fails to pay the tax or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both. The board of commissioners may, for good cause shown, compromise or forgive the penalties imposed by this subsection.

(e) Use of Tax Revenue. Except as provided in Section 2 of this act for Durham County, a taxing county shall place revenue collected from a tax levied under this act in a special Travel and Tourism Fund. Revenue in this Fund may be used only to promote travel and tourism in the county.

(f) Effective Date of Levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.

(g) Repeal. A tax levied under this act may be repealed by a resolution adopted by the board of commissioners of the county. Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

Sec. 2. Use and Distribution of Tax Revenue in Durham County. Durham County shall retain fifty-seven and one-half percent (57-1/2%) of the revenue collected from a tax levied under this act and shall distribute the remaining forty-two and one-half percent (42-1/2%) of the revenue to the City of Durham. Funds retained by the county or distributed to the City of Durham may be used for any purpose authorized by law, except that at least twenty-five percent (25%) of the funds so retained or distributed must be used for promotion of travel and tourism.

Sec. 3. This act applies only to the following counties: Graham, Clay, Jackson, Durham, Macon, Polk, and Transylvania.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1986.

# 14.d - Resolution

## **§ 153A-149. Property taxes; authorized purposes; rate limitation.**

(a) Pursuant to Article V, Sec. 2(5) of the Constitution of North Carolina, the General Assembly confers upon each county in this State the power to levy, within the limitations set out in this section, taxes on property having a situs within the county under the rules and according to the procedures prescribed in the Machinery Act (Chapter 105, Subchapter II).

(b) Each county may levy property taxes without restriction as to rate or amount for the following purposes:

- (1) Courts. - To provide adequate facilities for and the county's share of the cost of operating the General Court of Justice in the county.
- (2) Debt Service. - To pay the principal of and interest on all general obligation bonds and notes of the county.
- (3) Deficits. - To supply an unforeseen deficiency in the revenue (other than revenues of public enterprises), when revenues actually collected or received fall below revenue estimates made in good faith and in accordance with the Local Government Budget and Fiscal Control Act.
- (4) Elections. - To provide for all federal, State, district and county elections.
- (5) Jails. - To provide for the operation of a jail and other local confinement facilities.
- (6) Joint Undertakings. - To cooperate with any other county, city, or political subdivision in providing any of the functions, services, or activities listed in this subsection.
- (7) Schools. - To provide for the county's share of the cost of kindergarten, elementary, secondary, and post-secondary public education.
- (8) Social Services. - To provide for public assistance required by Chapters 108A and 111 of the General Statutes.

(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized purposes subject to the rate limitation are:

- (1) To provide for the general administration of the county through the board of county commissioners, the office of the county manager, the office of the county budget officer, the office of the county finance officer, the office of the county assessor, the office of the county tax collector, the county purchasing agent, and the county attorney, and for all other general administrative costs not allocated to a particular board, commission, office, agency, or activity of the county.
- (2) Agricultural Extension. - To provide for the county's share of the cost of maintaining and administering programs and services offered to agriculture by or through the Agricultural Extension Service or other agencies.
- (3) Air Pollution. - To maintain and administer air pollution control programs.
- (4) Airports. - To establish and maintain airports and related aeronautical facilities.
- (5) Ambulance Service. - To provide ambulance services, rescue squads, and other emergency medical services.
- (6) Animal Protection and Control. - To provide animal protection and control programs.
- (6a) Arts Programs and Museums. - To provide for arts programs and museums as authorized in G.S. 160A-488.
- (6b) Auditoriums, coliseums, and convention and civic centers. - To provide public auditoriums, coliseums, and convention and civic centers.

- (7) Beach Erosion and Natural Disasters. - To provide for shoreline protection, beach erosion control, and flood and hurricane protection.
- (8) Cemeteries. - To provide for cemeteries.
- (9) Civil Preparedness. - To provide for civil preparedness programs.
- (10) Debts and Judgments. - To pay and discharge any valid debt of the county or any judgment lodged against it, other than debts and judgments evidenced by or based on bonds and notes.
- (10a) Defense of Employees and Officers. - To provide for the defense of, and payment of civil judgments against, employees and officers or former employees and officers, as authorized by this Chapter.
- (10b) Economic Development. - To provide for economic development as authorized by G.S. 158-7.1.
- (10c) Energy Financing. - To provide financing for renewable energy and energy efficiency in accordance with a program established under G.S. 153A-455.
- (11) Fire Protection. - To provide fire protection services and fire prevention programs.
- (12) Forest Protection. - To provide forest management and protection programs.
- (13) Health. - To provide for the county's share of maintaining and administering services offered by or through the local health department.
- (14) Historic Preservation. - To undertake historic preservation programs and projects.
- (15) Hospitals. - To establish, support and maintain public hospitals and clinics, and other related health programs and facilities, or to aid any private, nonprofit hospital, clinic, related facility, or other health program or facility.
- (15a) Housing Rehabilitation. - To provide for housing rehabilitation programs authorized by G.S. 153A-376, including personnel costs related to the planning and administration of these programs. This subdivision applies only to counties with a population of 400,000 or more, according to the most recent decennial federal census.
- (15b) Housing. - To undertake housing programs for low- and moderate-income persons as provided in G.S. 153A-378.
- (16) Human Relations. - To undertake human relations programs.
- (16a) Industrial Development. - To provide for industrial development as authorized by G.S. 158-7.1.
- (17) Joint Undertakings. - To cooperate with any other county, city, or political subdivision in providing any of the functions, services, or activities listed in this subsection.
- (18) Law Enforcement. - To provide for the operation of the office of the sheriff of the county and for any other county law-enforcement agency not under the sheriff's jurisdiction.
- (19) Libraries. - To establish and maintain public libraries.
- (20) Mapping. - To provide for mapping the lands of the county.
- (21) Medical Examiner. - To provide for the county medical examiner or coroner.
- (22) Mental Health. - To provide for the county's share of the cost of maintaining and administering services offered by or through the area mental health, developmental disabilities, and substance abuse authority.
- (23) Open Space. - To acquire open space land and easements in accordance with Article 19, Part 4, Chapter 160A of the General Statutes.

- (24) **Parking.** - To provide off-street lots and garages for the parking and storage of motor vehicles.
- (25) **Parks and Recreation.** - To establish, support and maintain public parks and programs of supervised recreation.
- (26) **Planning.** - To provide for a program of planning and regulation of development in accordance with Article 18 of this Chapter and Article 19, Parts 3A and 6, of Chapter 160A of the General Statutes.
- (26a) **Ports and Harbors.** - To participate in programs with the North Carolina Ports Authority and provide for harbor masters.
- (27) **Public Transportation.** - To provide public transportation by rail, motor vehicle, or another means of conveyance other than a ferry, including any facility or equipment needed to provide the public transportation. This subdivision does not authorize a county to provide public roads in the county in violation of G.S. 136-51.
- (27a) **Railway Corridor Preservation.** - To acquire property for railroad corridor preservation as authorized by G.S. 160A-498.
- (28) **Register of Deeds.** - To provide for the operation of the office of the register of deeds of the county.
- (28a) **Roads.** - To provide for the maintenance of county roads as authorized by G.S. 153A-301(d).
- (29) **Sewage.** - To provide sewage collection and treatment services as defined in G.S. 153A-274(2).
- (30) **Social Services.** - To provide for the public welfare through the maintenance and administration of public assistance programs not required by Chapters 108A and 111 of the General Statutes, and by establishing and maintaining a county home.
- (31) **Solid Waste.** - To provide solid waste collection and disposal services, and to acquire and operate landfills.
- (31a) **Stormwater.** - To provide structural and natural stormwater and drainage systems of all types.
- (32) **Surveyor.** - To provide for a county surveyor.
- (33) **Veterans' Service Officer.** - To provide for the county's share of the cost of services offered by or through the county veterans' service officer.
- (34) **Water.** - To provide water supply and distribution systems.
- (35) **Watershed Improvement.** - To undertake watershed improvement projects.
- (36) **Water Resources.** - To participate in federal water resources development projects.
- (37) **Armories.** - To supplement available State or federal funds to be used for the construction (including the acquisition of land), enlargement or repair of armory facilities for the North Carolina National Guard.

(d) With an approving vote of the people, any county may levy property taxes for any purpose for which the county is authorized by law to appropriate money. Any property tax levy approved by a vote of the people shall not be counted for purposes of the rate limitation imposed in subsection (c).

The county commissioners may call a referendum on approval of a property tax levy. The referendum may be held at the same time as any other referendum or election, but may not be otherwise held within the period of time beginning 30 days before and ending 10 days after any other referendum or election to be held in the county and already validly called or scheduled by law at the time the tax referendum is called. The referendum shall be conducted by the county board of elections. The clerk to the board of commissioners shall publish a notice of the referendum at least twice. The first publication shall be not less than 14 days and the second publication not less than seven days before the last day on which voters may

register for the referendum. The notice shall state the date of the referendum, the purpose for which it is being held, and a statement as to the last day for registration for the referendum under the election laws then in effect.

The proposition submitted to the voters shall be substantially in one of the following forms:

- (1) Shall \_\_\_\_ County be authorized to levy annually a property tax at a rate not in excess of \_\_\_\_ cents on the one hundred dollars (\$100.00) value of property subject to taxation for the purpose of \_\_\_\_?
- (2) Shall \_\_\_\_ County be authorized to levy annually a property tax at a rate not in excess of that which will produce \$ \_\_\_\_ for the purpose of \_\_\_\_?
- (3) Shall \_\_\_\_ County be authorized to levy annually a property tax without restriction as to rate or amount for the purpose of \_\_\_\_?

If a majority of those participating in the referendum approve the proposition, the board of commissioners may proceed to levy annually a property tax within the limitations (if any) described in the proposition.

The board of elections shall canvass the referendum and certify the results to the board of commissioners. The board of commissioners shall then certify and declare the result of the referendum and shall publish a statement of the result once, with the following statement appended: "Any action or proceeding challenging the regularity or validity of this tax referendum must be begun within 30 days after (date of publication)." The statement of results shall be filed in the clerk's office and inserted in the minutes of the board.

Any action or proceeding in any court challenging the regularity or validity of a tax referendum must be begun within 30 days after the publication of the results of the referendum. After the expiration of this period of limitation, no right of action or defense based upon the invalidity of or any irregularity in the referendum shall be asserted, nor shall the validity of the referendum be open to question in any court upon any ground whatever, except in an action or proceeding begun within the period of limitation prescribed herein.

Except for supplemental school taxes and except for tax referendums on functions not included in subsection (c) of this section, any referendum held before July 1, 1973, on the levy of property taxes is not valid for the purposes of this subsection. Counties in which such referendums have been held may support programs formerly supported by voted property taxes within the general rate limitation set out in subsection (c) at any appropriate level and are not subject to the former voted rate limitation.

(e) With an approving vote of the people, any county may increase the property tax rate limitation imposed in subsection (c) and may call a referendum for that purpose. The referendum may be held at the same time as any other referendum or election, but may not be otherwise held within the period of time beginning 30 days before and ending 30 days after any other referendum or election. The referendum shall be conducted by the county board of elections.

The proposition submitted to the voters shall be substantially in the following form: "Shall the property tax rate limitation applicable to \_\_\_\_ County be increased from \_\_\_\_ on the one hundred dollars (\$100.00) value of property subject to taxation to \_\_\_\_ on the one hundred dollars (\$100.00) value of property subject to taxation?"

If a majority of those participating in the referendum approve the proposition, the rate limitation imposed in subsection (c) shall be increased for the county.

(f) With respect to any of the categories listed in subsections (b) and (c) of this section, the county may provide the necessary personnel, land, buildings, equipment, supplies, and financial support from property tax revenues for the program, function, or service.

(g) This section does not authorize any county to undertake any program, function, joint undertaking, or service not otherwise authorized by law. It is intended only to authorize the levy of property taxes within the limitations set out herein to finance programs,

functions, or services authorized by other portions of the General Statutes or by local acts. (1973, c. 803, s. 1; c. 822, s. 2; c. 963; c. 1446, s. 25; 1975, c. 734, s. 17; 1977, c. 148, s. 5; c. 834, s. 3; 1979, c. 619, s. 4; 1981, c. 66, s. 2; c. 562, s. 11; c. 692, s. 1; 1983, c. 511, ss. 1, 2; 1985, c. 589, s. 57; 1987, c. 45, s. 2; c. 697, s. 2; 1989, c. 600, s. 5; c. 625, s. 25; c. 643, s. 1; 1989 (Reg. Sess., 1990), c. 1005, ss. 3-5; 1991 (Reg. Sess., 1992), c. 764, s. 1; c. 896, s. 1; 1993, c. 378, s. 2; 1997-502, s. 6; 1999-366, s. 3; 2002-159, s. 50(a); 2002-172, s. 2.4(a); 2003-416, s. 2; 2009-281, s. 1; 2010-167, s. 4(b); 2013-360, s. 15.28(f).)



**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

**SENATE BILL 473  
RATIFIED BILL**

**AN ACT TO ENHANCE THE INDEPENDENCE OF THE ANNUAL AUDIT OF UNITS OF LOCAL GOVERNMENT PREVIOUSLY THE SUBJECT OF AN AUDIT BY THE STATE AUDITOR, TO REQUIRE GARNISHMENT OF CERTAIN MONIES OWED TO AN ELECTED OFFICIAL OF A UNIT OF LOCAL GOVERNMENT IN CERTAIN INSTANCES, TO PROVIDE IT IS A CRIME FOR AN ELECTED OFFICIAL TO MISUSE THE ELECTED OFFICE FOR PERSONAL FINANCIAL GAIN, AND TO PROVIDE THAT A PUBLIC OFFICER ALSO SERVING ON A NONPROFIT BOARD SHALL NOT ENGAGE IN SELF-DEALING WITH REGARD TO AWARD OF PUBLIC AGENCY CONTRACTS TO THAT NONPROFIT.**

The General Assembly of North Carolina enacts:

**SECTION 1.(a) G.S. 147-64.6(c)(14) reads as rewritten:**

**"(14) The Auditor shall notify the General Assembly, the Governor, the Chief Executive Officer of each agency audited, and other persons as the Auditor deems appropriate that an audit report has been published, its subject and title, and the locations, including State libraries, at which the report is available. The Auditor shall then distribute copies of the report only to those who request a report. The copies shall be in written or electronic form, as requested. He The Auditor shall also file a copy of the audit report in the Auditor's office, which will be a permanent public record. In addition, the Auditor may publish on his or her Web site any reports from audits of State agencies not directly conducted by the Auditor. If the report is the result of an investigation of a unit of local government subject to Article 3 of Chapter 159 of the General Statutes, the Auditor shall notify the Local Government Commission that a report has been published with respect to that unit of local government. Nothing in this subsection shall be construed as authorizing or permitting the publication of information whose disclosure is otherwise prohibited by law."**

**SECTION 1.(b) G.S. 159-34 is amended by adding a new subsection to read:**

**"(d) Notwithstanding the requirement that the auditor is selected by and reports directly to the governing board in subsection (a) of this section, the Commission may require the governing board of a local government or public authority that has been the subject of an investigative audit with findings by the State Auditor, upon receipt of the investigative audit report in accordance with G.S. 147-64.6(c)(14), to select the certified public accountant to conduct the annual audit required by this section from a list of three certified public accountants provided by the Commission. The Commission may instruct the Secretary to issue a request for proposals when selecting a certified public accountant under this subsection. Upon exercise of this authority granted by this subsection, the certified public accountant shall report directly to the Commission and governing board, shall comply with all rules of the Commission, and shall be paid by the governing board. The Commission may exercise the authority granted by this subsection for up to three fiscal years after the release of the investigative report with findings by the State Auditor."**



**SECTION 1.(c)** This section is effective when it becomes law and applies to any investigative audit issued by the State Auditor on or after that date. The Local Government Commission, in its discretion, may use the authority established by G.S. 159-34(d), as enacted by this act, with respect to any unit of local government that has been the subject of an investigative audit by the State Auditor on or after July 1, 2018.

**SECTION 2.(a)** G.S. 153A-28 reads as rewritten:

**"§ 153A-28. Compensation of board of commissioners.**

**(a)** The board of commissioners may fix the compensation and allowances of the ~~chairman-chair~~ and other members of the board by inclusion of the compensation and allowances in and adoption of the budget ordinance. In addition, if the ~~chairman-chair~~ or any other member of the board becomes a full-time county official, pursuant to G.S. 153A-81 or 153A-84, ~~his-the~~ compensation and allowances may be adjusted at any time during ~~his-that person's~~ service as a full-time official, for the duration of that service.

**(b)** In addition to any other enforcement available, the finance officer of the county shall garnish compensation paid under this section to any chair or other board member to collect any unpaid monies due to the county for county services until such debt is paid in full using the procedure for attachment and garnishment set forth in G.S. 105-368 as if unpaid monies due to the county for county services were delinquent taxes and that finance officer were the tax collector. The provision of G.S. 105-368(a) that limits the amount of compensation that may be garnished to not more than ten percent (10%) for any one pay period shall not apply to this subsection."

**SECTION 2.(b)** G.S. 160A-64.1 reads as rewritten:

**"§ 160A-64.1. Withholding compensation; money judgment against council member.**

**(a)** In addition to any other enforcement available, the finance officer of a city that obtains a final judgment awarding monetary damages against an elected or appointed member of the city council, either individually or jointly, may enforce that final judgment using any of the remedies set forth in G.S. 105-366(b) or the procedure for attachment and garnishment set forth in G.S. 105-368 as if final judgment awarding monetary damages were delinquent taxes and that finance officer were the tax collector.

**(b)** In addition to any other enforcement available, the finance officer of the city shall garnish compensation paid under G.S. 160A-64 to any mayor or council member to collect any unpaid monies due to the city for city services until such debt is paid in full using the procedure for attachment and garnishment set forth in G.S. 105-368 as if unpaid monies due to the city for city services were delinquent taxes and that finance officer were the tax collector.

**(c)** The provision of G.S. 105-368(a) that limits the amount of compensation that may be garnished to not more than ten percent (10%) for any one pay period shall not apply to this section."

**SECTION 2.(c)** This section is effective when it becomes law and applies to any compensation paid in accordance with G.S. 153A-28 or G.S. 160A-64 on or after that date.

**SECTION 3.(a)** Article 31 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-234.2. Public officers or employees financially benefitting from public position.**

**(a)** No elected officer of a political subdivision of this State shall solicit or receive personal financial gain from the political subdivision of this State for which that elected officer serves by means of intimidation, undue influence, or misuse of the employees of that political subdivision of this State.

**(b)** This section shall not apply to financial gain received from a political subdivision of this State for acting in the elected official's official capacity or financial gain received with the approval of the governing board of the political subdivision of this State for which that elected officer serves.

**(c)** Violation of this section shall be a Class H felony."

**SECTION 3.(b)** This section becomes effective January 1, 2022, and applies to offenses committed on or after that date.

**SECTION 4.(a)** Article 31 of Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-234.3. Local public officials participating in contracts benefiting nonprofits with which associated.**

**(a) No public official shall knowingly participate in making or administering a contract, including the award of money in the form of a grant, loan, or other appropriation, with any nonprofit with which that public official is associated. The public official shall record his or her recusal with the clerk to the board, and once recorded, the political subdivision of this State may enter into or administer the contract.**

**(b) Anyone knowingly violating this section shall be guilty of a Class 1 misdemeanor. The exceptions listed in G.S. 14-234(b) and (d1) through (d5) shall apply to this section.**

**(c) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when (i) an immediate termination would result in harm to the public health or welfare and (ii) the continuation is approved as provided in this subsection. A political subdivision of this State that is a party to the contract may request approval from the chair of the Local Government Commission to continue contracts under this subsection.**

**(d) For purposes of this section, the following definitions shall apply:**

**(1) Nonprofit with which that public official is associated. – A nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes and of which the public official is a director, officer, or governing board member, excluding any board, entity, or other organization created by this State or by any political subdivision of this State.**

**(2) Participate in making or administering a contract. – Any of the following actions by a public official:**

**a. Deliberating or voting on the contract.**

**b. Attempting to influence any other person who is deliberating or voting on the contract.**

**c. Soliciting or receiving any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the political subdivision of the State with the not-for-profit with which that public official is associated.**

**(3) Public official. – Any individual who is elected or appointed to serve on a governing board of a political subdivision of this State. The term shall not include an employee or independent contractor of that political subdivision of this State."**

**SECTION 4.(b)** This section becomes effective January 1, 2022, and applies to offenses committed on or after that date.

law.  
2021.

**SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
In the General Assembly read three times and ratified this the 30<sup>th</sup> day of November,

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

\_\_\_\_\_  
Roy Cooper  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2021



Clark Lovelace &lt;clark@brevardncchamber.org&gt;

## Fwd: RE: To-Do List follow up and related questions for upcoming meeting

1 message

Layton Parker <layton@explorebrevard.com>  
 Reply-To: Layton Parker <layton@explorebrevard.com>  
 To: clark <clark@explorebrevard.com>

Wed, Dec 29, 2021 at 4:20 PM

No need to worry about this over the Holidays. I am certainly not going to spend hours getting all of this prepared prior to the January 6th meeting, but will put good effort into as much of it as I can get to and then continue over the next few meetings. For the most pressing one, we probably need to just allow Jonathan to present the financials at the January meeting and see how that works out.  
 Let's touch base on Monday and enjoy the New Year!

## ----- Original Message -----

From: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
 To: Layton Parker <layton@explorebrevard.com>  
 Cc: Jaime Laughter <jaime.laughter@transylvaniacounty.org>  
 Date: December 28, 2021 1:10 PM  
 Subject: RE: To-Do List follow up and related questions for upcoming meeting

Hi Layton,

Just let me know about any questions you have on the to-do list, happy to help, but as a reminder: my view is that it is very important that the TDA board understand that they are not a fully legally independent entity. They are not the directors of a corporation in the same way the County Commissioners are the directors of a municipal corporation or the Chamber Directors are the board of a not-for-profit corporation.

The Directors are appointed to the Board of Commissioners and fulfill their roles within a framework overseen by County Commissioners. I suggested that we include a new member orientation and a copy of the Clark (Trisha's) advisory board presentation on the to-do list so that we get the new folks off to the right start on that front. To that point, and I'll touch on this more later – the Board of Commissioners have now taken action twice at their recent meetings to specifically rule out independent personnel powers for the Authority board.

To your questions:

1. When Teague Campbell Dennis & Gorham (the County Attorney) began their deep dive review of the Resolution, I was instructed to provide a list of any issues that I had raised with you that had not been addressed. I don't agree that I "amended" the procedure – rather the resolution clarifies existing legal responsibilities.

- I. I shared a copy of the e-mail I had sent you and Clark about that issue. As we have previously discussed, I am the only finance officer that doesn't have a regular speaking role at Tourism Authority meetings to discuss financial metrics directly with the Authority's board.

- II. The TCTDA practice of routing financial reporting through a contractor is unusual, and does not exist in Macon, Jackson, Haywood, Buncombe or Henderson County Tourism Authorities – I do understand that historically my predecessor was hands off, unfortunately that doesn't change the fiscal control act requirement 159-25(a)(3)

- III. TCDG recommended language in Section 12(d) which we discussed when we met: "The Authority shall not delegate or otherwise assign the NCGS 159-25 duties of the Finance Officer to any other individual, officer or staff."

- IV. It would be a violation of the Resolution for the Authority for the financial reporting to be handled by the Chamber of Commerce's staff. I am happy to discuss the formatting however you like – my inclination is to provide it in a different format than the TDA board is used to, but it was not fair to Chamber staff to expect them to understand the privacy laws or governmental accounting practices that come with handling these funds.

- b. To be transparent, when I was asked, I also provided the emails concerning these other two items:

- I. The handling of federal funds not compliant with 2 CFR 200 which was addressed in Resolution section 8(e)

- II. Signing procedures on contracts and agreements (which you and Clark had discussed making changes to, but no formal/written procedures came of it) which was addressed in Resolution Section 14(a)

2. On this one, I would need more specific information about what you want to see. In my view, it really depends on what your scope of work is before we can get more specific.

- a. Can you please put the request to start a discussion about a contract in a separate more narrow e-mail, I'll be happy to send it off and copy you and the paralegal who manages our file with TCDG so we can get you answers. After all, the County Attorney is your attorney as well. I suggest a separate more narrow email only so that we have the specific request to track – we don't need to pay the attorneys to read this whole email chain – just the narrow request about an independent contractor relationship.

- b. Form 1099 rules are very sticky around how much work can be done, on what terms. I suspect we would not be able to sustain the same level of support for the Boards' activities under a 1099 model, so we need to flesh out a true scope of work for a contractor.

- c. Per your prior e-mail, I don't think just shifting the Chamber staff to being 1099 contractors is feasible specifically because I assume you still want regular schedules or intend to provide office space, both of which create an employer-employee relationship under IRS rules and disallow the 1099 payment method.

3. I'll happily review this table for you but the immediate feedback is this (with the scenarios being called A, B, C and D based on order)

- a. For Plan A Comments:

- I. Based on my comments during the Board of Commissioners meeting and what I've said to you, I do not agree that it accurate to describe the \$122,000 of overhead as a con, after all, it is services you likely need to pay for under other Plans, or would replace existing itemized expenditures (like your share of the County Attorney legal bills). Additionally, it is just a placeholder number for one year, based on a defensible calculation until we can get the precise one. I would suggest that language be included to truthfully reflect the purpose of the number.

## b. Under Plan B:

I. I am not sure it is accurate to say that the growth of taxes and revenues is a CON under a contract. I agree it is what started this discussion – but it could be a con under any of the other options.

II. I don't agree that you can say you know if there is a good fit without issuing the RFQ. Nonprofits responding with their interest is the easiest way to ascertain if there are ones with a good fit.

III. In other nonprofit agreements that I have seen - there is no director "sharing". That is a unique element of the existing Transylvania relationship and doesn't really show up other places - it was a VP of Tourism in Buncombe who acted as the primary assistant to the TDA board, for example, and there was a similar relationship in Swain.

- c. For Plan C: In two prior Board of Commissioners meetings, the Board of Commissioners have voted that "Plan C"/Jackson County is NOT an option for consideration. Additionally, the County Resolution was not revised for the Authority with that in mind, so we would need to revisit the resolution again to reverse course and pursue Plan C. If presented to the TDA board, I would suggest that language accurately reflect that the Board of Commissioners have specifically ruled it out, not that they have suggested its removal.
- d. On your new proposed "Plan D" – I'm not sure it is a viable long term solution for the reason above under #2. I

One broader point that I'm not sure if it's been adequately discussed with the TDA board is that this conversation over the past many months has ALSO overlapped with a proposal to reduce the number of activities the TDA directly handles.

One item that came up during the Catapult analysis/interviews was that the Chamber director oversees three primary activities – the tourism program, the visitor's center and the Chambers' programming. The proposed TDA Director and their staff would do a smaller list of activities as opposed to the current catch-all Chamber model (and not the visitor's center). This impacts all of the options you've described. It might be useful to remind the TDA Board that in addition to the questions of control and staffing, you're also simultaneously putting forward different TDA model.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1831

m: 828-556-1564

From: Layton Parker <layton@explorebrevard.com>

Sent: Wednesday, December 29, 2021 10:45 AM

To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>

Subject: To-Do List follow up and related questions for upcoming meeting

Good morning Jonathan,

I hope you had a wonderful Christmas. As a follow up to our meeting last week and preparation for our board meeting next month, I have 3 questions:

1) 1/5 Agenda - I am working on integrating the items you listed on the "To-Do List". I may send you a specific email regarding those listed items and any questions or drafts at another time. As I continue to learn more about the procedural rules, I had one specific additional question regarding the financial reporting during the meeting. Clark mentioned you amending the financial reporting procedure. Would you prefer to present the monthly financial reports or present them prior to the meeting for me or Clark to present? Also, will we continue to report the statistical data to help identify trending in tourism?

2) Potential need for short term director - Clark is continuing to have conversations with the Chamber leadership regarding the creation of their dedicated director and their recruitment process. They will be obligated to continue to fulfill the existing agreement through the end of the contract term, but I think it would be beneficial to prepare early for any gaps in structure implementation of either organization regarding the Tourism director role. The board plans to continue efforts to identify the most effective long term staffing structure, but just in case there is a need for an interim structure, can we begin working through the process of developing an agreement for an independent contract for the executive director position and what that would look like?

3) Permanent Staffing structure - This is obviously the most detailed process the board has to continue to work through. Now that we have the County's personnel plan integration option presented for the TDA board's consideration, I anticipate the board (especially new board members unfamiliar with the restructuring) to ask for a summary of the County plan and to also inquire about all the alternative options we have to consider. It seems that all the options have opportunities and challenges so I want to accurately describe them. I had written the email regarding this item on December 10th that was then distributed to the BOCC for informational purposes prior to their meeting, but I have not received any comments directly from anyone. Do you mind helping me in summarizing the options to the board by looking over this condensed list and us either scheduling a time to discuss or you providing written feedback from a finance officer perspective?

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PLAN

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PROs

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CONs

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County Personnel Plan

- Utilized by several TDAs

5/20/22, 4:40 PM

Brevard/Transylvania Chamber of Commerce Mail - Fwd: RE: To-Do List follow up and related questions for upcoming meeting

- 1 Approved and ready to implement from BOCC and County Administration
- 2 Improved benefit package compared to COC
- 3 Wage Ranges within existing parameters of staff compensation
- 4 Reduction of wages if existing specific staff members filling similar roles are hired
- 5 \$122,000+ cost of implementation and administration to County
- RFQ for Contract of services
- 6 Reduced liability and responsibilities from County and TDA passed on to the contracted agent
- 7 Simple Financial procedure with one check and agreement
- 8 Similar structure has proven to work prior to accelerated growth of the organization
- 9 Growth of occupancy tax and tourism initiatives have "outgrown" existing similar structure due to limitations of a shared director
- 10 Current contract agent COC has informed board that they desire their own director and prefer to remove the staffing element from the agreement
- 11 Not familiar with other non-profit or similar organizations that may be a good fit

County Integration with 3<sup>rd</sup> party outsourcing for payroll and HR functions "Jackson County Model"

- 12 Professional support of companies specializing in payroll and HR functions reducing work load of County finance and HR handling same responsibilities
- 13 Several TDAs use similar structure
- 14 Provides flexibility for compensation levels and structure for recruitment and retention of staff
- 15 A similar structure of 100% autonomy and the TDA becoming completely independent was asked to be removed from consideration by the BOCC and no further discussions have occurred to consider a close alternative using the model currently being used by Jackson County

Independent Contract

- 16 Possible simple structure with reduced risk level and responsibilities
- 17 Most often used for short term periods or interim directors
- 18 Have not heard back from NCSOG or any authority of it being a viable option that is compliant with rules and procedures

On December 16, 2021 12:08 PM Jonathan Griffin < > wrote:

If needed, I can do 1:30 or 2:30 today. Any earlier and I'll be in a elf costume from the county Christmas party today. On the flip side we can just do it in a half hour before your meeting with Sheila or the half hour today. If next Tuesday, I can do 11

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From: Layton Parker <layton@explorebrevard.com>  
Sent: Thursday, December 16, 2021, 11:11 AM  
To: Jonathan Griffin  
Subject: RE: Slide 9

I am also flexible today until 3 pm if you would prefer that.

On December 16, 2021 11:10 AM Layton Parker (TCT) <layton@explorebrevard.com> wrote:

I could do anytime Monday before my meeting with Sheila at 2. I could also Tuesday morning before noon and could do anytime on Thursday. Traveling Tuesday afternoon and Wednesday. Thanks for flexibility.

5/20/22, 4:40 PM

Brevard/Transylvania Chamber of Commerce Mail - Fwd: RE: To-Do List follow up and related questions for upcoming meeting  
On December 16, 2021 11:02 AM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Sure, just let me know what you'd like to do and I'll make sure I block out the time.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Wednesday, December 15, 2021 11:46 AM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: RE: Slide 9

Either is fine with me. I am out of the office on Friday, but could probably do other times before the meeting. Or we can schedule for next week following the meeting with HR.

On December 15, 2021 11:21 AM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

We need to touch base and discuss the new County resolution, and I can give you a copy of the OMB calculation for the Board of Elections at that time. Do you want to do it before or after your planned meeting with HR on the 20<sup>th</sup> or earlier or later?

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Friday, December 10, 2021 12:46 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: Re: Slide 9

Sounds good, lets touch base after the meeting next week.

On December 10, 2021 12:38 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton, the cost allocation covers more than payroll. I will be describing it in full detail at the BOCC meeting with the full calculations as part of the presentation. I keep a copy of the document on my desk so I had just planned on holding it up and pointing at it during TDA.

Be happy to sit down on phone or in person after BOCC to discuss further if you'd like.

Get Outlook for Android

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Friday, December 10, 2021 12:32:34 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: Slide 9



Good afternoon Jonathan,

quick question for the presentation. I know you used the Board of Elections as a benchmark regarding the County compensation for handling the full payroll function. Can you elaborate more about how that would look more specifically for the TDA? I had a question about that from a board member and wanted to accurately describe it but also realize a final number will come later after everything is finalized and approved.

Thank you,

Layton

On December 2, 2021 1:58 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I believe Kate may have already discussed this with you but I heard from her that we had final numbers, so I've updated the packet accordingly. This will be the same information that will go on the agenda for Board of Commissioners consideration.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Layton Parker <laytonparker@gmail.com>  
Sent: Wednesday, December 1, 2021 7:58 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: Layton Parker (TCT) <layton@explorebrevard.com>; David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Shella Cozart <Shella.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: Re: follow up items

Thank you Jonathan!

I can tell your team has put a lot of effort in the research in the proposed policy and implementation plan if the board chooses to integrate into the county personnel plan. I appreciate you expediting getting it to us for review.

In essence of time, I think it would be best for us (Clark and me) to do a thorough review of your research and recommendations so we can accurately describe the options to the board. It will also be beneficial to integrate the missing pieces prior to that presentation and explanation as well.

In the meeting tomorrow, I will plan to let them know we received this preliminary information and hope to receive a finalized version very soon so we can present it to them for review and future decisions.

Thank you very much for so much support.

Layton

On Dec 1, 2021, at 8:17 PM, Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org> wrote:

Hi Layton,

We twiddled our thumbs most of the afternoon waiting to hear back from Naomi.

The incomplete slide is slide 8, which encompasses the ranges into which each position will be slotted.

In the notes field I summarized the sequence of events, but we got the first draft back on 10/24, did a zoom call for feedback on 10/29 and I checked with Sheila at 5 and we still haven't received the final recommendation yet. We may get them tomorrow AM before the day starts and be able to jot those in quickly.

Most slides have explanatory notes or additional context as necessary and cover the three items.

1. The employment language for the County resolution
2. Addition of job classifications, amendments to personnel plan
3. Proposal to proceed to negotiating a three year agreement btwn County, Authority and Chamber

The rest of the attachments are the still draft job descriptions and the policies that would apply.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>  
 Sent: Wednesday, December 1, 2021 12:09 PM  
 To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
 Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <cclark@explorebrevard.com>  
 Subject: RE: follow up items

Jonathan,

I was thinking it may be best to give a general update to the board tomorrow and then follow up with the smaller pre-briefing type meetings you suggested for the following reasons:

1. Gives you more time to present a complete presentation without urgency for tomorrow
2. Sensitive information such as salary parameters would be presented to individual board members versus for the first time to current staff filling those positions
3. Immediate feedback from board members for questions, comments and then opportunity for a full board discussion at the next board meeting

If you want to provide to me and Clark for review now, that would be fine or you can finalize it and I can arrange the pre-briefing meetings following you getting the full information to us.

Thanks again for the extra effort to get the information together.

On November 30, 2021 8:34 PM Jonathan Griffin <Jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I see Clark has already distributed the agenda packet for Thursday's meeting. I was hoping that I would be able to submit all of the details for Plan A today, but unfortunately Sheila, Kate and I ran into some last

second stumbling blocks and were unable to complete our work.

The presentation is mostly finished, with about two or three data points that are outstanding. My hope is that we will be able to submit it to you tomorrow, for you to distribute as you see fit.

If you are uncomfortable distributing the information with that little time for review from the Board, I certainly understand.

Jonathan

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Jonathan Griffin  
Sent: Friday, November 19, 2021 3:45 PM  
To: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Coziert@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Hi Layton,

- We would draft and release a document, give it a time period and receive response. We could likely also craft an RFQ for something of this nature -- which would involve less a specific price tag and more a general assessment of an organization's ability to be an entity that supports the TDA board as it carries out its duties.
- OK -- I have not personally received any communication from the Chamber, or seen anything that would suggest that the end-of-calendar year request was that flexible. As I shared with you previously, my primary concern is that we will still be trying to get a plane in the air but have run out of runway. If you are confident that the Chamber's position has changed and they are willing to ride out all the way to 6/30, that satisfies me.
- Yes, I agree it is no longer feasible to do anything before the full meeting because we are too close to 12/2.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Sent: Wednesday, November 17, 2021 11:21 AM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Coziert@transylvaniacounty.org>; Kate

Hayes <kate.hayes@transylvaniacounty.org>; clark  
<clark@explorebrevard.com>  
Subject: RE: follow up items

Kate has received the resumes and is working on the review.

- RFP - Can you describe the process we would follow if we did want to issue one to see if any organizations are interested to review and see if it that is an option before we decide as a board want to issue one?
- Chamber deadline- With all the needed information to make a decision for the staffing structure of the TDA, having a hard date mandated creates an urgency that is not necessary. The Chamber is continuing to explore the best structure for their own director and staff and a plans to present a proposal back to the TDA for the visitor center and office space. Neither organization wants to rush this decision nor the transition steps necessary so I am confident we can all find a timeline that meets the needs of all organizations without creating steps necessary to expedite being proactive due to a date only. The delivery from their executive board at our joint meeting clarified their desire to pursue their own director and referenced a date but they are willing to work with us on that timeline to allow for the most effective long term structure of both organizations. We are covered through the end of the current contract date and I believe we could even do another short term agreement if all organizations are continuing to work towards the final goal but that is my opinion only at this point.
- Pre-meeting briefings - With Thanksgiving next week and the full board meeting scheduled on December 2, I feel that facilitating meetings prior to that may be challenging to make sure every board member is included and I also feel the information available to provide to them regarding options with the County personnel plan or informing them of a potential RFP would be limited at this point until we hear more from you regarding the Catapult Analysis. We would not have the expectation for the County to be 100% prepared to answer every question following that analysis by the meeting on December 2. I suggest we continue to do our best to have much more detail for the board to consider and possible pre-meetings prior to our meeting in January.

On November 15, 2021 12:48 PM  
Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Thanks for the follow up and directing them to Kate.

- On presentation: We'll present it whatever way you prefer, it is only a suggestion that we try for pre-meeting briefings. I do anticipate an overview of the County's HR policies, the Catapult analysis concerning salary ranges and FLSA and finalized pay and benefits will make for a long question and could generate questions that are difficult to answer on the spot.
- I don't know that it will be possible to find an organization that can slot in for the administrative component quite the same way that the Chamber served in this role without soliciting via RFP, but for the purposes of facilitating Plan B, we copied in the scope of work from the Chamber agreement, but the rest is boilerplate language. Up to you whether or not you want it issued -- my view

is that we need to be proactive,  
as you and I have previously  
discussed if the Chamber were to

My last conversation on the resolution update was on 9/30, so I don't have any updates on that front aside from I know there was going to add the hire/fire language to the resolution so that it was possible, and then some clean up on top of that on issues like we have previously discussed (like the Robert's Rules issue that doesn't match best practice for local governments or how TCTDA has governed its meetings). Generally, the resolution needs to define the TCTDA directors and their powers and responsibilities, while the by-laws are the procedures and processes about how those powers and responsibilities are exercised.

I will follow up with the County Attorney to see if we are on track for those to go forward at the 12/13 for the BOCC meeting.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Sent: Wednesday, November 10, 2021 3:45 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Shella Cozart <Shella.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>  
Subject: Re: follow up items

Thank you for the updates Jonathan,

I am looking forward to getting the updates and information following the report from Catapult. I have let contacts with Chamber know that we are continuing to work on a solution for the new structure and will continue to communicate with them as soon as we have more information and direction. In response to some of your points in the email below:

- We will plan to present reports or recommendations received by the County regarding development of a integrated county personnel plan to the board on the 5th or if information is provided prior to that meeting, we can arrange smaller meetings with the task force or other representatives to keep the process moving and allow for as much understanding as possible for the Board members to consider to allow expedited, yet informed decisions to help all organizations get this wrapped up soon.
- I am asking Clark and the other staff members to provide their resumes to Kate Hayes to assist with that review process
- Plan B - We have not discussed any additional options following

the Chamber's desire to pursue their own director and request for the TDA to provide its own staffing. Our primary plan still remains to either initiate the County Personnel plan following the information the County plans to provide soon or "Plan B" would be to continue to evaluate other versions of hybrid structures where other Counties and TDAs work together for staffing needs. I briefly reviewed the RFP template and would be happy to assist with developing a version of that but I am unaware of any nonprofit support agencies in our County that may be interested or qualified to partner with. I would be interested in hearing more if anyone has suggestions.

- Resolution and by-law revisions - As we finalize the structure, I expect several revisions needed to implement. Do you have any current drafts of any revisions you know of already that would be needed based on the due diligence process we have all completed so far regarding our resolutions, by-laws or statutes?

Thanks again for your detailed guidance as we get closer to a solution.

Layton

On November 8, 2021  
4:55 PM Jonathan Griffin  
<jonathan.griffin@transylvaniaco

unity.org> wrote:

Hi Layton,

Touching base on what I am aware of as we move towards a conclusion on the Authority's restructuring:

- We expect to have the HR consultant's report back from Catapult and in hand within a week or two
- The second Board of Commissioners meeting for this month has been cancelled
- The Authority will have its next meeting on Dec 5<sup>th</sup>
- The earliest we can put the revisions to the establishing resolution and by-laws of the Authority and authorize creation of County staff TDA positions would be December 13<sup>th</sup>, 2021 (the BOCC meeting)
- I have not heard back from you about whether or not there is a plan B for a support services contract

I believe I mentioned this in passing at the Authority's October meeting, but I think the smoothest path forward is that we organize smaller meetings with individual or small groups of the Board of Directors to put the information in front of the BOD before a full review at the Authority's Dec 5 meeting. Since we do have at least an informal deadline from the Chamber, it seems that we can make a good faith effort to at least formalize a decision by the end of the calendar year.

I expect at this point we need each member of the board of directors familiar with the following items (the "Plan A" from our earlier emails) before 12/5:

- The salary ranges, job descriptions and benefit structure under the County's formal plans
- The human resources policies for the County which would be followed by the Authority
- The budget amendments (either through a reduction in expenses elsewhere, or an appropriation of fund balance) necessary to implement it

There are two items we can work on while we wait for that Catapult package to come back:

- Since you moved during the Authority's October meeting to offer future County staff positions to the three employees of the Chamber, can you instruct your selected individuals to submit resumes/curriculum vitae to Kate Hayes?
- The County evaluates relevant skills, experience and academic background to determine base pay, so we can start getting some numbers together

- I asked Brian to use a template to draft a potential RFP for the Authority to contract with a new nonprofit entity for support services – please review and let me know if you would like us to release this document to solicit options for a Plan . B.

Looking forward to stitching this up, let me know what you think!

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

<TDA Sildeshow pt2 - Staffing.pdf>

<County Travel Policy - v2021.pdf>

<Personnel Policy v2021.pdf>

<Transylvania County Employee Benefits FY 2022.pdf>

<Marketing Specialist Job Description\_CLEAN v2.docx>

<Outreach Specialist Job Description\_CLEAN v2.docx>

<Tourism Development Director Job Description\_CLEAN v2.docx>





Clark Lovelace &lt;clark@brevardnccchamber.org&gt;

**Re: To-Do List follow up and related questions for upcoming meeting**

1 message

Clark Lovelace <clark@brevardnccchamber.org>  
 To: Layton Parker <layton@explorebrevard.com>

Thu, Dec 30, 2021 at 10:

Got it, thanks. Plenty to talk about. Have a nice remainder of week and weekend.

Sent from my iPhone

On Dec 29, 2021, at 4:20 PM, Layton Parker <layton@explorebrevard.com> wrote:

No need to worry about this over the Holidays. I am certainly not going to spend hours getting all of this prepared prior to the January 6th meeting, but will put good effort into as much of it as I can get to and then continue over the next few meetings. For the most pressing one, we probably need to just allow Jonathan to present the financials at the January meeting and see how that works out.  
 Let's touch base on Monday and enjoy the New Year!

----- Original Message -----

From: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
 To: Layton Parker <layton@explorebrevard.com>  
 Cc: Jaime Laughter <jaimelaughter@transylvaniacounty.org>  
 Date: December 29, 2021 1:10 PM  
 Subject: RE: To-Do List follow up and related questions for upcoming meeting

Hi Layton,

Just let me know about any questions you have on the to-do list, happy to help, but as a reminder: my view is that it is very important that the TDA board understand that they are not a fully legally independent entity. They are not the directors of a corporation in the same way the County Commissioners are the directors of a municipal corporation or the Chamber Directors are the board of a not-for-profit corporation.

The Directors are appointed to the Board of Commissioners and fulfill their roles within a framework overseen by County Commissioners. I suggested that we include a new member orientation and a copy of the Clerk (Trisha's) advisory board presentation on the to-do list so that we get the new folks off to the right start on that front. To that point, and I'll touch on this more later – the Board of Commissioners have now taken action twice at their recent meetings to specifically rule out independent personnel powers for the Authority board.

To your questions:

1. When Teague Campbell Dennis & Gorham (the County Attorney) began their deep dive review of the Resolution, I was instructed to provide a list of any issues that I had raised with you that had not been addressed. I don't agree that I "amended" the procedure – rather the resolution clarifies existing legal responsibilities.
  - i. I shared a copy of the e-mail I had sent you and Clark about that issue. As we have previously discussed, I am the only finance officer that doesn't have a regular speaking role at Tourism Authority meetings to discuss financial metrics directly with the Authority's board.
  - ii. The TCTDA practice of routing financial reporting through a contractor is unusual, and does not exist in Macon, Jackson, Haywood, Buncombe or Henderson County Tourism Authorities – I do understand that historically my predecessor was hands off, unfortunately that doesn't change the fiscal control act requirement 159-25(a)(3)
  - iii. TCDG recommended language in Section 12(d) which we discussed when we met: "The Authority shall not delegate or otherwise assign the NCGS 159-25 duties of the Finance Officer to any other individual, officer or staff."
  - iv. It would be a violation of the Resolution for the Authority for the financial reporting to be handled by the Chamber of Commerce's staff. I am happy to discuss the formatting however you like – my inclination is to provide it in a different format than the TDA board is used to, but it was not fair to Chamber staff to expect them to understand the privacy laws or governmental accounting practices that come with handling these funds.
- b. To be transparent, when I was asked, I also provided the emails concerning these other two items:
  - i. The handling of federal funds not compliant with 2 CFR 200 which was addressed in Resolution section 8(a)
  - ii. Signing procedures on contracts and agreements (which you and Clark had discussed making changes to, but no formal/written procedures came of it) which was addressed in Resolution Section 14(a)
2. On this one, I would need more specific information about what you want to see. In my view, it really depends on what your scope of work is before we can get more specific.
  - a. Can you please put the request to start a discussion about a contract in a separate more narrow e-mail, I'll be happy to send it off and copy you and the paralegal who manages our file with TCDG so we can get you answers. After all, the County Attorney is your attorney as well. I suggest a separate more narrow email only so that we have the specific request to track – we don't need to pay the attorneys to read this whole email chain – just the narrow request about an independent contractor relationship.
  - b. Form 1099 rules are very sticky around how much work can be done, on what terms. I suspect we would not be able to sustain the same level of support for the Boards' activities under a 1099 model, so we need to flesh out a true scope of work for a contractor.
  - c. Per your prior e-mail, I don't think just shifting the Chamber staff to being 1099 contractors is feasible specifically because I assume you still want regular schedules or intend to provide office space, both of which create an employer-employee relationship under IRS rules and disallow the 1099 payment method.
3. I'll happily review this table for you but the immediate feedback is this (with the scenarios being called A, B, C and D based on order)
  - a. For Plan A Comments:
    - i. Based on my comments during the Board of Commissioners meeting and what I've said to you, I do not agree that it accurate to describe the \$122,000 of overhead as a con, after all, it is services you likely need to pay for under other Plans, or would



Clark Lovelace <clark@brevardncchamber.org>

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## Fwd: RFQ for TDA Support Services

1 message

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Layton Parker <layton@explorebrevard.com>  
Reply-To: Layton Parker <layton@explorebrevard.com>  
To: clark <clark@explorebrevard.com>

Thu, Dec 30, 2021 at 1:07 PM

FYI

----- Original Message -----

From: Layton Parker <layton@explorebrevard.com>  
To: "Jonathan.griffin@transylvaniacounty.org" <jonathan.griffin@transylvaniacounty.org>  
Date: December 30, 2021 1:06 PM  
Subject: RFQ for TDA Support Services

Now that we have the final proposal and resolution updated for the County Personnel plan for consideration, we will continue to consider an alternative with potential partners that meet the appropriate criteria. In order to release the RFQ draft you sent last month, which of the following must take place next:

1. This written request is sufficient for the County Finance department to release the RFQ presented and present responses as they are received to the TDA board
2. A review of the attached RFQ draft added to the January 6th agenda for a motion to approve and then release?

I just want to make sure and follow appropriate protocols to get this released to see if there are any available to fulfill the requirements needed by the TDA.

Thank you for your guidance and assistance,  
Layton Parker  
Chairman, Transylvania County Tourism Development Authority



Clark Lovelace &lt;clark@brevardncchamber.org&gt;

**TCTDA related documents regarding resolutions and statutes**

1 message

**Layton Parker (TCT)** <layton@explorebrevard.com>

Thu, Dec 30, 2021 at 3:17 PM

Reply-To: "Layton Parker (TCT)" &lt;layton@explorebrevard.com&gt;

To: Ali Lien <all@explorebrevard.com>, "Dee Dee Perkins (TCT)" <dd@explorebrevard.com>, libby <libby@explorebrevard.com>, "David Guice (TCT)" <david@explorebrevard.com>, paulette todd <ptodd@greystoneinn.com>, isaac@whitesquirrelrealty.com, Aaron Baker <aaron@oskarblues.com>, Clark Lovelace <clark@brevardncchamber.org>

Happy New Year everyone!

With new board members coming in for next year and for existing board members information, I thought it would be helpful to provide some of the current and past legal documents that were used to establish and make changes to the Transylvania County Tourism Development authority. New board members will learn more about the organization during orientation and future meetings, but I wanted to provide these documents to help you have a better understanding of the legal structure and history of the organization.

I have also provided the link to watch the most recent Transylvania County Commissioners meeting related to the recent resolution adoption and ask that you watch as much as you can and specifically times (42:33) and (2:22) prior to our meeting on January 6.

<https://livestream.com/accounts/10832559/events/10003439/videos/228049413>

If any of you would like more explanation of these documents, feel free to reach out to me. I look forward to serving with each of you in 2022.

Layton Parker  
Chairman

**8 attachments**

**NCGS Bill 948 from 1985 authorizing occupancy tax collection.pdf**  
94K

**Transylvania County BOCC Resolution 33-2019.pdf**  
83K

**NCGS Bill 470 from 2005 increasing occupancy tax rate.pdf**  
93K

**To-Do List following resolution.pdf**  
26K

**Transylvania County BOCC Resolution 35-2021 approved December 13 2021.pdf**  
198K

**NCGS Bill 473 related to NonProfit Gain from elected official serving.pdf**  
175K

**NCGS 153A-149 related to Resolution Item 14d.pdf**  
225K

**NCGS Bill 830 from 1999.pdf**  
117K



Clark Lovelace &lt;clark@brevardncchamber.org&gt;

**RE: Financial Review for January 6 meeting**

1 message

**Layton Parker** <layton@explorebrevard.com>

Fri, Dec 31, 2021 at 12:13 PM

Reply-To: Layton Parker &lt;layton@explorebrevard.com&gt;

To: Jonathan Griffin &lt;Jonathan.Griffin@transylvaniacounty.org&gt;, libby &lt;libby@explorebrevard.com&gt;, clark &lt;clark@explorebrevard.com&gt;

Thank you Jonathan,

Finance Committee members,

Please see Jonathan's comments below and the attached financial package for the January 6th meeting. Once the new finance committee is formed following that meeting, we will continue to review any new protocol requirements for the upcoming year.

Jonathan will present these financials to the board during the Financial Report agenda item during the meeting. Please let me or him know if you have any comments or questions.

Happy New Year everyone!  
Layton

On December 30, 2021 4:57 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

See attached. This is what I think is the appropriate

- An overview of the Transylvania County occupancy tax collections (2021 vs 2022)
- The Authority's balance sheet through 12-31-2021
- A year to date net revenue versus expenditures, compared against adopted budget
- An list of financial transactions submitted by Chamber staff.

Let's just be careful that whatever we do moving forward complies with the terms of the County resolution.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

**From:** Layton Parker <layton@explorebrevard.com>**Sent:** Thursday, December 30, 2021 12:52 PM**To:** Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>**Subject:** Financial Review for January 6 meeting

Please provide the financial reports for the upcoming January 6th meeting so the finance committee can review those. Once a secretary is selected for the 2022 year, they can include those as well in pre-meeting board packets. For this coming meeting, I will provide the packet including the financial reports in advance of the meeting.

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**3 attachments****12-31-21 TCTDA Financial Statements.pdf**

466K

**NCGS 153A-149 related to Resolution Item 14d.pdf**

225K

**Transylvania County BOCC Resolution 35-2021 approved December 13 2021.pdf**

198K

**Transylvania County Occupancy Tax Collections** *airbnb/vrbo-homeaway*

Estimate of Room Sales, FY 2021		Est. Sales		Total Coll.		Offline Revenue		Online* Revenues	
Sale Month	Collection Month	2021		2021		2021		2021	
		CY		CY		CY		CY	
JUL	AUG	\$ 3,913,300	\$	\$ 195,665	\$	\$ 88,186	\$	\$ 107,479	
AUG	SEP	\$ 4,267,314	\$	\$ 213,366	\$	\$ 121,683	\$	\$ 91,683	
SEP	OCT	\$ 3,284,894	\$	\$ 164,245	\$	\$ 72,024	\$	\$ 92,221	
OCT	NOV	\$ 4,324,184	\$	\$ 216,209	\$	\$ 120,988	\$	\$ 95,221	
NOV	DEC	\$ 2,346,108	\$	\$ 117,305	\$	\$ 64,776	\$	\$ 52,530	
DEC	JAN	\$ 1,814,888	\$	\$ 90,744	\$	\$ 32,940	\$	\$ 57,804	
JAN	FEB	\$ 1,705,294	\$	\$ 85,265	\$	\$ 25,257	\$	\$ 60,007	
FEB	MAR	\$ 1,752,020	\$	\$ 87,601	\$	\$ 26,944	\$	\$ 60,657	
MAR	APR	\$ 2,650,220	\$	\$ 132,511	\$	\$ 42,710	\$	\$ 89,801	
APR	MAY	\$ 3,126,692	\$	\$ 156,335	\$	\$ 67,750	\$	\$ 88,584	
MAY	JUN	\$ 3,607,200	\$	\$ 180,360	\$	\$ 83,379	\$	\$ 96,981	
JUN	JUL	\$ 5,140,220	\$	\$ 257,011	\$	\$ 142,427	\$	\$ 114,584	
		\$ 37,932,334	\$	\$ 1,896,617	\$	\$ 889,065	\$	\$ 1,007,552	

Estimate of Room Sales, FY 2022		Est. Sales		Total Coll.		Revenue		Revenues	
Sale Month	Collection Month	2022		2022		2022		2022	
		CY		CY		CY		CY	
JUL	AUG	\$ 5,403,940	\$	\$ 270,197	\$	\$ 139,321	\$	\$ 130,876	
AUG	SEP	\$ 4,511,960	\$	\$ 225,598	\$	\$ 113,342	\$	\$ 112,256	
SEP	OCT	\$ 4,286,344	\$	\$ 214,317	\$	\$ 116,142	\$	\$ 98,175	
OCT	NOV	\$ 4,301,300	\$	\$ 215,065	\$	\$ 119,575	\$	\$ 95,490	
NOV	DEC	\$ -	\$	\$ -	\$	\$ -	\$		
DEC	JAN	\$ -	\$	\$ -	\$	\$ -	\$		
JAN	FEB	\$ -	\$	\$ -	\$	\$ -	\$		
FEB	MAR	\$ -	\$	\$ -	\$	\$ -	\$		
MAR	APR	\$ -	\$	\$ -	\$	\$ -	\$		
APR	MAY	\$ -	\$	\$ -	\$	\$ -	\$		
MAY	JUN	\$ -	\$	\$ -	\$	\$ -	\$		
JUN	JUL	\$ -	\$	\$ -	\$	\$ -	\$		
		\$ 18,503,544	\$	\$ 925,177	\$	\$ 488,380	\$	\$ 436,798	

# Tourism Authority Balance Sheet

12/31/2021

Account Number	Description	Period Net Change	Account Balance
<b>20 Tourism Development Authority</b>			
<b>Assets</b>			
<b>20 100000</b>	<b>County - Pooled Cash</b>	<b>130,108.73</b>	<b>1,666,428.55</b>
<b>20 101150</b>	<b>FCB - TCTDA Operating Cash</b>	<b>129,851.60</b>	<b>88,435.60</b>
<b>20 102900</b>	<b>NC County Sales Taxes (2%)</b>	<b>0.00</b>	<b>1,589,936.24</b>
<b>20 102920</b>	<b>Sales Tax Penalties to NCDOR</b>	<b>77.33</b>	<b>2,404.40</b>
<b>20 102930</b>	<b>NC Sales Taxes (4.75%)</b>	<b>0.00</b>	<b>28.52</b>
<b>20 102960</b>	<b>NC Food Tax (2%)</b>	<b>179.80</b>	<b>5,623.26</b>
		<b>0.00</b>	<b>0.53</b>
	<b>Total Liabilities</b>	<b>0.00</b>	<b>3,450.00</b>
<b>20 200010</b>	<b>Accounts Payable</b>	<b>0.00</b>	<b>3,450.00</b>
<b>Fund Balance</b>			
<b>20 300000</b>	<b>Unassigned Fund Balance</b>	<b>(130,108.73)</b>	<b>(1,688,878.55)</b>
<b>20 300500</b>	<b>YTD Revenues</b>	<b>(215,065.02)</b>	<b>(925,228.29)</b>
<b>20 300600</b>	<b>YTD Expenditures</b>	<b>84,956.29</b>	<b>523,999.59</b>
<b>20 302000</b>	<b>Budget - Expenditures</b>	<b>0.00</b>	<b>(1,896,548.00)</b>
<b>20 302010</b>	<b>Appropriated Budget</b>	<b>0.00</b>	<b>1,896,548.00</b>
<b>20 340010</b>	<b>Restricted - State Stabil.</b>	<b>0.00</b>	<b>(164,224.00)</b>
<b>20 390010</b>	<b>Prepaid Expenses</b>	<b>0.00</b>	<b>(560.00)</b>
	<b>Total Liabilities + Fund Balance</b>	<b>(130,108.73)</b>	<b>(1,666,428.55)</b>

# Transylvania County, NC

## YTD BUDGET REPORT

FOR 2022 06

ACCOUNTS FOR:	TOURISM DEVELOPMENT AUTHORITY	ORIGINAL ESTIM REV	REVISED EST REV	ACTUAL YTD REVENUE	ACTUAL YTD REVENUE	REMAINING REVENUE	PCT USE/COL
2000000	Tourism Development Authority						
200000	Occupancy Tax Distri	-1,862,700	-1,862,700	-924,674.88	-214,994.02	-938,025.12	49.6%
200000	Tax Penalty Distribu	-1,098	-1,098	-503.40	-71.00	-594.60	45.8%
200000	Map Sales	-750	-750	.00	.00	-750.00	.0%
200000	Advertising Sales	-30,000	-30,000	.00	.00	-30,000.00	.0%
200000	Interest on Investme	-2,000	-2,000	-48.01	.00	-1,951.99	2.4%
200000	TDA Admin Fee	28,627	28,627	.00	.00	28,627.00	.0%
200000	Auditing Fees	6,750	6,750	3,000.00	.00	3,750.00	44.4%
200000	Chamber Contract Ser	215,000	215,000	107,500.00	20,000.00	107,500.00	50.0%
200000	Postage	8,500	8,500	2,652.65	22.44	5,847.35	31.2%
200000	Supplies	5,000	5,000	485.54	14.99	4,514.46	9.7%
200000	Advertising	1,125,000	1,125,000	386,707.82	53,774.32	738,292.18	34.4%
200000	Travel & Training	2,000	2,000	35.91	.00	1,964.09	1.8%
200000	Dues & Subscriptions	1,000	1,000	.00	.00	1,000.00	.0%
200000	Grant-related Expend	40,000	40,000	.00	.00	40,000.00	.0%
200000	Telephone Equipment	5,000	5,000	1,963.58	380.10	3,036.42	39.3%
200000	Strategic Plan	244,673	244,673	4,285.12	4,264.44	240,387.88	1.8%
200000	Transylvania Always	150,000	150,000	2,991.47	.00	147,008.53	2.0%
200000	Promotional Items	7,500	7,500	.00	.00	7,500.00	.0%
200000	Grants - Partnership	0	0	6,500.00	6,500.00	-6,500.00	100.0%
200000	Grants - Tourism Pro	57,498	57,498	7,877.50	.00	49,620.50	13.7%
	TOTAL Tourism Development Authori	0	0	-401,226.70	-130,108.73	401,226.70	100.0%
	TOTAL REVENUES	-1,896,548	-1,896,548	-925,226.29	-215,065.02	-971,321.71	
	TOTAL EXPENSES	1,896,548	1,896,548	523,999.59	84,956.29	1,372,548.41	
	PRIOR FUND BALANCE				1,103,867.85		
	CHANGE IN FUND BAL - NET OF REVENUES/EXPENSES				401,226.70		
	REVISED FUND BALANCE				1,505,094.55		



# Transylvania County, NC



## ACCOUNT TRIAL BALANCE FOR FY22/NOV TO DEC

FUND 20

ACCOUNT NAME	ACCOUNT	PER	JNL	SRC	EFF DATE	REFERENCE	BEG. BALANCE	DEBITS	CREDITS	NET CHANGE	END BALANCE
200000	520020						.00				
TDA Admin Fee							.00	.00	.00	.00	.00
200000	520040						.00				
Legal Fees							.00	.00	.00	.00	.00
200000	520060						3,000.00				3,000.00
Auditing Fees							3,000.00	.00	.00	.00	3,000.00
200000	520100						70,000.00				70,000.00
Chamber Contract Services							70,000.00				70,000.00
6 55 API 12/03/21 000068 22632							17,917.00		.00	17,917.00	
6 55 API 12/03/21 000068 22632							2,083.00		.00	2,083.00	
200000	520320						2,072.22	22.44	.00	22.44	2,094.66
Postage							2,072.22	22.44	.00	22.44	2,094.66
6 55 API 12/03/21 000353 22630							455.56	14.99	.00	14.99	470.55
200000	520560						455.56	14.99	.00	14.99	470.55
Supplies							455.56	14.99	.00	14.99	470.55
6 300 API 12/28/21 000113 23324							235,283.76				
200000	521000						235,283.76				
Advertising							235,283.76				
6 55 API 12/03/21 002704 22628							2,150.00		.00	2,150.00	
6 55 API 12/03/21 001127 22629							3,450.00		.00	3,450.00	
6 55 API 12/03/21 000604 22634							21,750.00		.00	21,750.00	
6 55 API 12/03/21 003093 22635							10,750.00		.00	10,750.00	
6 55 API 12/03/21 003093 22636							750.00		.00	750.00	
6 55 API 12/03/21 001245 22638							200.00		.00	200.00	
6 55 API 12/03/21 001678 22639							500.00		.00	500.00	
6 55 API 12/03/21 001678 22640							500.00		.00	500.00	
6 55 API 12/03/21 001678 22641							500.00		.00	500.00	
6 55 API 12/03/21 001678 22642							500.00		.00	500.00	
6 159 API 12/13/21 003664 22993							1,240.00		.00	1,240.00	
6 159 API 12/13/21 009999 22994							1,274.00		.00	1,274.00	
6 159 API 12/13/21 000334 22995							3,000.00		.00	3,000.00	
6 159 API 12/13/21 000620 22996							200.00		.00	200.00	
6 159 API 12/13/21 001245 22997							387.00		.00	387.00	
6 159 API 12/13/21 001245 22998							650.00		.00	650.00	
6 300 API 12/28/21 000274 23316							1,915.90		.00	1,915.90	
6 300 API 12/28/21 000604 23317							2,700.00		.00	2,700.00	
6 300 API 12/28/21 000974 23318							107.42		.00	107.42	
6 300 API 12/28/21 003586 23320							600.00		.00	600.00	
6 300 API 12/28/21 000113 23324									.00		
6 329 API 12/29/21 003678 23375									.00		

# Transylvania County, NC



## ACCOUNT TRIAL BALANCE FOR FY22/NOV TO DEC FUND 20

ACCOUNT NAME	ACCOUNT NAME	BEG. BALANCE	DEBITS	CREDITS	NET CHANGE	END BALANCE
PER JNL SRC EFF DATE REFERENCE						
200000 521100 Travel & Training		235,283.76	53,774.32	.00	53,774.32	289,058.08
		35.91				
200000 521120 Dues & Subscriptions		35.91	.00	.00	.00	35.91
		.00				
200000 523000 Grant-related Expenditures		.00	.00	.00	.00	.00
		.00				
200000 524610 Telephone Equipment and Fees		1,184.68				
6 55 API 12/03/21 000394 22637		340.35	340.35	.00	340.35	
6 300 API 12/28/21 000283 23319		39.75	39.75	.00	380.10	
		1,184.68	380.10	.00	380.10	1,564.78
200000 529000 Strategic Plan		20.68				
6 55 API 12/03/21 003526 22633		4,200.00	4,200.00	.00	4,200.00	
6 300 API 12/28/21 000113 23324		64.44	64.44	.00	4,264.44	
		20.68	4,264.44	.00	4,285.12	
200000 529530 Transylvania Always		425.00				
		425.00	.00	.00	.00	425.00
200000 529830 Promotional Items		.00	.00	.00	.00	.00
		.00				
200000 540500 Grants - Partnership Funding		.00		.00	6,500.00	
6 302 API 12/28/21 002743 23321		6,500.00	6,500.00	.00	6,500.00	
		.00	6,500.00	.00	6,500.00	6,500.00
200000 540510 Grants - Tourism Programs		3,500.00				
		3,500.00	.00	.00	.00	3,500.00
200000 592000 Excess Revenue		.00				
		.00	.00	.00	.00	.00
TOTALS FOR FUND 20		315,977.81	84,956.29	.00	84,956.29	400,934.10
Tourism Development Authority		315,977.81	84,956.29	.00	84,956.29	400,934.10
REPORT TOTALS						

# 14.d - Resolution

## **§ 153A-149. Property taxes; authorized purposes; rate limitation.**

(a) Pursuant to Article V, Sec. 2(5) of the Constitution of North Carolina, the General Assembly confers upon each county in this State the power to levy, within the limitations set out in this section, taxes on property having a situs within the county under the rules and according to the procedures prescribed in the Machinery Act (Chapter 105, Subchapter II).

(b) Each county may levy property taxes without restriction as to rate or amount for the following purposes:

- (1) Courts. - To provide adequate facilities for and the county's share of the cost of operating the General Court of Justice in the county.
- (2) Debt Service. - To pay the principal of and interest on all general obligation bonds and notes of the county.
- (3) Deficits. - To supply an unforeseen deficiency in the revenue (other than revenues of public enterprises), when revenues actually collected or received fall below revenue estimates made in good faith and in accordance with the Local Government Budget and Fiscal Control Act.
- (4) Elections. - To provide for all federal, State, district and county elections.
- (5) Jails. - To provide for the operation of a jail and other local confinement facilities.
- (6) Joint Undertakings. - To cooperate with any other county, city, or political subdivision in providing any of the functions, services, or activities listed in this subsection.
- (7) Schools. - To provide for the county's share of the cost of kindergarten, elementary, secondary, and post-secondary public education.
- (8) Social Services. - To provide for public assistance required by Chapters 108A and 111 of the General Statutes.

(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized purposes subject to the rate limitation are:

- (1) To provide for the general administration of the county through the board of county commissioners, the office of the county manager, the office of the county budget officer, the office of the county finance officer, the office of the county assessor, the office of the county tax collector, the county purchasing agent, and the county attorney, and for all other general administrative costs not allocated to a particular board, commission, office, agency, or activity of the county.
- (2) Agricultural Extension. - To provide for the county's share of the cost of maintaining and administering programs and services offered to agriculture by or through the Agricultural Extension Service or other agencies.
- (3) Air Pollution. - To maintain and administer air pollution control programs.
- (4) Airports. - To establish and maintain airports and related aeronautical facilities.
- (5) Ambulance Service. - To provide ambulance services, rescue squads, and other emergency medical services.
- (6) Animal Protection and Control. - To provide animal protection and control programs.
- (6a) Arts Programs and Museums. - To provide for arts programs and museums as authorized in G.S. 160A-488.
- (6b) Auditoriums, coliseums, and convention and civic centers. - To provide public auditoriums, coliseums, and convention and civic centers.

- (7) Beach Erosion and Natural Disasters. - To provide for shoreline protection, beach erosion control, and flood and hurricane protection.
- (8) Cemeteries. - To provide for cemeteries.
- (9) Civil Preparedness. - To provide for civil preparedness programs.
- (10) Debts and Judgments. - To pay and discharge any valid debt of the county or any judgment lodged against it, other than debts and judgments evidenced by or based on bonds and notes.
- (10a) Defense of Employees and Officers. - To provide for the defense of, and payment of civil judgments against, employees and officers or former employees and officers, as authorized by this Chapter.
- (10b) Economic Development. - To provide for economic development as authorized by G.S. 158-7.1.
- (10c) Energy Financing. - To provide financing for renewable energy and energy efficiency in accordance with a program established under G.S. 153A-455.
- (11) Fire Protection. - To provide fire protection services and fire prevention programs.
- (12) Forest Protection. - To provide forest management and protection programs.
- (13) Health. - To provide for the county's share of maintaining and administering services offered by or through the local health department.
- (14) Historic Preservation. - To undertake historic preservation programs and projects.
- (15) Hospitals. - To establish, support and maintain public hospitals and clinics, and other related health programs and facilities, or to aid any private, nonprofit hospital, clinic, related facility, or other health program or facility.
- (15a) Housing Rehabilitation. - To provide for housing rehabilitation programs authorized by G.S. 153A-376, including personnel costs related to the planning and administration of these programs. This subdivision applies only to counties with a population of 400,000 or more, according to the most recent decennial federal census.
- (15b) Housing. - To undertake housing programs for low- and moderate-income persons as provided in G.S. 153A-378.
- (16) Human Relations. - To undertake human relations programs.
- (16a) Industrial Development. - To provide for industrial development as authorized by G.S. 158-7.1.
- (17) Joint Undertakings. - To cooperate with any other county, city, or political subdivision in providing any of the functions, services, or activities listed in this subsection.
- (18) Law Enforcement. - To provide for the operation of the office of the sheriff of the county and for any other county law-enforcement agency not under the sheriff's jurisdiction.
- (19) Libraries. - To establish and maintain public libraries.
- (20) Mapping. - To provide for mapping the lands of the county.
- (21) Medical Examiner. - To provide for the county medical examiner or coroner.
- (22) Mental Health. - To provide for the county's share of the cost of maintaining and administering services offered by or through the area mental health, developmental disabilities, and substance abuse authority.
- (23) Open Space. - To acquire open space land and easements in accordance with Article 19, Part 4, Chapter 160A of the General Statutes.

- (24) **Parking.** - To provide off-street lots and garages for the parking and storage of motor vehicles.
- (25) **Parks and Recreation.** - To establish, support and maintain public parks and programs of supervised recreation.
- (26) **Planning.** - To provide for a program of planning and regulation of development in accordance with Article 18 of this Chapter and Article 19, Parts 3A and 6, of Chapter 160A of the General Statutes.
- (26a) **Ports and Harbors.** - To participate in programs with the North Carolina Ports Authority and provide for harbor masters.
- (27) **Public Transportation.** - To provide public transportation by rail, motor vehicle, or another means of conveyance other than a ferry, including any facility or equipment needed to provide the public transportation. This subdivision does not authorize a county to provide public roads in the county in violation of G.S. 136-51.
- (27a) **Railway Corridor Preservation.** - To acquire property for railroad corridor preservation as authorized by G.S. 160A-498.
- (28) **Register of Deeds.** - To provide for the operation of the office of the register of deeds of the county.
- (28a) **Roads.** - To provide for the maintenance of county roads as authorized by G.S. 153A-301(d).
- (29) **Sewage.** - To provide sewage collection and treatment services as defined in G.S. 153A-274(2).
- (30) **Social Services.** - To provide for the public welfare through the maintenance and administration of public assistance programs not required by Chapters 108A and 111 of the General Statutes, and by establishing and maintaining a county home.
- (31) **Solid Waste.** - To provide solid waste collection and disposal services, and to acquire and operate landfills.
- (31a) **Stormwater.** - To provide structural and natural stormwater and drainage systems of all types.
- (32) **Surveyor.** - To provide for a county surveyor.
- (33) **Veterans' Service Officer.** - To provide for the county's share of the cost of services offered by or through the county veterans' service officer.
- (34) **Water.** - To provide water supply and distribution systems.
- (35) **Watershed Improvement.** - To undertake watershed improvement projects.
- (36) **Water Resources.** - To participate in federal water resources development projects.
- (37) **Armories.** - To supplement available State or federal funds to be used for the construction (including the acquisition of land), enlargement or repair of armory facilities for the North Carolina National Guard.

(d) With an approving vote of the people, any county may levy property taxes for any purpose for which the county is authorized by law to appropriate money. Any property tax levy approved by a vote of the people shall not be counted for purposes of the rate limitation imposed in subsection (c).

The county commissioners may call a referendum on approval of a property tax levy. The referendum may be held at the same time as any other referendum or election, but may not be otherwise held within the period of time beginning 30 days before and ending 10 days after any other referendum or election to be held in the county and already validly called or scheduled by law at the time the tax referendum is called. The referendum shall be conducted by the county board of elections. The clerk to the board of commissioners shall publish a notice of the referendum at least twice. The first publication shall be not less than 14 days and the second publication not less than seven days before the last day on which voters may

register for the referendum. The notice shall state the date of the referendum, the purpose for which it is being held, and a statement as to the last day for registration for the referendum under the election laws then in effect.

The proposition submitted to the voters shall be substantially in one of the following forms:

- (1) Shall \_\_\_\_ County be authorized to levy annually a property tax at a rate not in excess of \_\_\_\_ cents on the one hundred dollars (\$100.00) value of property subject to taxation for the purpose of \_\_\_\_?
- (2) Shall \_\_\_\_ County be authorized to levy annually a property tax at a rate not in excess of that which will produce \$ \_\_\_\_ for the purpose of \_\_\_\_?
- (3) Shall \_\_\_\_ County be authorized to levy annually a property tax without restriction as to rate or amount for the purpose of \_\_\_\_?

If a majority of those participating in the referendum approve the proposition, the board of commissioners may proceed to levy annually a property tax within the limitations (if any) described in the proposition.

The board of elections shall canvass the referendum and certify the results to the board of commissioners. The board of commissioners shall then certify and declare the result of the referendum and shall publish a statement of the result once, with the following statement appended: "Any action or proceeding challenging the regularity or validity of this tax referendum must be begun within 30 days after (date of publication)." The statement of results shall be filed in the clerk's office and inserted in the minutes of the board.

Any action or proceeding in any court challenging the regularity or validity of a tax referendum must be begun within 30 days after the publication of the results of the referendum. After the expiration of this period of limitation, no right of action or defense based upon the invalidity of or any irregularity in the referendum shall be asserted, nor shall the validity of the referendum be open to question in any court upon any ground whatever, except in an action or proceeding begun within the period of limitation prescribed herein.

Except for supplemental school taxes and except for tax referendums on functions not included in subsection (c) of this section, any referendum held before July 1, 1973, on the levy of property taxes is not valid for the purposes of this subsection. Counties in which such referendums have been held may support programs formerly supported by voted property taxes within the general rate limitation set out in subsection (c) at any appropriate level and are not subject to the former voted rate limitation.

(e) With an approving vote of the people, any county may increase the property tax rate limitation imposed in subsection (c) and may call a referendum for that purpose. The referendum may be held at the same time as any other referendum or election, but may not be otherwise held within the period of time beginning 30 days before and ending 30 days after any other referendum or election. The referendum shall be conducted by the county board of elections.

The proposition submitted to the voters shall be substantially in the following form: "Shall the property tax rate limitation applicable to \_\_\_\_ County be increased from \_\_\_\_ on the one hundred dollars (\$100.00) value of property subject to taxation to \_\_\_\_ on the one hundred dollars (\$100.00) value of property subject to taxation?"

If a majority of those participating in the referendum approve the proposition, the rate limitation imposed in subsection (c) shall be increased for the county.

(f) With respect to any of the categories listed in subsections (b) and (c) of this section, the county may provide the necessary personnel, land, buildings, equipment, supplies, and financial support from property tax revenues for the program, function, or service.

(g) This section does not authorize any county to undertake any program, function, joint undertaking, or service not otherwise authorized by law. It is intended only to authorize the levy of property taxes within the limitations set out herein to finance programs,

functions, or services authorized by other portions of the General Statutes or by local acts. (1973, c. 803, s. 1; c. 822, s. 2; c. 963; c. 1446, s. 25; 1975, c. 734, s. 17; 1977, c. 148, s. 5; c. 834, s. 3; 1979, c. 619, s. 4; 1981, c. 66, s. 2; c. 562, s. 11; c. 692, s. 1; 1983, c. 511, ss. 1, 2; 1985, c. 589, s. 57; 1987, c. 45, s. 2; c. 697, s. 2; 1989, c. 600, s. 5; c. 625, s. 25; c. 643, s. 1; 1989 (Reg. Sess., 1990), c. 1005, ss. 3-5; 1991 (Reg. Sess., 1992), c. 764, s. 1; c. 896, s. 1; 1993, c. 378, s. 2; 1997-502, s. 6; 1999-366, s. 3; 2002-159, s. 50(a); 2002-172, s. 2.4(a); 2003-416, s. 2; 2009-281, s. 1; 2010-167, s. 4(b); 2013-360, s. 15.28(f).)

**BOARD OF COMMISSIONERS**  
Jason Chappell, Chair  
Jake Dalton, Vice-Chair  
Larry Chapman  
W. David Gulce  
Teresa McCall



**COUNTY MANAGER**  
Jaime Laughlin  
828-884-3100  
Fax 828-884-3119

101 South Broad Street  
Brevard, NC 28712

**RESOLUTION # 35- 2021**  
**RESOLUTION ESTABLISHING**  
**TRANSYLVANIA COUNTY TOURISM DEVELOPMENT AUTHORITY**

**WHEREAS**, Chapter 969 of the 1985 Session Laws, as amended by S.L. 1999-205 and S.L. 2005-88, authorizes the Transylvania County Board of Commissioners to levy a room and accommodations occupancy tax, and;

**WHEREAS**, subsequent amendments to Senate Bill 948 of the 1985 Session Laws, as enacted by S.L. 2005-88 obligate and authorize the Transylvania County Board of County Commissioners to create the Transylvania County Tourism Development Authority, and;

**WHEREAS**, the Board of County Commissioners are responsible for general oversight over the affairs of the Authority, by virtue of the relationship between the Commissioners and Authority established by state law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Transylvania County as follows:

1. **AUTHORITY.** Pursuant to North Carolina Session Law 2005-88, the Transylvania County Board of County Commissioners establishes the Transylvania County Tourism Development Authority.
2. **OFFICES.** The Office of the Authority shall be located at 101 South Broad Street, Brevard, North Carolina, or at such other location as may be determined by the Transylvania County Board of Commissioners.
3. **SEAL.** The Seal of the Authority shall bear the name of Transylvania County Tourism Development Authority.
4. **MEMBERS.** The Transylvania County Tourism Development Authority Board of Directors shall be composed of the following nine members, who shall be entitled each to one vote on issues coming before the Authority's board:
  - a. Two owners or operators of hotels, motels or other taxable tourist accommodations, to be appointed by the Board of Commissioners.
  - b. Two individuals interested in the tourism business who have demonstrated an interest in tourism development and do not own or operate a hotel, motel or other taxable tourist accommodation, to be appointed by the Board of Commissioners.
  - c. Two members-at-large to be appointed by the Board of Commissioners.
  - d. A County Commissioner appointed by the Board of Commissioners.
  - e. One individual appointed by the Brevard City Council
  - f. One individual appointed by the Town of Rosman Board of Aldermen



5. **TERMS.** Members of the Authority Board of Directors shall serve terms of office according to the following specifications:
  - a. Six members shall be appointed by the Board of County Commissioners, according to sections A, B, and C of Section 4 and shall serve terms of no longer than three years, as determined at time of appointment by the Board of County Commissioners.
  - b. These members shall not serve more than two consecutive terms on the Board of Directors.
  - c. Three members, as established by section D, E, and F of section 4 of the Resolution shall be appointed by their respective boards and shall serve at the pleasure of their appointing board.
  - d. The City Council of Brevard and the Board of Alderman of the Town of Rosman shall submit their appointments in writing to the Clerk to the Board of County Commissioners
  - e. The Board of County Commissioners reserves the right to modify the length of terms for members of the Authority Board of Directors as is necessary for the continued operation of the Authority.
6. **VACANCIES:** If a vacancy occurs on the Board of Directors of the Authority, the Clerk to the Board of County Commissioners will publicly notice the vacancy and will receive applications for position. An appointed member of the Board of Directors must submit a resignation in writing to the Clerk to the Board of County Commissioners.
7. **OFFICERS:** The Tourism Development Authority shall have the following officers: a Chair, a Vice-Chair and a Secretary.
  - a. **CHAIR:** The chair shall call and preside at all regular and special meetings of the Authority. The chair shall appoint the chair and members of all committees. The chair shall perform such other duties as may come within the authority of the office. At each meeting, the chair shall submit such recommendations and information considered proper concerning the business affairs and policies of the Authority. The Authority shall annually, in December of each year, submit a nomination for Chair to the Board of County Commissioners. The Board of Commissioners shall designate a chair for the Authority.
  - b. **VICE-CHAIR:** The vice-chair shall preside at meetings and perform duties of the chair in the absence or incapacity of the chair. The vice-chair shall perform other duties as assigned by the chair. The Chair shall appoint the Vice-Chair, whose term shall coincide with that of the Chair.
  - c. **SECRETARY:** The secretary shall have the general responsibility for the records of the Authority. The Secretary shall be responsible for assisting the Chair with the preparation and distribution of agendas and agenda packets, keeping the full and accurate minutes of regular and special meetings, preparation of official copies of ordinances and resolutions adopted by the Tourism Authority Board and shall be custodian of the public records for the Tourism Authority Board.
8. **DUTIES.** The Transylvania County Tourism Development Authority is a public authority subject to the Local Government Budget and Fiscal Control Act and shall carry out the following duties:
  - a. Expend funds distributed to it to promote travel and tourism in Transylvania County,
  - b. Adopt rules of procedures to govern its meetings, in compliance with S.L. 2005-88
  - c. Adopt a written code of ethics which complies in all material respects with NCGS 160A-86, and a copy of the written code of ethics shall be transmitted to the Clerk to the Board of County Commissioners within seven days of adoption.
  - d. Comply with the quarterly and annual reporting requirements of S.L. 2005-88. Those reports shall detail the revenues and expenditures by function and purpose and include a

list of all individuals, vendors or contractors who have received more than \$10,000 in payments from the Authority.

- e. Adhere to the Transylvania County Procurement Resolution and Procedures, as administered by the Transylvania County Finance Office.
9. **MEETINGS.** The Transylvania County Tourism Development Authority shall in December of every year, by resolution, adopt a schedule of regular meetings for the following year.
  - a. After adopting an annual schedule of meetings, it shall file a copy of the schedule with the Clerk to the Board of County Commissioners within seven days of adoption.
  - b. Any amendments to the schedule of meetings or a notice of a special meeting shall also be filed with the Clerk to the Board of County Commissioners within seven days.
  - c. The meeting place of the Transylvania County Tourism Development Authority shall be the Chambers of the County Commissioners located at the Transylvania County Administration Building at 101 S. Broad Street, Brevard or at such place as may be determined by the Transylvania County Board of Commissioners.
  - d. All meetings shall be conducted in accordance with North Carolina Open Meetings Law.
10. **EXPENSES.** The members of the Transylvania County Tourism Development Authority shall serve without pay. Members and officials of the Transylvania County Tourism Development Authority may be reimbursed for expenses related to travel or professional development only in accordance with the Transylvania County Travel Policy.
11. **ADMINISTRATION.** The Chair of the Authority shall serve as budget officer for the Authority pursuant to the North Carolina Local Government Budget and Fiscal Control Act.
  - a. The Chair has the responsibility for overseeing the preparation and submission of a recommended budget to the Authority board of directors in accordance with all procedures outlined in NCGS Chapter 159.
  - b. The Chair of the Authority shall submit the recommended budget for the Authority to the Office of the Transylvania County Manager not later than June 1<sup>st</sup> of each year.
  - c. The Chair of the Authority shall submit the adopted budget for the Tourism Authority to the Office of the Transylvania County Manager no less than seven days after adoption.
12. **FINANCE OFFICER.** The Transylvania County Board of Commissioners appoints the Finance Officer of Transylvania County as the Finance Officer of the Transylvania County Tourism Development Authority.
  - a. The Finance Officer is responsible for the financial oversight, internal controls and ensuring that the Tourism Development Authority's financial affairs are conducted in compliance with generally accepted accounting principles, state law and regulations imposed by the Local Government Commission.
  - b. The Finance Officer or his or her designee shall serve as secretary to the Authority board.
  - c. The Finance Officer shall prepare and submit to the Board of County Commissioners a report on the compliance of the Authority with all applicable financial reporting and disclosure laws and regulations on an annual basis.
  - d. The Authority shall not delegate or otherwise assign the NCGS 159-25 duties of the Finance Officer to any other individual, officer or staff.
13. **COMMITTEES:** The Authority may create committees and subcommittees to carry out its business in a manner that it deems appropriate.
  - a. If the Authority chooses to establish a committee, it shall first adopt a resolution defining the purpose and scope of the committee, number of members and length of terms and file a copy of the resolution with the Clerk to the Board of County Commissioners within seven days of adoption of the resolution.

- b. All appointments to committees shall be made by the Chair of the Authority in writing.
- c. Rosters of membership and records of appointment of each committee of the Authority shall be filed with the Clerk to the Board of County Commissioners quarterly.

**14. CONTRACTS.** The Authority may enter contracts for the procurement of goods or services to carry out its affairs, subject to the following conditions:

- a. All contracts must be executed by the Chair of the Authority Board, indicating it has been approved by the Authority Board, Finance Officer, to ensure it complies with Chapter 159 of the North Carolina General Statutes and by the Transylvania County Manager, to ensure it complies with terms of this County resolution.
- b. The Authority shall not enter into a contract for real property by lease or by purchase without prior written approval of the Transylvania County Board of County Commissioners.
- c. Any contract with a monetary value of greater than \$50,000 shall be subject to the review of the Transylvania County Commissioners according to procedures the Board of Commissioners determines.
- d. Any contract that pertains to an authorized purpose of County government, as defined by NCGS 153A-149 shall be subject to the review of the Transylvania County Board of Commissioners according to such procedures as the Board of Commissioners determines.
- e. Any Contracts with a term of longer than one fiscal year shall be subject to review and approval of the Transylvania County Commissioners to ensure the occupancy tax rate is set at a level sufficient to generate revenue to meet the required appropriation.
- f. All quarterly and annual reports shall include a list of all contracts entered by the Tourism Authority for the preceding quarter or year as applicable.

**15. PERSONNEL:** The Authority may, in its discretion, recommend to the Board of County Commissioners that county staff be employed for the purpose of advising it in its duties related to promoting tourism in Transylvania County,

- a. The Authority's ability to fire is subject to the limitations of federal and state laws and regulations, constitutional limitations and the Transylvania County Personnel Policy.
- b. The Authority's ability to compensate or provide benefits is subject to the Transylvania County Personnel Policy and determinations made by the County Human Resources Department.
- c. The Authority may employ up to three full-time equivalent positions, as determined by the County Human Resources Department. The classification and description of these positions shall be determined by the Board of County Commissioners. Any change in the number of positions overseen by the Authority shall occur only with prior approval of the Board of County Commissioners.

**16. PRIOR RESOLUTIONS:**

- a. This resolution replaces in full all prior amendments and modifications to County Resolution 053-86.

17. **EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

Adopted this the 13<sup>th</sup> day of December, 2021

TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

Chair

ATTEST:

\_\_\_\_\_  
Clerk to the Board



Clark Lovelace &lt;clark@brevardncchamber.org&gt;

**TDA Board action items following resolution**

1 message

Layton Parker &lt;layton@explorebrevard.com&gt;

Fri, Dec 31, 2021 at 12:45 PM

Reply-To: Layton Parker &lt;layton@explorebrevard.com&gt;

To: "trisha.hogan@transylvaniacounty.org" &lt;trisha.hogan@transylvaniacounty.org&gt;

Cc: "jonathan.griffin@transylvaniacounty.org" &lt;jonathan.griffin@transylvaniacounty.org&gt;, clark &lt;clark@explorebrevard.com&gt;

Hello Trish,

I am working on the attached To-Do list that Jonathan provided me following adoption of Resolution 35-2021 related to the TDA. In preparation for the January 6th board meeting, I am trying to take care of as many of the updated requirements as I can and will plan to continue working on the list for any that are not addressed prior to next week's meeting.

Do you mind helping me with a few of the items:

1. Item i suggests adding a New Business Item to the agenda for "Clerks' advisory board training, a review of the new County Resolution" Please clarify if that would mean:
  1. adding the agenda item under New Business
  2. providing a copy of the resolution to the pre-meeting board packet
  3. describing a summary of the resolution during the meeting and who is best to present this?
2. Item ii states the need to adopt rules of procedures to govern meetings (suggested "procedural rules for local appoint boards) - Jonathan provided me with a copy of the UNCISO copy of the book. Is it sufficient for me to continue to review this book and implement that rules as Chair, or do you suggest that all board members receive a copy of the book and we add it as an agenda item to cover?
3. Item iii states the need to have an agenda item to open the discussions around a written code of ethics for Directors (NCGS 160A-86) - Is this a procedure that should be added to every agenda at the start of every meeting for a reminder of this code or do we add it to the January agenda, provide a copy to board members for their records and record that agenda item has been covered in the January minutes?
4. Item iv requires approving a resolution setting the regular meeting schedule for the rest of the year. I can make a written resolution stating that the routine meeting schedule will be the 4th Thursday of each month and any other verblage you recommend. Do I provide this to you for review prior to adopting it at the TDA board level or after it is approved?
5. Items v-viii are all related to committees. We are planning to appoint members of the committees at the January meeting and this is an agenda item. I will plan to then complete these To-Do list items related to committees following that meeting unless there is anything else you suggest I do prior to or during the meeting

Thank you for your help with these items. I want to follow the guidelines the best I can and hope to implement as many of these requested updates as soon as possible.

Happy New Year!

Layton Parker  
Chairman  
Transylvania County Tourism Development Authority

**2 attachments**

 To-Do List following resolution.pdf  
26K

 Transylvania County BOCC Resolution 35-2021 approved December 13 2021.pdf  
198K

## **Tourism Authority**

### **To-Do List:**

- 1. Prepare for the 1/6/21 meeting**
  - a. Agenda pre-meeting**
  - b. Secretary will distribute packets**
    - i. New Business should probably include Clerks' advisory board training, a review of the new County resolution**
    - ii. Need to adopt rules of procedures to govern meetings (suggested "procedural rules for local appointed boards)**
    - iii. Need to have an agenda item to open the discussions around a written code of ethics for Directors (160A-86)**
    - iv. Need a resolution setting the regular meeting schedule for the rest of the year (the Clerk to BOCC must receive a copy of the resolution**
    - v. Need resolution(s) re-establishing committees for the Authority. Requirements:**
    - vi. Purpose, scope, number of members and term of office must be in writing**
    - vii. Copy of each committee resolution must be filed with Clerk to BOCC**
    - viii. Rosters of membership have to go to the Clerk to BOCC at least quarterly**

**Other new duties and changes to discuss.**

### **2. ADMINISTRATION**

- a. Board chair has responsibility for following the fiscal control act procedures**
  - i. Have someone putting together an overview of the legal procedures from Chapter 159**

### **3. CONTRACTS:**

- a. All contracts require three signatures (Board Chair, Finance Officer, County Manager)**
- b. No leases or purchases of real property without BOCC approval**
- c. Contracts >\$50,000 will be reviewed by County Commissioners**
- d. Contracts that impact purpose of County government will be reviewed by County Commissioners**
- e. Contracts with a term of longer than one year will require Board of County Commissioner approval**

### **4. Personnel authority**

- a. Buncombe and Jackson County language**

**BOARD OF COMMISSIONERS**  
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Larry Chapman  
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**COUNTY MANAGER**  
Jaime Laughter  
828-884-3100  
Fax 828-884-3119

101 South Broad Street  
Brevard, NC 28712

**RESOLUTION # 35- 2021**  
**RESOLUTION ESTABLISHING**  
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  - e. One individual appointed by the Brevard City Council
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  - a. Six members shall be appointed by the Board of County Commissioners, according to sections A, B, and C of Section 4 and shall serve terms of no longer than three years, as determined at time of appointment by the Board of County Commissioners.
  - b. These members shall not serve more than two consecutive terms on the Board of Directors.
  - c. Three members, as established by section D, E, and F of section 4 of the Resolution shall be appointed by their respective boards and shall serve at the pleasure of their appointing board.
  - d. The City Council of Brevard and the Board of Alderman of the Town of Rosman shall submit their appointments in writing to the Clerk to the Board of County Commissioners
  - e. The Board of County Commissioners reserves the right to modify the length of terms for members of the Authority Board of Directors as is necessary for the continued operation of the Authority.
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  - a. Expend funds distributed to it to promote travel and tourism in Transylvania County,
  - b. Adopt rules of procedures to govern its meetings, in compliance with S.L. 2005-88
  - c. Adopt a written code of ethics which complies in all material respects with NCGS 160A-86, and a copy of the written code of ethics shall be transmitted to the Clerk to the Board of County Commissioners within seven days of adoption.
  - d. Comply with the quarterly and annual reporting requirements of S.L. 2005-88. Those reports shall detail the revenues and expenditures by function and purpose and include a



list of all individuals, vendors or contractors who have received more than \$10,000 in payments from the Authority.

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  - d. All meetings shall be conducted in accordance with North Carolina Open Meetings Law.
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  - a. The Chair has the responsibility for overseeing the preparation and submission of a recommended budget to the Authority board of directors in accordance with all procedures outlined in NCGS Chapter 159.
  - b. The Chair of the Authority shall submit the recommended budget for the Authority to the Office of the Transylvania County Manager not later than June 1<sup>st</sup> of each year.
  - c. The Chair of the Authority shall submit the adopted budget for the Tourism Authority to the Office of the Transylvania County Manager no less than seven days after adoption.
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  - a. The Finance Officer is responsible for the financial oversight, internal controls and ensuring that the Tourism Development Authority's financial affairs are conducted in compliance with generally accepted accounting principles, state law and regulations imposed by the Local Government Commission.
  - b. The Finance Officer or his or her designee shall serve as secretary to the Authority board.
  - c. The Finance Officer shall prepare and submit to the Board of County Commissioners a report on the compliance of the Authority with all applicable financial reporting and disclosure laws and regulations on an annual basis.
  - d. The Authority shall not delegate or otherwise assign the NCGS 159-25 duties of the Finance Officer to any other individual, officer or staff.
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  - a. If the Authority chooses to establish a committee, it shall first adopt a resolution defining the purpose and scope of the committee, number of members and length of terms and file a copy of the resolution with the Clerk to the Board of County Commissioners within seven days of adoption of the resolution.

- b. All appointments to committees shall be made by the Chair of the Authority in writing.
- c. Rosters of membership and records of appointment of each committee of the Authority shall be filed with the Clerk to the Board of County Commissioners quarterly.

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- a. All contracts must be executed by the Chair of the Authority Board, indicating it has been approved by the Authority Board, Finance Officer, to ensure it complies with Chapter 159 of the North Carolina General Statutes and by the Transylvania County Manager, to ensure it complies with terms of this County resolution.
- b. The Authority shall not enter into a contract for real property by lease or by purchase without prior written approval of the Transylvania County Board of County Commissioners.
- c. Any contract with a monetary value of greater than \$50,000 shall be subject to the review of the Transylvania County Commissioners according to procedures the Board of Commissioners determines.
- d. Any contract that pertains to an authorized purpose of County government, as defined by NCGS 153A-149 shall be subject to the review of the Transylvania County Board of Commissioners according to such procedures as the Board of Commissioners determines.
- e. Any Contracts with a term of longer than one fiscal year shall be subject to review and approval of the Transylvania County Commissioners to ensure the occupancy tax rate is set at a level sufficient to generate revenue to meet the required appropriation.
- f. All quarterly and annual reports shall include a list of all contracts entered by the Tourism Authority for the preceding quarter or year as applicable.

**15. PERSONNEL:** The Authority may, in its discretion, recommend to the Board of County Commissioners that county staff be employed for the purpose of advising it in its duties related to promoting tourism in Transylvania County,

- a. The Authority's ability to fire is subject to the limitations of federal and state laws and regulations, constitutional limitations and the Transylvania County Personnel Policy.
- b. The Authority's ability to compensate or provide benefits is subject to the Transylvania County Personnel Policy and determinations made by the County Human Resources Department.
- c. The Authority may employ up to three full-time equivalent positions, as determined by the County Human Resources Department. The classification and description of these positions shall be determined by the Board of County Commissioners. Any change in the number of positions overseen by the Authority shall occur only with prior approval of the Board of County Commissioners.

**16. PRIOR RESOLUTIONS:**

- a. This resolution replaces in full all prior amendments and modifications to County Resolution 053-86.

17. **EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

Adopted this the 13<sup>th</sup> day of December, 2021

TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Clerk to the Board



Clark Lovelace <clark@brevardncchamber.org>

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## RECORDS Fwd: RFQ for TDA Support Services

1 message

Layton Parker <layton@explorebrevard.com>  
Reply-To: Layton Parker <layton@explorebrevard.com>  
To: clark <clark@explorebrevard.com>

Wed, Mar 30, 2022 at 4:02 PM

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----- Original Message -----

From: Layton Parker <layton@explorebrevard.com>  
To: "jonathan.griffin@transylvaniacounty.org" <jonathan.griffin@transylvaniacounty.org>  
Date: December 30, 2021 1:06 PM  
Subject: RFQ for TDA Support Services

Now that we have the final proposal and resolution updated for the County Personnel plan for consideration, we will continue to consider an alternative with potential partners that meet the appropriate criteria. In order to release the RFQ draft you sent last month, which of the following must take place next:

1. This written request is sufficient for the County Finance department to release the RFQ presented and present responses as they are received to the TDA board
2. A review of the attached RFQ draft added to the January 6th agenda for a motion to approve and then release?

I just want to make sure and follow appropriate protocols to get this released to see if there are any available to fulfill the requirements needed by the TDA.

Thank you for your guidance and assistance,  
Layton Parker  
Chairman, Transylvania County Tourism Development Authority

# RECORDS Fwd: RE: To-Do List follow up and related questions for upcoming meeting

1 message

Wed, Mar :

Layton Parker <layton@explorebrevard.com>  
Reply-To: Layton Parker <layton@explorebrevard.com>  
To: clark <clark@explorebrevard.com>

## Original Message

From: Layton Parker <layton@explorebrevard.com>  
To: Dee Dee Perkins <dd@explorebrevard.com>  
Date: December 30, 2021 2:22 PM  
Subject: Fwd: RE: To-Do List follow up and related questions for upcoming meeting

## Original Message

From: Layton Parker <layton@explorebrevard.com>  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: Jaime Laughter <jaimelaughter@transylvaniacounty.org>  
Date: December 29, 2021 4:17 PM  
Subject: RE: To-Do List follow up and related questions for upcoming meeting

Thank you for the quick response and clarifications.

On December 28, 2021 1:10 PM Jonathan Griffin <Jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

Just let me know about any questions you have on the to-do list, happy to help, but as a reminder: my view is that it is very important that the TDA board understand that they are not a fully legally independent entity. They are not the directors of a corporation in the same way the County Commissioners are the directors of a municipal corporation or the Chamber Directors are the board of a not-for-profit corporation.

The Directors are appointed to the Board of Commissioners and fulfill their roles within a framework overseen by County Commissioners. I suggested that we include a new member orientation and a copy of the Clerk (Trisha's) advisory board presentation on the to-do list so that we get the new folks off to the right start on that front. To that point, and I'll touch on this more later – the Board of Commissioners have now taken action twice at their recent meetings to specifically rule out independent personnel powers for the Authority board.

To your questions:

1. When Teague Campbell Dennis & Gorham (the County Attorney) began their deep dive review of the Resolution, I was instructed to provide a list of any issues that I had raised with you that had not been addressed. I don't agree that I "amended" the procedure – rather the resolution clarifies existing legal responsibilities.
  - I. I shared a copy of the e-mail I had sent you and Clark about that issue. As we have previously discussed, I am the only finance officer that doesn't have a regular speaking role at Tourism Authority meetings to discuss financial metrics directly with the Authority's board.
  - II. The TCTDA practice of routing financial reporting through a contractor is unusual, and does not exist in Macon, Jackson, Haywood, Buncombe or Henderson County Tourism Authorities – I do understand that historically my predecessor was hands off, unfortunately that doesn't change the fiscal control act requirement 159-25(a)(3)
  - III. TCDG recommended language in Section 12(d) which we discussed when we met: "The Authority shall not delegate or otherwise assign the NCGS 159-25 duties of the Finance Officer to any other individual, officer or staff."
  - IV. It would be a violation of the Resolution for the Authority for the financial reporting to be handled by the Chamber of Commerce's staff. I am happy to discuss the formatting however you like – my inclination is to provide it in a different format than the TDA board is used to, but it was not fair to Chamber staff to expect them to understand the privacy laws or governmental accounting practices that come with handling these funds.
- b. To be transparent, when I was asked, I also provided the emails concerning these other two items:
  - I. The handling of federal funds not compliant with 2 CFR 200 which was addressed in Resolution section 8(e)
  - II. Signing procedures on contracts and agreements (which you and Clark had discussed making changes to, but no formal/written procedures came of it) which was addressed in Resolution Section 14(a)
2. On this one, I would need more specific information about what you want to see. In my view, it really depends on what your scope of work is before we can get more specific.
  - a. Can you please put the request to start a discussion about a contract in a separate more narrow e-mail. I'll be happy to send it off and copy you and the paralegal who manages our file with TCDG so we can get you answers. After all, the County Attorney is your attorney as well. I suggest a separate more narrow email only so that we have the specific request to track – we don't need to pay the attorneys to read this whole email chain - just the narrow request about an independent contractor relationship.
  - b. Form 1099 rules are very sticky around how much work can be done, on what terms. I suspect we would not be able to sustain the same level of support for the Boards' activities under a 1099 model, so we need to flesh out a true scope of work for a contractor.
  - c. Per your prior e-mail, I don't think just shifting the Chamber staff to being 1099 contractors is feasible specifically because I assume you still want regular schedules or intend to provide office space, both of which create an employer-employee relationship under IRS rules and disallow the 1099 payment method.
3. I'll happily review this table for you but the immediate feedback is this (with the scenarios being called A, B, C and D based on order)
  - a. For Plan A Comments:

I. Based on my comments during the Board of Commissioners meeting and what I've said to you, I do not agree that it accurate to describe the \$122,000 of overhead as a con, after all, it is services you likely need to pay for under other Plans, or would replace existing itemized expenditures (like your share of the County Attorney legal bills). Additionally, it is just a placeholder number for one year, based on a defensible calculation until we can get the precise one. I would suggest that language be included to truthfully reflect the purpose of the number.

b. Under Plan B:

I. I am not sure it is accurate to say that the growth of taxes and revenues is a CON under a contract. I agree it is what started this discussion – but it could be a con under any of the other options.

II. I don't agree that you can say you know if there is a good fit without issuing the RFQ. Nonprofits responding with their interest is the easiest way to ascertain if there are ones with a good fit.

III. In other nonprofit agreements that I have seen - there is no director "sharing". That is a unique element of the existing Transylvania relationship and doesn't really show up other places - It was a VP of Tourism in Buncombe who acted as the primary assistant to the TDA board, for example, and there was a similar relationship in Swain.

c. For Plan C: In two prior Board of Commissioner meetings, the Board of Commissioners have voted that "Plan C"/Jackson County is NOT an option for consideration. Additionally, the County Resolution was not revised for the Authority with that in mind, so we would need to revisit the resolution again to reverse course and pursue Plan C. If presented to the TDA board, I would suggest that language accurately reflect that the Board of Commissioners have specifically ruled it out, not that they have suggested its removal.

d. On your new proposed "Plan D" -I'm not sure it is a viable long term solution for the reason above under #2. I

One broader point that I'm not sure if it's been adequately discussed with the TDA board is that this conversation over the past many months has ALSO overlapped with a proposal to reduce the number of activities the TDA directly handles.

One item that came up during the Catapult analysis/interviews was that the Chamber director oversees three primary activities – the tourism program, the visitor's center and the Chambers' programming. The proposed TDA Director and their staff would do a smaller list of activities as opposed to the current catch-all Chamber model (and not the visitor's center). This impacts all of the options you've described. It might be useful to remind the TDA Board that in addition to the questions of control and staffing, you're also simultaneously putting forward different TDA model.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Layton Parker <layton@explorebrevard.com>  
Sent: Wednesday, December 29, 2021 10:45 AM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: To-Do List follow up and related questions for upcoming meeting

Good morning Jonathan,

I hope you had a wonderful Christmas. As a follow up to our meeting last week and preparation for our board meeting next month, I have 3 questions:

1) 1/6 Agenda - I am working on integrating the items you listed on the "To-Do List". I may send you a specific email regarding those listed items and any questions or drafts at another time. As I continue to learn more about the procedural rules, I had one specific additional question regarding the financial reporting during the meeting. Clark mentioned you amending the financial reporting procedure. Would you prefer to present the monthly financial reports or present them prior to the meeting for me or Clark to present? Also, will we continue to report the statistical data to help identify trending in tourism?

2) Potential need for short term director - Clark is continuing to have conversations with the Chamber leadership regarding the creation of their dedicated director and their recruitment process. They will be obligated to continue to fulfill the existing agreement through the end of the contract term, but I think it would be beneficial to prepare early for any gaps in structure implementation of either organization regarding the Tourism director role. The board plans to continue efforts to identify the most effective long term staffing structure, but just in case there is a need for an interim structure, can we begin working through the process of developing an agreement for an independent contract for the executive director position and what that would look like?

3) Permanent Staffing structure - This is obviously the most detailed process the board has to continue to work through. Now that we have the County's personnel plan integration option presented for the TDA board's consideration, I anticipate the board (especially new board members unfamiliar with the restructuring) to ask for a summary of the County plan and to also inquire about all the alternative options we have to consider. It seems that all the options have opportunities and challenges so I want to accurately describe them. I had written the email regarding this item on December 10th that was then distributed to the BOCC for informational purposes prior to their meeting, but I have not received any comments directly from anyone. Do you mind helping me in summarizing the options to the board by looking over this condensed list and us either scheduling a time to discuss or you providing written feedback from a finance officer perspective?

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PLAN

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PROs

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CONs

County Personnel Plan

Utilized by several TDAs

- Approved and ready to implement from BOCC and County Administration
- Improved benefit package compared to COC
- Wage Ranges within existing parameters of staff compensation

☐ Reduction of wages if existing specific staff members filling similar roles are hired

☐ \$122,000+ cost of Implementation and administration to County

#### RFQ for Contract of services

☐ Reduced liability and responsibilities from County and TDA passed on to the contracted agent

☐ Simple Financial procedure with one check and agreement

☐ Similar structure has proven to work prior to accelerated growth of the organization

☐ Growth of occupancy tax and tourism initiatives have "outgrown" existing similar structure due to limitations of a shared director

Current contract agent COC has informed board that they desire their own director and prefer to remove the staffing element from the agreement

☐ Not familiar with other non-profit or similar organizations that may be a good fit

#### County Integration with 3<sup>rd</sup> party outsourcing for payroll and HR functions "Jackson County Model"

☐ Professional support of companies specializing in payroll and HR functions reducing work load of County finance and HR handling same responsibilities

☐ Several TDAs use similar structure

☐ Provides flexibility for compensation levels and structure for recruitment and retention of staff

☐ A similar structure of 100% autonomy and the TDA becoming completely independent was asked to be removed from consideration by the BOCC and no further discussions have occurred to consider a close alternative using the model currently being used by Jackson County

#### Independent Contract

• Possible simple structure with reduced risk level and responsibilities

• Most often used for short term periods or interim directors

• Have not heard back from NCSOG or any authority of it being a viable option that is compliant with rules and procedures

On December 16, 2021 12:08 PM Jonathan Griffin <> wrote:

If needed, I can do 1:30 or 2:30 today. Any earlier and I'll be in a elf costume from the county Christmas party today. On the flip side we can just do it in a half hour before your meeting with Shella or the half hour today. If next Tuesday, I can do 11

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From: Layton Parker <layton@explorebrevard.com>  
 Sent: Thursday, December 16, 2021, 11:11 AM  
 To: Jonathan Griffin  
 Subject: RE: Slide 9

I am also flexible today until 3 pm if you would prefer that.

On December 16, 2021 11:10 AM Layton Parker (TCT) <layton@explorebrevard.com> wrote:

I could do anytime Monday before my meeting with Shella at 2. I could also Tuesday morning before noon and could do anytime on Thursday. Traveling Tuesday afternoon and Wednesday. Thanks for flexibility.

On December 16, 2021 11:02 AM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Sure, just let me know what you'd like to do and I'll make sure I block out the time.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-558-1584

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Wednesday, December 15, 2021 11:45 AM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: RE: Slide 9

Either is fine with me. I am out of the office on Friday, but could probably do other times before the meeting. Or we can schedule for next week following the meeting with HR.

On December 15, 2021 11:21 AM Jonathan Griffin <Jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

We need to touch base and discuss the new County resolution, and I can give you a copy of the OMB calculation for the Board of Elections at that time. Do you want to do it before or after your planned meeting with HR on the 20<sup>th</sup> or earlier or later?

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-558-1584

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Friday, December 10, 2021 12:46 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: Re: Slide 9

Sounds good, lets touch base after the meeting next week.

On December 10, 2021 12:38 PM Jonathan Griffin <Jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton, the cost allocation covers more than payroll. I will be describing it in full detail at the BOCC meeting with the full calculations as part of the presentation. I keep a copy of the document on my desk so I had just planned on holding it up and pointing at it during TDA.

Be happy to sit down on phone or in person after BOCC to discuss further if you'd like.

Get Outlook for Android

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Friday, December 10, 2021 12:32:34 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Subject: Slide 9

Good afternoon Jonathan,

quick question for the presentation. I know you used the Board of Elections as a benchmark regarding the County compensation for handling the full payroll function. Can you elaborate more about how that would look more specifically for the TDA? I had a question about that from



a board member and wanted to accurately describe it but also realize a final number will come later after everything is finalized and approved.

Thank you,

Layton

On December 2, 2021 1:59 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I believe Kate may have already discussed this with you but I heard from her that we had final numbers, so I've updated the packet accordingly. This will be the same information that will go on the agenda for Board of Commissioners consideration.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Layton Parker <laytonparker@gmail.com>  
Sent: Wednesday, December 1, 2021 7:56 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: Layton Parker (TCT) <layton@explorebrevard.com>; David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Shella Cozart <Shella.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>  
Subject: Re: follow up items

Thank you Jonathan!

I can tell your team has put a lot of effort in the research in the proposed policy and implementation plan if the board chooses to integrate into the county personnel plan. I appreciate you expediting getting it to us for review.

In essence of time, I think it would be best for us (Clark and me) to do a thorough review of your research and recommendations so we can accurately describe the options to the board. It will also be beneficial to integrate the missing pieces prior to that presentation and explanation as well.

In the meeting tomorrow, I will plan to let them know we received this preliminary information and hope to receive a finalized version very soon so we can present it to them for review and future decisions.

Thank you very much for so much support.

Layton

On Dec 1, 2021, at 8:17 PM, Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org> wrote:

Hi Layton,

We twiddled our thumbs most of the afternoon waiting to hear back from Naomi.

The incomplete slide is slide 8, which encompasses the ranges into which each position will be slotted.

In the notes field I summarized the sequence of events, but we got the first draft back on 10/24, did a zoom call for feedback on 10/29 and I checked with Sheila at 5 and we still haven't received the final recommendation yet. We may get them tomorrow AM before the day starts and be able to jot those in quickly.

Most slides have explanatory notes or additional context as necessary and cover the three items.

1. The employment language for the County resolution
2. Addition of job classifications, amendments to personnel plan
3. Proposal to proceed to negotiating a three year agreement btwn County, Authority and Chamber

The rest of the attachments are the still draft job descriptions and the policies that would apply.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-558-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Wednesday, December 1, 2021 12:09 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Jonathan,

I was thinking it may be best to give a general update to the board tomorrow and then follow up with the smaller pre-briefing type meetings you suggested for the following reasons:

1. Gives you more time to present a complete presentation without urgency for tomorrow
2. Sensitive information such as salary parameters would be presented to individual board members versus for the first time to current staff filling those positions
3. Immediate feedback from board members for questions, comments and then opportunity for a full board discussion at the next board meeting

If you want to provide to me and Clark for review now, that would be fine or you can finalize it and I can arrange the pre-briefing meetings following you getting the full information to us.

Thanks again for the extra effort to get the information together.

On November 30, 2021 6:34 PM Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org> wrote:

Hi Layton,

I see Clark has already distributed the agenda packet for Thursday's meeting. I was hoping that I would be able to submit all of the details for Plan A today, but unfortunately Sheila, Kate and I ran into some last second stumbling blocks and were unable to complete our work.

The presentation is mostly finished, with about two or three data points that are outstanding. My hope is that we will be able to submit it to you tomorrow, for you to distribute as you see fit.

If you are uncomfortable distributing the information with that little time for review from the Board, I certainly understand.

Jonathan

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1664

From: Jonathan Griffin  
Sent: Friday, November 19, 2021 3:45 PM  
To: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Shella Cozart <Shella.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Hi Layton,

- We would draft and release a document, give it a time period and receive response. We could likely also craft an RFQ for something of this nature – which would involve less a specific price tag and more a general assessment of an organization's ability to be an entity that supports the TDA board as it carries out its duties.
- OK – I have not personally received any communication from the Chamber, or seen anything that would suggest that the end-of-calendar year request was that flexible. As I shared with you previously, my primary concern is that we will still be trying to get a plane in the air but have run out of runway. If you are confident that the Chamber's position has changed and they are willing to ride out all the way to 6/30, that satisfies me.
- Yes, I agree it is no longer feasible to do anything before the full meeting because we are too close to 12/2.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1664

From: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Sent: Wednesday, November 17, 2021 11:21 AM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Shella Cozart <Shella.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Kate has received the resumes and is working on the review.

- RFP - Can you describe the process we would follow if we did want to issue one to see if any organizations are interested to review and see if it that is an option before we decide as a board want to issue one?

- Chamber deadline- With all the needed information to make a decision for the staffing structure of the TDA, having a hard date mandated creates an urgency that is not necessary. The Chamber is continuing to explore the best structure for their own director and staff and a plans to present a proposal back to the TDA for the visitor center and office space. Neither organization wants to rush this decision nor the transition steps necessary so I am confident we can all find a timeline that meets the needs of all organizations without creating steps necessary to expedite being proactive due to a date only. The delivery from their executive board at our joint meeting clarified their desire to pursue their own director and referenced a date but they are willing to work with us on that timeline to allow for the most effective long term structure of both organizations. We are covered through the end of the current contract date and I believe we could even do another short term agreement if all organizations are continuing to work towards the final goal but that is my opinion only at this point.
- Pre-meeting briefings - With Thanksgiving next week and the full board meeting scheduled on December 2, I feel that facilitating meetings prior to that may be challenging to make sure every board member is included and I also feel the information available to provide to them regarding options with the County personnel plan or informing them of a potential RFP would be limited at this point until we hear more from you regarding the Catapult Analysis. We would not have the expectation for the County to be 100% prepared to answer every question following that analysis by the meeting on December 2. I suggest we continue to do our best to have much more detail for the board to consider and possible pre-meetings prior to our meeting in January.

On November 15, 2021 12:48 PM  
Jonathan Griffin <Jonathan.griffin@transylvaniacounty.org> wrote:

Thanks for the follow up and directing them to Kats.

- On presentation: We'll present it whatever way you prefer, it is only a suggestion that we try for pre-meeting briefings. I do anticipate an overview of the County's HR policies, the Catapult analysis concerning salary ranges and FLSA and finalized pay and benefits will make for a long question and could generate questions that are difficult to answer on the spot.
- I don't know that it will be possible to find an organization that can slot in for the administrative component quite the same way that the Chamber served in this role without soliciting via RFP, but for the purposes of facilitating Plan B, we copied in the scope of work from the Chamber agreement, but the rest is boilerplate language. Up to you whether or not you want it issued – my view is that we need to be proactive, as you and I have previously discussed if the Chamber were to

My last conversation on the resolution update was on 9/30, so I don't have any updates on that front aside from I know there was going to add the hire/fire language to the resolution so that it was possible, and then some clean up on top of that on issues like we have previously discussed (like the Robert's Rules issue that doesn't match best practice for local governments or how TCTDA has governed its meetings). Generally, the resolution needs to define the TCTDA directors and their powers and

responsibilities, while the by-laws are the procedures and processes about how those powers and responsibilities are exercised.

I will follow up with the County Attorney to see if we are on track for those to go forward at the 12/13 for the BOCC meeting.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Sent: Wednesday, November 10, 2021 3:45 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaimelaughter@transylvaniacounty.org>; Shella Cozart <Shella.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>  
Subject: Re: follow up items

Thank you for the updates Jonathan,

I am looking forward to getting the updates and information following the report from Catapult. I have let contacts with Chamber know that we are continuing to work on a solution for the new structure and will continue to communicate with them as soon as we have more information and direction. In response to some of your points in the email below:

- We will plan to present reports or recommendations received by the County regarding development of a integrated county personnel plan to the board on the 5th or if information is provided prior to that meeting, we can arrange smaller meetings with the task force or other representatives to keep the process moving and allow for as much understanding as possible for the Board members to consider to allow expedited, yet informed decisions to help all organizations get this wrapped up soon.
- I am asking Clark and the other staff members to provide their resumes to Kate Hayes to assist with that review process
- Plan B - We have not discussed any additional options following the Chamber's desire to pursue their own director and request for the TDA to provide its own staffing. Our primary plan still remains to either initiate the County Personnel plan following the information the County plans to provide soon or "Plan B" would be to continue to evaluate other versions of hybrid structures where other Counties and TDAs work together for staffing needs. I briefly reviewed the RFP template and would be happy to assist with developing a version of that but I am unaware of any nonprofit support agencies in our County that may be interested or qualified to partner with. I would be interested in hearing more if anyone has suggestions.

- Resolution and by-law revisions - As we finalize the structure, I expect several revisions needed to implement. Do you have any current drafts of any revisions you know of already that would be needed based on the due diligence process we have all completed so far regarding our resolutions, by-laws or statutes?

Thanks again for your detailed guidance as we get closer to a solution.

Layton

On November 8, 2021  
4:55 PM Jonathan Griffin  
<jonathan.griffin@transylvaniaco

unity.org> wrote:

Hi Layton,

Touching base on what I am aware of as we move towards a conclusion on the Authority's restructuring:

- We expect to have the HR consultant's report back from Catapult and in hand within a week or two
- The second Board of Commissioners meeting for this month has been cancelled
- The Authority will have its next meeting on Dec 5<sup>th</sup>
- The earliest we can put the revisions to the establishing resolution and by-laws of the Authority and authorize creation of County staff TDA positions would be December 13<sup>th</sup>, 2021 (the BOCC meeting)
- I have not heard back from you about whether or not there is a plan B for a support services contract

I believe I mentioned this in passing at the Authority's October meeting, but I think the smoothest path forward is that we organize smaller meetings with individual or small groups of the Board of Directors to put the information in front of the BOD before a full review at the Authority's Dec 5 meeting. Since we do have at least an informal deadline from the Chamber, it seems that we can make a good faith effort to at least formalize a decision by the end of the calendar year.

I expect at this point we need each member of the board of directors familiar with the following items (the "Plan A" from our earlier emails) before 12/6:

- The salary ranges, job descriptions and benefit structure under the County's formal plans
- The human resources policies for the County which would be followed by the Authority
- The budget amendments (either through a reduction in expenses elsewhere, or an appropriation of fund balance) necessary to implement it

There are two items we can work on while we wait for that Catapult package to come back:

- Since you moved during the Authority's October meeting to offer future County staff positions to the three employees of the Chamber, can you instruct your selected individuals to submit resumes/curriculum vitae to Kate Hayes?
- The County evaluates relevant skills, experience and academic background to determine base pay, so we can start getting some numbers together
- I asked Brian to use a template to draft a potential RFP for the Authority to contract with a new nonprofit entity for support services – please review and let me know if you would like us to release this document to solicit options for a Plan B.

Looking forward to stitching this up, let me know what you think!

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-558-1584

<TDA Slideshow pt2 - Staffing.pdf>

<County Travel Policy - v2021.pdf>

<Personnel Policy v2021.pdf>

<Transylvania County Employee Benefits FY 2022.pdf>

<Marketing Specialist Job Description\_CLEAN v2.docx>

<Outreach Specialist Job Description\_CLEAN v2.docx>

<Tourism Development Director Job Description\_CLEAN v2.docx>





Clark Lovelace <clark@brevardncchamber.org>

## RECORDS Fwd: TCTDA Staffing restructuring options as of December 10, 2021

1 message

Layton Parker <layton@explorebrevard.com>  
Reply-To: Layton Parker <layton@explorebrevard.com>  
To: clark <clark@explorebrevard.com>

Wed, Mar 30, 2022 at 4:03 PM

### ----- Original Message -----

From: Layton Parker <layton@explorebrevard.com>  
To: Dee Dee Perkins <dd@explorebrevard.com>  
Date: December 30, 2021 2:23 PM  
Subject: Fwd: TCTDA Staffing restructuring options as of December 10, 2021

### ----- Original Message -----

From: "Layton Parker (TCT)" <layton@explorebrevard.com>  
To: Jaime Laughter <jaime.laughter@transylvaniacounty.org>, Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Guice <David.Guice@transylvaniacounty.org>, Shella Cozart <Shella.Cozart@transylvaniacounty.org>, Kate Hayes <kate.hayes@transylvaniacounty.org>, "Jason.chappell@transylvaniacounty.org" <jason.chappell@transylvaniacounty.org>  
Date: December 10, 2021 12:45 PM  
Subject: TCTDA Staffing restructuring options as of December 10, 2021

### TDA Staffing Structure Options

#### As of December 10, 2021

*Thank you again for everyone's time and effort through this process. I am sure some of you hate seeing my long, extensive emails but I find it best to have more details than less, especially when referencing them later when it is hard to remember where we were at that time. Feel free to correct any information that I am incorrectly providing below.*

The intent of this email is to comprehensively describe the current status of options for consideration by the Transylvania County Tourism Development Authority (TCTDA) to continue discussions for a viable option for a structure to provide staffing and HR functions for the TCTDA with the **primary objective of providing a dedicated Executive Director of the TCTDA, an Outreach specialist and a Marketing Specialist to assist the Board of Directors with fulfillment of the function and mission of the TCTDA.**

#### Quick Recap of steps taken to date:

*(intended to be a brief summary of steps and does not provide a full comprehensive history)*

1. January 2020 - Feedback from the existing shared director of the Chamber of Commerce / TDA during an annual retreat and planning session regarding how the existing structure was not effective nor sustainable long term due to substantial growth in occupancy tax collection, desired sustainability efforts to protect our County resources impacted by tourism, strategic planning Tourism related initiatives and the simple concept that one director cannot effectively serve the needs of both the TDA and Chamber of Commerce.
2. Research and Conversations with the Chamber of Commerce administration, Transylvania County administration (Commissioners, Finance Officer, County Manager, HR administration), NC School of Government, Legal Counsel, Tourism Industry Consultants and neighboring TDA administration for potential options to implement to achieve the desired primary objective described above.
3. Chamber of Commerce – following similar guidance provided by the shared Executive director and consideration of their Executive Committee, also informed the TCTDA that they desired to seek a dedicated Executive Director for the Chamber of Commerce but would like to continue a relationship with the TCTDA related to the visitor center and office space.
4. County manager / Finance Officer – provided information to the TCTDA for potential structures early in this process and presented the information to County Commissioners with recommendations.
5. County Commissioners – accepted the information and recommendation from the Finance officer and County manager to consider an integration of a County Personnel plan by the TCTDA and did not support the TCTDA becoming a completely autonomous independent employer to achieve the primary objective.

6. County HR – consulted with Catapult consulting to evaluate the potential job positions and how they would be classified and integrate within the existing County Personnel plan in regards to criteria of job description, classifications, salary plan ranges and then quantitatively evaluated the personnel currently serving in those similar positions with the Chamber of Commerce related to experience, education and qualifications to determine where those specific individuals would fall within the criteria described. This information was shared with the TCTDA on December 2, 2021.
7. Following receipt of County personnel plan details this week, I facilitated individual direct conversations with all current board members continuing to serve in 2022 to keep them up to date of information we have received and the potential options available.

Current Options for all related parties to consider for a solution at this time:

#### **COUNTY PERSONNEL PLAN**

The potential structure of a full integration of the County Personnel plan by the TCTDA has been provided and is planned to be presented to the County Commissioners for consideration. The PowerPoint presentation provided by the Finance officer on December 2 provides the details of the potential structure. In addition to those details, the following specific salary levels for the existing personnel that would be considered for these positions were provided as well:

Current Job Title	County Job Classification	Current Salary + bonus	County Salary / Wage for specific individual (37.5 hour week)	Pay Grade Minimum	Pay Grade Maximum
Executive Director	Tourism Development Director	\$77,000 + \$3,650	67,529 (13,121 reduction)	55,352	85,795
Marketing Specialist	Program Specialist	\$37,000 + \$1,500	35,821 (2,679 reduction)	35,123	54,440
Outreach Specialist	Administrative Assistant	\$38,000 + \$1,500	33,813 (5,687 reduction)	31,857	49,379

The specific wages offered for all three potential employees are lower than what they are currently being paid and the board had communicated this would be a requirement to consider this structure as an option. The TCTDA board thought the process would be that County HR would determine the wage ranges and the TCTDA board would have discretion of where the specific wages fell within those parameters. I have scheduled a meeting with Sheila on December 20th to learn more about the process of quantifying the specific levels and see if there is any room for negotiation so the board can continue consideration of this plan.

We can all agree that the personnel in those current positions are extremely competent and skilled and we would not want to lose any of them and replacement particularly with lower wage offerings versus retention would be very challenging and undesirable for all parties involved. Some of you may be able to assist with recommendations of similar situations where the County Commissioners or other departments have experienced when the parameters have prevented a competitive offering in current market conditions to attract qualified candidates and how they overcame with adjustments to the ranges or where candidates fell within the range. I am inquiring of any solutions they implemented to overcome those challenges that would be helpful for this decision for the TCTDA to continue consideration of this option.

#### **CHAMBER PARTNERSHIP**

Previous conversations have revealed that neither organization prefer revising a new version of an agreement for staffing and the Chamber has officially notified the TCTDA that they prefer to seek their own director. Based on the current circumstances and the desired long-term objectives of both organizations, a restructuring of the existing arrangement with the Chamber presents several challenges of fiscal control, separations of leadership within one organization for two entities and alignment of scope of services versus specific personnel direction but as we continue to wait for the Chamber to provide information regarding the future real estate partnership, we will revisit possible solutions for a contract of services for consideration as a back up plan if the alternative options do not work out.

#### **RFP NON-PROFIT**

The finance officer has suggested for the TCTDA to issue an RFP to see if any other non-profit organizations are available that may be interested in providing a similar structure that exists today with the Chamber of Commerce which would require changes to the existing agreement due to fiscal control violations, but could be an option. Our main concern of exploring this option is not being aware of any non-profit organizations in

our area that may meet these criteria and how it would work with a transition of the personnel filling those positions today.

### **3<sup>rd</sup> PARTY INTEGRATION**

Neighboring county structures have been referenced and some have been described as hybrid versions of the County Personnel plan integration. Some have outsourced the HR functions and the County has processed the payroll function only. Others have outsourced both functions with oversight from the County finance officer. Even though the 100% autonomous independent structure was not preferred by the County Commissioners, there still could be potential versions of this plan to allow the challenge of salary levels below current staff to be overcome. Jackson County has been referenced several times. Based on my understanding, the JCTDA had a similar situation where their County personnel plan prevented them from maintaining a competitive wage for their existing Director in current market conditions and the job responsibilities that required the JCTDA to explore options for restructuring. The County Commissioners were in favor of allowing the outsourcing of payroll and HR which allowed the Executive director and Marketing specialist to receive a salary that was competitive and above the standard county classifications. I believe continued conversations for a structure like this that is approved by the County Commissioners is still a viable option with oversight from the finance officer.

### **INDEPENDENT CONTRACTOR**

The final option that may be a consideration is utilizing independent contractor agreements. I know other TDAs have executed agreements with Directors and/or support positions using an agreement and issuing a 1099 for those services provided. This is often used when there is a need for an interim director. I have reached out to Kara with the NC School of Government for more information to see if this is even an option that would be compliant with State statute and fiscal control policy but in theory it could be a simple financial process with disbursements made directly to the independent contractor and their own requirement for employment taxes, insurance and other risk and liabilities associated with being an employer. I am least familiar with this option but thought it would be worth bringing up to see what your thoughts are related to consideration.

### **BOTTOM LINE**

- We currently have very competent personnel fulfilling the Chamber's contract for services agreement.
- We need a dedicated director and staff.
- The Chamber desires a dedicated director.
- We do not want to lose these employees over the transition process or wage reductions and do not want to have to recruit, retrain and rely on new personnel for these crucial roles for the TDA as a direct result of low wages for keeping the current staff or being competitive in recruiting new staff.
- We want to make the best long-term decision and be as cooperative as possible with the Chamber and the County.
- We want to consider all options that are available and agree upon that option with our partners, but the options we have available at this time have been limited due to parameters beyond the control of the TDA and we hope that reasonable consideration can be granted to each viable option.

On December 8, 2021 9:10 AM Jaime Laughter <jaime.laughter@transylvaniacounty.org> wrote:

Layton,

Thank you for the feedback. The BOC will need to consider adding the positions and the classifications into our existing public employment system. The presentation will have the broad pay ranges and classifications so that commissioners know what they are approving, but will not include how each employee falls in the pay range based on qualifications. We do know that the existing employee salaries fall within those ranges so the knowledge of the actual coming in less on this option would be up to when you speak with them individually. We certainly understand the sensitivity there and staff will not be presenting anything specific to individuals, but rather as if these were just new positions being added into the county system that would then be advertised for hiring.

As TCT discusses their recommendation between the two structures, let us know if you need additional information!

Jaime

**From:** Layton Parker (TCT) <layton@explorebrevard.com>  
**Sent:** Tuesday, December 7, 2021 12:10 PM  
**To:** Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
**Cc:** David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>  
**Subject:** RE: follow up items

Thank you for the updated information Kate and Jonathan,

I realize the presentation to the Commissioners would still be for preliminary consideration and the information would then be finalized as a proposal to the TDA board to consider a full integration with the County Personnel plan. The primary concern of the TDA board as communicated in the past for this plan's consideration was a reduction of salary for the existing personnel serving in the similar job positions with the Chamber of Commerce that would potentially transition to the TDA board employment through the County plan would make this option not viable.

As we all know, following the analysis and feedback from Catapult and the process of fitting the new job descriptions in the County personnel plan through the HR department, the proposed salary levels are below the existing levels received by those potential employees and would create extremely challenging recruitment for the current Chamber employees or other possible candidates. Our board can continue conversations with Sheila and her department for full information regarding salary and benefits, but in the meantime we are concerned about these possible compensation levels being presented at the Commissioners meeting and revealed to those staff members before the board is able to continue the consideration of this option.

We would prefer that the information being presented to the County Commissioners to provide an overview of how the integration would work and other details but not disclose the actual salary ranges and classifications at this time by removing slide 8 due to sensitivity and reaction when the existing employees in those similar positions see a pay reduction and reclassification of their job descriptions prior to this being an approved option to implement.

We are planning to present the information during the pre-briefing meetings to individual board members over the next 3-4 weeks for consideration and our discussion on January 6th. Per Jonathan's recommendation, we are also continuing consideration for a back up plan if this option is likely not to be approved by the board.

Thank you for your continued assistance and understanding of the sensitivity of the process and presentation of information.

Layton

On December 2, 2021 1:59 PM Jonathan Griffin <Jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I believe Kate may have already discussed this with you but I heard from her that we had final numbers, so I've updated the packet accordingly. This will be the

same information that will go on the agenda for Board of Commissioners consideration.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker <laytonparker@gmail.com>  
Sent: Wednesday, December 1, 2021 7:56 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: Layton Parker (TCT) <layton@explorebrevard.com>; David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>  
Subject: Re: follow up items

Thank you Jonathan!

I can tell your team has put a lot of effort in the research in the proposed policy and implementation plan if the board chooses to integrate into the county personnel plan. I appreciate you expediting getting it to us for review.

In essence of time, I think it would be best for us (Clark and me) to do a thorough review of your research and recommendations so we can accurately describe the options to the board. It will also be beneficial to integrate the missing pieces prior to that presentation and explanation as well.

In the meeting tomorrow, I will plan to let them know we received this preliminary information and hope to receive a finalized version very soon so we can present it to them for review and future decisions.

Thank you very much for so much support.

Layton

On Dec 1, 2021, at 6:17 PM, Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org> wrote:

Hi Layton,

We twiddled our thumbs most of the afternoon waiting to hear back from Naomi.

The incomplete slide is slide 8, which encompasses the ranges into which each position will be slotted.

In the notes field I summarized the sequence of events, but we got the first draft back on 10/24, did a zoom call for feedback on 10/29 and I checked with Sheila at 5 and we still haven't received the final recommendation yet. We may get them tomorrow AM before the day starts and be able to jot those in quickly.

Most slides have explanatory notes or additional context as necessary and cover the three items.

1. The employment language for the County resolution
2. Addition of job classifications, amendments to personnel plan
3. Proposal to proceed to negotiating a three year agreement btwn County, Authority and Chamber

The rest of the attachments are the still draft job descriptions and the policies that would apply.

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>  
Sent: Wednesday, December 1, 2021 12:09 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Jonathan,

I was thinking it may be best to give a general update to the board tomorrow and then follow up with the smaller pre-briefing type meetings you suggested for the following reasons:

1. Gives you more time to present a complete presentation without urgency for tomorrow
2. Sensitive information such as salary parameters would be presented to individual board members versus for the first time to current staff filling those positions
3. Immediate feedback from board members for questions, comments and then opportunity for a full board discussion at the next board meeting

If you want to provide to me and Clark for review now, that would be fine or you can finalize it and I can arrange the pre-briefing meetings following you getting the full information to us.

Thanks again for the extra effort to get the information together.

On November 30, 2021 6:34 PM Jonathan Griffin  
<Jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I see Clark has already distributed the agenda packet for Thursday's meeting. I was hoping that I would be able to submit all of the details for Plan A today, but unfortunately Sheila, Kate and I ran into some last second stumbling blocks and were unable to complete our work.

The presentation is mostly finished, with about two or three data points that are outstanding. My hope is that we will be able to submit it to you tomorrow, for you to distribute as you see fit.

If you are uncomfortable distributing the information with that little time for review from the Board, I certainly understand.

Jonathan

Jonathan Griffin  
Finance Director  
Transylvania County  
p: 828-884-1931  
m: 828-556-1564

From: Jonathan Griffin  
Sent: Friday, November 19, 2021 3:45 PM  
To: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter  
<jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; Clark <clark@explorebrevard.com>  
Subject: RE: follow up items

Hi Layton,

- We would draft and release a document, give it a time period and receive response. We could likely also craft an RFQ for something of this nature – which would involve less a specific

price tag and more a general assessment of an organization's ability to be an entity that supports the TDA board as it carries out its duties.

- OK – I have not personally received any communication from the Chamber, or seen anything that would suggest that the end-of-calendar year request was that flexible. As I shared with you previously, my primary concern is that we will still be trying to get a plane in the air but have run out of runway. If you are confident that the Chamber's position has changed and they are willing to ride out all the way to 6/30, that satisfies me.
- Yes, I agree it is no longer feasible to do anything before the full meeting because we are too close to 12/2.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT)

<layton@explorebrevard.com>

Sent: Wednesday, November 17, 2021 11:21 AM

To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>

Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter

<jaime.laughter@transylvaniacounty.org>; Sheila

Cozart <Sheila.Coziert@transylvaniacounty.org>; Kate

Hayes <kate.hayes@transylvaniacounty.org>; clark

<clark@explorebrevard.com>

Subject: RE: follow up Items

Kate has received the resumes and is working on the review.

- RFP - Can you describe the process we would follow if we did want to issue one to see if any organizations are interested to review and see if it that is an option before we decide as a board want to issue one?
- Chamber deadline- With all the needed information to make a decision for the staffing structure of the TDA, having a hard date mandated creates an urgency that is not necessary. The Chamber is continuing to explore the best structure for their own director and staff and a plans to present a proposal back to the TDA for the visitor center and office space. Neither organization wants to rush this decision nor the transition steps necessary so I am confident we can all find a timeline that meets the needs of all organizations without creating steps necessary to expedite being proactive due to a date only. The delivery from their executive board at our joint meeting clarified their desire to pursue their own director and referenced a date but they are willing to work with us on that timeline to allow for the



most effective long term structure of both organizations. We are covered through the end of the current contract date and I believe we could even do another short term agreement if all organizations are continuing to work towards the final goal but that is my opinion only at this point.

- Pre-meeting briefings - With Thanksgiving next week and the full board meeting scheduled on December 2, I feel that facilitating meetings prior to that may be challenging to make sure every board member is included and I also feel the information available to provide to them regarding options with the County personnel plan or informing them of a potential RFP would be limited at this point until we hear more from you regarding the Catapult Analysis. We would not have the expectation for the County to be 100% prepared to answer every question following that analysis by the meeting on December 2. I suggest we continue to do our best to have much more detail for the board to consider and possible pre-meetings prior to our meeting in January.

On November 15, 2021 12:48 PM  
Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Thanks for the follow up and directing them to Kate.

- On presentation: We'll present it whatever way you prefer, it is only a suggestion that we try for pre-meeting briefings. I do anticipate an overview of the County's HR policies, the Catapult analysis concerning salary ranges and FLSA and finalized pay and benefits will make for a long question and could generate questions that are difficult to answer on the spot.
- I don't know that it will be possible to find an organization that can slot in for the administrative component quite the same way that the Chamber served in this role without soliciting via RFP, but for the purposes of facilitating Plan B, we copied in the scope of work from the Chamber agreement, but the rest is boilerplate language. Up to you whether or not you want it issued – my view is that we need to be proactive, as you and I have previously discussed if the Chamber were to

My last conversation on the resolution update was on 9/30, so I don't have any updates on that front aside from I know there was going to add the hire/fire language to the resolution so that it was possible, and then some clean up on top

of that on issues like we have previously discussed (like the Robert's Rules issue that doesn't match best practice for local governments or how TCTDA has governed its meetings). Generally, the resolution needs to define the TCTDA directors and their powers and responsibilities, while the by-laws are the procedures and processes about how those powers and responsibilities are exercised.

I will follow up with the County Attorney to see if we are on track for those to go forward at the 12/13 for the BOCC meeting.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT)  
<layton@explorebrevard.com>  
Sent: Wednesday, November 10, 2021  
3:45 PM  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>  
Subject: Re: follow up items

Thank you for the updates Jonathan,

I am looking forward to getting the updates and information following the report from Catapult. I have let contacts with Chamber know that we are continuing to work on a solution for the new structure and will continue to communicate with them as soon as we have more information and direction. In response to some of your points in the email below:

- We will plan to present reports or recommendations received by the County regarding development of a integrated county personnel plan to the board on the 5th or if information is provided prior to that meeting, we can arrange smaller meetings with the task force or other representatives to keep the process moving and allow for as much understanding as possible

for the Board members to consider to allow expedited, yet informed decisions to help all organizations get this wrapped up soon.

- I am asking Clark and the other staff members to provide their resumes to Kate Hayes to assist with that review process
- Plan B - We have not discussed any additional options following the Chamber's desire to pursue their own director and request for the TDA to provide its own staffing. Our primary plan still remains to either initiate the County Personnel plan following the information the County plans to provide soon or "Plan B" would be to continue to evaluate other versions of hybrid structures where other Counties and TDAs work together for staffing needs. I briefly reviewed the RFP template and would be happy to assist with developing a version of that but I am unaware of any nonprofit support agencies in our County that may be interested or qualified to partner with. I would be interested in hearing more if anyone has suggestions.
- Resolution and by-law revisions - As we finalize the structure, I expect several revisions needed to implement. Do you have any current drafts of any revisions you know of already that would be needed based on the due diligence process we have all completed so far regarding our resolutions, by-laws or statutes?

Thanks again for your detailed guidance as we get closer to a solution.

Layton

On November 8, 2021  
4:55 PM Jonathan Griffin  
<jonathan.griffin@transylvaniaco

unity.org> wrote:

Hi Layton,

Touching base on what I am aware of as we move towards a conclusion on the Authority's restructuring:

- We expect to have the HR consultant's report back from Catapult and in hand within a week or two
- The second Board of Commissioners meeting for this month has been cancelled
- The Authority will have its next meeting on Dec 5<sup>th</sup>
- The earliest we can put the revisions to the establishing resolution and by-laws of the Authority and authorize creation of County staff TDA positions would be December 13<sup>th</sup>, 2021 (the BOCC meeting)
- I have not heard back from you about whether or not there is a plan B for a support services contract

I believe I mentioned this in passing at the Authority's October meeting, but I think the smoothest path forward is that we organize smaller meetings with individual or small groups of the Board of Directors to put the information in front of the BOD before a full review at the Authority's Dec 5 meeting. Since we do have at least an informal deadline from the Chamber, it seems that we can make a good faith effort to at least formalize a decision by the end of the calendar year.

I expect at this point we need each member of the board of directors familiar with the following items (the "Plan A" from our earlier emails) before 12/5:

- The salary ranges, job descriptions and benefit structure under the County's formal plans

- The human resources policies for the County which would be followed by the Authority
- The budget amendments (either through a reduction in expenses elsewhere, or an appropriation of fund balance) necessary to implement it

There are two items we can work on while we wait for that Catapult package to come back:

- Since you moved during the Authority's October meeting to offer future County staff positions to the three employees of the Chamber, can you instruct your selected individuals to submit resumes/curriculum vitae to Kate Hayes?
  - The County evaluates relevant skills, experience and academic background to determine base pay, so we can start getting some numbers together
- I asked Brian to use a template to draft a potential RFP for the Authority to contract with a new nonprofit entity for support services – please review and let me know if you would like us to release this document to solicit options for a Plan B.

Looking forward to  
stitching this up, let me  
know what you think!

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

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<Tourism Development Director Job Description\_CLEAN v2.docx>



Clark Lovelace <clark@brevardncchamber.org>

## RECORDS Fwd: RE: RFQ for TDA Support Services

1 message

Layton Parker <layton@explorebrevard.com>  
Reply-To: Layton Parker <layton@explorebrevard.com>  
To: clark <clark@explorebrevard.com>

Wed, Mar 30, 2022 at 4:03 PM

### ----- Original Message -----

From: Layton Parker <layton@explorebrevard.com>  
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
Cc: Jaime Laughter <jaime.laughter@transylvaniacounty.org>  
Date: January 3, 2022 1:34 PM  
Subject: RE: RFQ for TDA Support Services

Based on the detail level of specific discussion regarding the RFQ with the full board, it is probably best to proceed with Option 2 for their review, input regarding Section 2.3 & 5 and approval for issuing. I will plan to include it on the Draft agenda I plan to send this afternoon as well.

One related question regarding the RFQ from your email on 12-29-21:

*"In other nonprofit agreements that I have seen - there is no director "sharing". That is a unique element of the existing Transylvania relationship and doesn't really show up other places - it was a VP of Tourism in Buncombe who acted as the primary assistant to the TDA board, for example, and there was a similar relationship in Swain"*

If the board wanted to integrate language in the RFQ that facilitates aligning it's scope relative to other non-profit agreements you referenced, would it be best for us to review the structures that exist in Buncombe or Swain to benchmark to or do you think the language already exists in the document to allow an entity similar to these to respond?

On December 30, 2021 3:27 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I glanced at the document and tweaked it a little bit just to be sure that all the language pointed to a Qualifications-based process rather than a specific Proposal-based process. Just one last clean up job, nothing major (ex; made sure the acronym "RFP" was "RFQ" )

As for your question, I need to defer to you - I don't know the extent to which you've shared the document(s) with the TDA board or what your conversations have been with other TDA boardmembers.

Their level of familiarity with the process and end goal is probably key here and I only know the relatively minor discussions on this during the TDA board meetings and from what you've communicated to me directly.

- If you have circulated the RFQ document and the board members won't be surprised or uncomfortable with the process, then yes I think we can move with #1 pretty quickly.
  - I just need you to tell me how you want to handle the dates under section 2.3 and when you want the Section 2.5 deadline to be.
- If the TDA board members haven't had the opportunity to dig in to document, then I would think option #2 is more appropriate in case there would be questions to be answered or changes to accommodate.

Either way, I think the most important thing is that the TDA board is familiar with/comfortable with Sections 2.3 (the decision making schedule) and Section 5 (the scope of work).

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

**From:** Layton Parker <layton@explorebrevard.com>  
**Sent:** Thursday, December 30, 2021 2:22 PM  
**To:** Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>  
**Subject:** Fwd: RFQ for TDA Support Services

Attached the Draft of the RFP provided last month

----- Original Message -----

**From:** Layton Parker <layton@explorebrevard.com>  
**To:** "jonathan.griffin@transylvaniacounty.org" <jonathan.griffin@transylvaniacounty.org>  
**Date:** December 30, 2021 1:06 PM  
**Subject:** RFQ for TDA Support Services

Now that we have the final proposal and resolution updated for the County Personnel plan for consideration, we will continue to consider an alternative with potential partners that meet the appropriate criteria. In order to release the RFQ draft you sent last month, which of the following must take place next:

1. This written request is sufficient for the County Finance department to release the RFQ presented and present responses as they are received to the TDA board



2. A review of the attached RFQ draft added to the January 6th agenda for a motion to approve and then release?

I just want to make sure and follow appropriate protocols to get this released to see if there are any available to fulfill the requirements needed by the TDA.

Thank you for your guidance and assistance,

Layton Parker

Chairman, Transylvania County Tourism Development Authority