

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 3 May 2010

SUBJECT: Memorandum of Understanding for Municipalities
Regarding Participation in the Abandoned Mobile Home
Program

ATTACHMENT(S): Draft Memorandum of Understanding

SUMMARY OF REQUEST:

At your April 3rd meeting, this Board discussed and approved permitting municipalities to share state funds provided in the Abandoned Mobile Home Program. Staff has drafted a memorandum of understanding (MOU) to be signed by municipalities choosing to participate. This MOU outlines the program, describes the responsibilities of the County and the municipality, and states the expenditures for the program.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Approval of the draft MOU so that it can be distributed to the municipalities who are interested in participating.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the draft Memorandum of Understanding as proposed.

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

DRAFT- MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT, made and entered into this the ____ day of _____, 2010 by and between **HENDERSON COUNTY**, hereinafter “the County” and _____, hereinafter “the Municipality”

WITNESSETH:

WHEREAS many Henderson County citizens own mobile homes that are dilapidated beyond repair but lack the resources to have these homes removed and properly disposed of;

WHEREAS the North Carolina Department of Environment and Natural Resources created a grant program to pay up to \$1000 per home for the removal of abandoned mobile homes up to a total grant allocation of \$25,000 that Henderson County is an eligible recipient of from March 2010 to February 2011;

WHEREAS the municipality is desirous to participate in the state grant program to remove abandoned mobile homes in the incorporated areas of the County;

WHEREAS a uniform removal program in the County and municipalities will provide access to grant funds to a great number of low income citizens of the County and allow for the removal of more abandoned mobile homes;

NOW THEREFORE in consideration of mutual promises contained herein by the County and the Employee and more particularly described as follows:

TERMS AND CONDITIONS

1. Purpose: To remove abandoned mobile homes in the incorporated and unincorporated areas of Henderson County to abate nuisance and public health concerns, whether potential or realized.
2. Term: The term of this agreement shall run until February 2011 or until all state grant funds are expended, whichever occurs first.
3. Remainder costs: State funds reimburse removal of abandoned mobile homes up to \$1000. The municipality agrees that any remaining costs of the removal shall be paid for either by the municipality or by the owner. Remaining costs must be submitted to the County after an estimate for the work has been given by a vendor but prior to the removal of a mobile home. The County shall not be liable for any costs of removal for abandoned mobile homes in the municipality.

4. Application: Applicants within the municipality must complete the County removal application. As part of the application, applicants shall give permission to municipal, county, and vendor staff to be on the property, examine the mobile home, and to remove the mobile home.
5. Municipal Contact: The municipality shall identify a contact within the municipality that the County shall communicate with regarding the implementation of the program, remaining grant funds and current applications.
6. Process:
 - a. Application. Applicants within municipalities shall complete County application and submit the completed form to the municipality which shall send it to the County for processing.
 - b. Review. The County shall review the application to ensure that it is complete and meets state grant requirements.
 - c. Estimate for Work. The County shall contact identified vendors and visit the property as necessary to schedule the removal and obtain an estimate for cost.
 - d. Payment to the County. If the estimate is more than the \$1000 allocated by state funds, the County shall contact the municipality to obtain the remainder of funds. The municipality shall contact the property owner regarding these costs. Remainder costs shall be submitted to the County prior to the removal of the mobile home.
 - e. Removal. Once remaining costs are submitted to the County, a removal time will be scheduled, the property owner shall be notified of the scheduling, and the mobile home shall be removed.
 - f. Reimbursement of state funds. The County shall contact the state to be reimbursed for the state funds utilized for the removal.
7. Municipal Program: The municipality may wish to pay for remaining costs for some of its citizens. The County is willing to provide the municipality with a copy of its remaining costs program and criteria as guidance. The municipality is neither required to use the County's remainder program nor to pay any of the remaining costs for its residents if it so chooses. The County shall not pay any costs related to municipal use of the program or costs related to removal within the municipality.
8. Appropriate vendors: The Director of Code Enforcement Services shall utilize and contact previously identified vendors for the removal of all mobile homes funded with grant funds. Municipalities may recommend further vendors but these vendors must be vetted by the County and may be rejected at will.
- 9.
10. Expenditure of State Funds. The County and the municipality shall only remove mobile homes that receive state removal funds. Once state removal funds have been completely obligated no further removals shall be arranged by the municipality or County.

11. Extensions: In the event that the County receives similar funds in the following budget period, this agreement may be extended at the option of both parties in writing.
12. Program Administration: Administration of this program shall be conducted by the Director of the Code Enforcement Services Department. The Director shall also assist any municipality wishing to set up an appropriate complementary program to the County's program or an independent program with similar goals of abandoned mobile home removal. Final decisions regarding the grant program or funding removal applications shall be decided by the Director.
13. Compliance with state regulations: Municipalities and municipal residents accepting grant funds must comply with the County grant procedures and state regulations regarding the grant funds.

In witness hereof, all parties have caused this Memorandum of Understanding to be duly approved, and to be executed in duplicate, each to have the force and effect of an original.

HENDERSON COUNTY

BY: _____
William Moyer, Chairman

MUNICIPALITY

BY: _____

ATTESTED BY:

TERRY L. WILSON, Clerk to the Board

[OFFICIAL SEAL]

ATTESTED BY:

_____, Clerk to _____

[OFFICIAL SEAL]

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON COUNTY

I, _____, a Notary Public for said County and State, do hereby certify that Terry L. Wilson personally appeared before me this day and acknowledged that she is the Clerk for the Board of Commissioners.

Witness my hand and official seal, this the _____ of _____, 2010.

(Official Seal)

Notary Public

My Commission Expires _____

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON COUNTY

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged that s/he is the Clerk for _____.

Witness my hand and official seal, this the _____ of _____, 2010.

(Official Seal)

Notary Public

My Commission Expires _____
