



5. The General Assembly has ratified Session Law 2016-64. A copy is attached as Exhibit A. This law is a "local act" "relating to health" and prohibited under Article II Section 24 (1)(a) of the North Carolina Constitution and is void under Article II Section 24 (3) of said Constitution. *City of Asheville v. State*, 369 NC 80 at 98-106 (2016).

6. Pursuant to SL 2016-64 the City adopted a resolution and ordinance attached hereto as exhibits B and C.

7. The Pitt County Board of Education also adopted a resolution attached hereto as exhibit D to effectuate the program.

8. Article IX Section 7 (a) of the North Carolina Constitution requires that the clear proceeds of fines, forfeitures and penalties go to the free public schools. In *Shavitz v. City of High Point* 177 N.C. App 465, 630 S.E. 2<sup>nd</sup> 4 (2006). The Court of Appeals held that a camera program similar to that adopted by the Defendants violated Article IX Section 7 in that it did not return the clear proceeds of fines and penalties to the free public schools.

9. The local act and the resolutions and ordinance adopted by Greenville have attempted to defeat the holding in *Shavitz v. City of High Point* by having the Pitt County Board of Education pay the camera companies rather than the city doing so. This is a distinction without a difference constitutionally. The program adopted by S.L. 2016-64 and the resolutions and ordinances of the Defendants therefore violates Article IX Section 7(a) of the North Carolina Constitution.

10. Plaintiff also regularly drives a motor vehicle along the streets of Greenville. The camera program, in its operational effects, violates federal and state laws because the yellow light interval at the intersections which, on information and belief, will be

surveilled by the City of Greenville, will, from time to time, subject Plaintiff to a citation for a penalty but does not give a driver who intends to obey the law, upon perceiving the light turn yellow, to either stop reasonably or enough time to proceed and enter the intersection legally.

11. By creating an offense for which a penalty may be assessed that is contrary to the immutable laws of physics the Defendants violate Article I Sections 1, 19, 35 and 36 of the North Carolina Constitution.

12. Pursuant to G.S. 1-260, Josh Stein, the Attorney General, is given notice of this proceeding.

13. Declaratory Judgment is proper under G.S. 1-253, 254, 256, and 264.

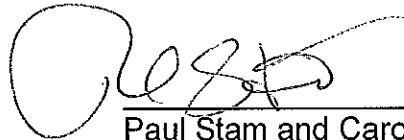
WHEREFORE, the Plaintiff prays for relief as follows:

1. That the Court declare S.L. 2016-64 and the resolutions are orders adapted by the City of Greenville and the Pitt County Board of Education violates Article II, Section 24 (1)(a) of the N.C. Constitution and is therefore void under Article II, Section 24(3).
2. That the Court declare that S.L. 2016-64, and the resolutions and orders adopted by the City of Greenville and the Pitt County Board of Education violates Article IX, Section 7(a) of the N.C. Constitution.
3. That the Court declare that S.L. 2016-64 and the resolutions and orders adopted by the City of Greenville and the Pitt County Board of Education, as applied to the yellow light intervals at intersections within the City of

Greenville, violate Article I, Sections 1, 19, 35 and 36 of the North Carolina Constitution.

4. Pursuant to G.S. 1-259, for a preliminary and permanent injunction prohibiting the enforcement of the Orders and Resolutions adopted pursuant to S.L. 2016-64 and G.S. 1-259
5. That the costs of this action be taxed to the Defendants pursuant to G.S. 1-263.

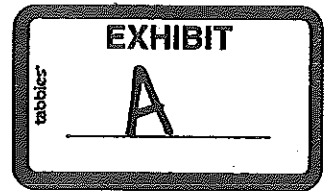
STAM LAW FIRM, PLLC



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015



SESSION LAW 2016-64  
HOUSE BILL 1126

AN ACT TO MAKE CHANGES TO THE LAW GOVERNING RED LIGHT CAMERAS IN THE CITY OF GREENVILLE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 3 of S.L. 2007-341 reads as rewritten:

**"SECTION 3.** Section 1 of this act applies to the Cities of Albemarle, Charlotte, Durham, Fayetteville, Greenville, Locust, and Rocky Mount and to the municipalities in Union County."

**SECTION 2.** G.S. 160A-300.1(c), as amended by S.L. 2007-341, is amended by adding a new subdivision to read:

**"(4a)** A municipality enacting an ordinance implementing a traffic control photographic system may enter into a contract with a contractor for the lease, lease-purchase, or purchase of the system. The municipality may enter into only one contract for the lease, lease-purchase, or purchase of the system, and the duration of the contract may be for no more than 60 months. After the period specified in the contract has expired, the system shall either be the property of the municipality, or the system shall be removed and returned to the contractor."

**SECTION 3.** G.S. 160A-300.1(c)(2), as amended by S.L. 2007-341, and by Section 1 of this act, reads as rewritten:

**"(2)** A violation detected by a traffic control photographic system shall be deemed a noncriminal violation for which a civil penalty of ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100.00) shall be assessed, and for which no points authorized by G.S. 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by G.S. 58-36-65."

**SECTION 4.** The City of Greenville and the Pitt County Board of Education may enter into an interlocal agreement necessary and proper to effectuate the purpose and intent of G.S. 160A-300.1 and this act. Any agreement entered into pursuant to this section may include provisions on cost-sharing and reimbursement that the Pitt County Board of Education and the City of Greenville freely and voluntarily agree to for the purpose of effectuating the provisions of G.S. 160A-300.1 and this act.

**SECTION 5.** This act applies only to the City of Greenville and the Pitt County Board of Education.

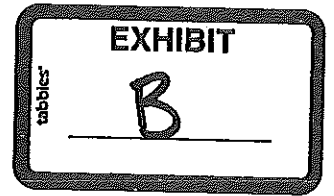
**SECTION 6.** Section 3 of this act becomes effective October 1, 2016, and applies to violations committed on or after that date. The remainder of this act becomes effective July 1, 2016.

In the General Assembly read three times and ratified this the 30<sup>th</sup> day of June, 2016.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives





*City of Greenville*

*2016*

*Legislative Initiatives*



*Find yourself in good company*

**SUMMARY OF  
CITY OF GREENVILLE  
2016 LEGISLATIVE INITIATIVES**

- 1. Preservation and Enhancement of Municipal Revenue Sources*
- 2. Preservation of Municipal Authorities*
- 3. Implementation of a Red Light Camera Enforcement Program*
- 4. Funding for the Urban Search and Rescue Program*
- 5. Promotion of Economic Development*

*A further description of and resolutions relating to these legislative initiatives are contained on the following pages.*

**1) Preservation and Enhancement of Municipal Revenue Sources**

Support efforts to preserve the existing revenue sources of cities and to enhance the revenue sources which cities have the authority to implement. Cities are reliant upon municipal revenue sources in order to provide services to their citizens. The available revenue sources for cities are limited. Any reduction of municipal revenue sources will result in budget problems for cities. Cities would then be required to either reduce services provided to citizens or increase revenues from other sources. It is important that existing municipal revenue sources be preserved. During the 2015 Session, the adopted State budget included a sales tax plan that provides additional money to primarily rural and suburban counties and cities with no county or city to receive less local sales tax revenue than currently received. The revenue for the additional money comes from an expansion of the sales tax base to include repair, maintenance, and installation of tangible personal property. This is expected to help fund a total of \$84.8 million which is to be distributed to 79 counties with Pitt County to get 0.16% of this amount. The distribution to Pitt County is to be divided among the county and the cities. Although the City of Greenville benefitted from this change, there is the possibility of further reform of the sales tax which may not be beneficial to the City of Greenville including alteration of the distribution formulas. Sales tax is a significant revenue source for the City of Greenville. The sales tax should continue to be a reliable and growing source of revenue for cities. The North Carolina League of Municipalities continues to work on legislation that would provide cities with additional revenue options, including authority for a city-only sales tax.

**RESOLUTION NO. 15-16  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE SUPPORTING THE  
PRESERVATION AND ENHANCEMENT OF MUNICIPAL REVENUE SOURCES**

WHEREAS, cities are reliant upon municipal revenue sources in order to provide services to its citizens such as public safety, recreation, economic development, and transportation;

WHEREAS, in order to ensure that cities have reliable and growing sources of revenue, it is important that existing municipal revenue sources be preserved for cities and additional revenue options be authorized for cities; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will preserve and enhance municipal revenue sources;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the preservation and enhancement of municipal revenue sources and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to preserve and enhance municipal revenue sources.

This the 17th day of March, 2016.

/s/ Allen M. Thomas  
Allen M. Thomas, Mayor

ATTEST:

/s/ Carol L. Barwick  
Carol L. Barwick, City Clerk



**2) Preservation of Municipal Authorities**

Support efforts to preserve the existing authorities of cities. Cities are authorized to act based upon grants of authorities by the North Carolina General Assembly. Cities need flexibility in exercising these authorities to allow the local elected officials the opportunity to make decisions that effectively and efficiently meet the needs of their community. During this Session, there are several bills eligible for consideration which would limit or restrict the authorities of local elected officials to make decisions on significant issues which are important to the community. An example is a proposal (HB304/SB320) which would overrule local rules governing existing billboards by allowing an existing billboard to be moved from its current location to any non-residential zone in a city regardless of the city's restrictions on locations and which would allow the relocated billboard to be enlarged, made taller, or converted to digital display, even if the city's ordinance says otherwise.

**RESOLUTION NO. 16-16**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE SUPPORTING THE PRESERVATION OF MUNICIPAL AUTHORITIES**

WHEREAS, cities are reliant upon the grants of authorities by the North Carolina General Assembly in order to provide services to its citizens such as public safety, recreation, economic development, and transportation;

WHEREAS, in order to ensure flexibility to allow the needs of the community to be effectively and efficiently met, it is important that existing municipal authorities be preserved for cities; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will preserve municipal authorities;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the preservation of municipal authorities and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to preserve municipal authorities.

This the 17th day of March, 2016.

/s/ Allen M. Thomas  
Allen M. Thomas, Mayor

ATTEST:

/s/ Carol L. Barwick  
Carol L. Barwick, City Clerk

**3) Implementation of a Red Light Camera Enforcement Program**

Seek a local act which will allow the City of Greenville to implement a red light camera enforcement program utilizing an interlocal agreement with the Pitt County Board of Education which includes provisions on cost sharing and reimbursement. In 2014, the City of Fayetteville secured a local act which authorized the implementation of such a red light camera enforcement program. This innovative approach has been successfully implemented by Fayetteville. This approach allows the city to implement the red light camera enforcement program in a fiscally prudent manner. Without this authority, the clear proceeds of the fines which are collected from citations issued due to red light camera enforcement would be paid to and retained by the local school system. And the City could only retain the amount which represents the cost of collection of the fines which could not exceed 10% of the amount of the fines. Drivers of motor vehicles who violate the law by entering an intersection after the signal light turns red create a serious safety hazard. The implementation of this enforcement tool is expected to result in a decline of stoplight violations and a correlating increase in the safety for the citizens of Greenville. Additionally, the Pitt County Board of Education would be provided revenue it would not otherwise receive.

**RESOLUTION NO. 17-16**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
SEEKING ENACTMENT OF LEGISLATION RELATING TO IMPLEMENTATION OF A RED LIGHT  
CAMERA ENFORCEMENT PROGRAM UTILIZING AN INTERLOCAL AGREEMENT WITH THE BOARD  
OF EDUCATION**

WHEREAS, a serious public safety hazard is created by drivers of motor vehicles who violate the law by entering an intersection after the traffic signal light turns red;

WHEREAS, although the City of Greenville has the authority to implement a red light camera enforcement program, it is not financially viable unless implemented with a program similar to the City of Fayetteville's program that utilizes an interlocal agreement with the Board of Education which includes provisions on cost sharing and reimbursement;

WHEREAS, the implementation of a red light camera enforcement program will result in a decline in red light violations and a correlating increase in the safety of citizens and also allow police officers to engage in other enforcement activities;

WHEREAS, in addition to providing for the protection of public safety, the implementation of a red light camera enforcement program will also benefit the Pitt County Board of Education by providing revenue it would not otherwise receive; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to enact legislation to grant the authority to the City of Greenville to implement a red light camera enforcement program utilizing an interlocal agreement with the Pitt County Board of Education which includes provisions on cost sharing and reimbursement with the local bill also increasing the civil penalty to one hundred dollars and allowing an assessment of a collection assessment fee;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to enact a local bill which will grant authority to the City of Greenville to implement a red light camera enforcement program utilizing an interlocal agreement with the Pitt County Board of Education which includes provisions on cost sharing and reimbursement with the local bill also increasing the civil penalty to one hundred dollars and allowing an assessment of a collection assistance fee.

This the 17th day of March, 2016.

/s/ Allen M. Thomas  
Allen M. Thomas, Mayor

ATTEST:  
/s/ Carol L. Barwick  
Carol L. Barwick, City Clerk

**4) Funding for the Urban Search and Rescue Program**

Support legislation to establish a sustainable funding source for the Urban Search and Rescue Program. North Carolina has seven (7) regional Urban Search and Rescue (USAR) teams which provide disaster response and additional capabilities such as swift water rescue, confined space rescue, and aquatic rescue. One of the regional teams is located and provided personnel by the City of Greenville Fire and Rescue Department. The primary source of funding for the USAR program in North Carolina has been through Homeland Security Grants passed through North Carolina Emergency Management (NCEM). However, this grant funding is decreasing, and there is a need to establish a sustainable funding source. During the 2015 Session, legislation was passed to support the Urban Search and Rescue Program but a provision relating to sustainable funding was not included. The North Carolina Coalition of Metropolitan Fire Chiefs has supported this issue in the past.

**RESOLUTION NO. 18-16  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE SUPPORTING  
FUNDING FOR THE URBAN SEARCH AND RESCUE PROGRAM**

WHEREAS, North Carolina has seven (7) regional Urban Search and Rescue (USAR) teams which provide disaster response and one of the regional teams is located and provided personnel by the City of Greenville Fire and Rescue Department;

WHEREAS, the primary source of funds for the Urban Search and Rescue Program is decreasing and there is a need for a sustainable funding source;

WHEREAS, it is important for the Urban Search and Rescue Program to have an established sustainable funding source; and

WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will support funding for the Urban Search and Rescue Program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the funding for the Urban Search and Rescue Program and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to support the establishment of a sustainable funding source for the Urban Search and Rescue Program.

This the 17th day of March, 2016.

/s/ Allen M. Thomas  
Allen M. Thomas, Mayor

ATTEST:  
/s/ Carol L. Barwick  
Carol L. Barwick, City Clerk

**5) Promotion of Economic Development**

Support legislation which promotes economic development. Preservation of the Job Development Investment Grant (JDIG) program is a priority. JDIG is a state level discretionary program that provides grants to businesses that create new jobs and make a capital investment. To qualify for JDIG, a business must demonstrate that North Carolina is competing with another state and that the business is paying a wage that exceeds the county average. JDIG does require a local contribution, based on Tier designation. The Greenville MSA currently uses JDIG as an economic development recruiting tool to compete with other states that offer incentives. During the 2015 Session, legislation which increased the annual cap on JDIG grants to \$20 million was approved. Elimination of JDIG funding, without a viable replacement, will put the Greenville MSA at a competitive disadvantage when competing with other states for jobs. Additionally, legislation which encourages a regional development approach that benefits eastern North Carolina will also benefit Greenville.

**RESOLUTION NO. 19-16  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
SUPPORTING THE PROMOTION OF ECONOMIC DEVELOPMENT**

WHEREAS, the promotion of economic development is beneficial to the City of Greenville and its citizens;

WHEREAS, the Job Development Investment Grant (JDIG) program provides a recruiting tool to promote economic development projects;

WHEREAS, a regional development approach that benefits eastern North Carolina will also benefit City of Greenville; and

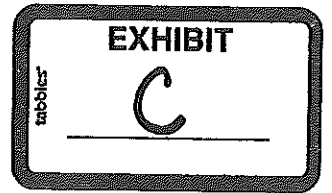
WHEREAS, it would be appropriate for the North Carolina General Assembly to take the necessary action during the 2016 Session of the North Carolina General Assembly which will promote economic development;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby express its support for the promotion of economic development to enhance the economic growth of the community and that it does hereby respectfully request the North Carolina General Assembly, through the delegation representing the House and Senate districts of which Greenville is a part, to take the necessary action during the 2016 Session to promote economic development.

This the 17th day of March, 2016.

/s/ Allen M. Thomas  
Allen M. Thomas, Mayor

ATTEST:  
/s/ Carol L. Barwick  
Carol L. Barwick, City Clerk



ORDINANCE NO. 16-052  
AN ORDINANCE CREATING ARTICLE X OF CHAPTER 2 OF TITLE 10  
OF THE GREENVILLE CITY CODE RELATING TO TRAFFIC CONTROL  
PHOTOGRAPHIC SYSTEMS

The City Council of the City of Greenville, North Carolina does hereby ordain:

Section 1. That Chapter 2 of Title 10 of the Code of Ordinances of the City of Greenville, North Carolina, is hereby amended by the addition of an Article X, to read as follows:

**ARTICLE X. - TRAFFIC CONTROL PHOTOGRAPHIC SYSTEMS**

**Sec. 10-2-281. Definitions.**

The following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

*In operation.* Operating in good working condition.

*System location.* The approach to an intersection toward which a photographic, video, or electronic camera is directed and is in operation.

*Traffic control photographic system.* An electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance.

*Vehicle owner.* The person identified as the registered owner of a vehicle by the North Carolina Division of Motor Vehicles or by the agency of another state which maintains vehicle registration information for that state.

**Sec. 10-2-282. General.**

(a) The city shall maintain a list of system locations where traffic control photographic systems are installed. A citation for a violation of any provision of this article shall be issued by officials or agents of the city.

(b) A citation issued for a violation of any provision of this article shall clearly state when the penalty is due and the manner in which the violation may be appealed. The citation shall be processed by officials or agents of the city and shall be forwarded by personal service or first-class mail to the vehicle owner's address as given on the motor vehicle registration.

(c) Any citation for a violation of North Carolina General Statute 20-158 issued by an officer of the Greenville Police Department at a system location shall be treated in the same manner as prescribed in this article.

Sec. 10-2-283. Offense.

(a) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that vehicle's direction of travel is emitting a steady red light, or for a vehicle to violate any other traffic regulation specified in North Carolina General Statute 20-158.

(b) The owner of a vehicle shall be responsible for a violation under this section, except when he can provide evidence that the vehicle was in the care, custody, or control of another person at the time of the violation, as described in subsection (c).

(c) Notwithstanding subsection (b), the owner of the vehicle shall not be responsible for the violation if, within thirty (30) days after the date of personal service or mailing of notification of the violation, he furnishes the officials or agents of the city either of the following:

(1) An affidavit by him stating the name and address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation; or

(2) An affidavit by him stating that, at the time of the violation, the vehicle involved was stolen. The affidavit must be supported with evidence that supports the affidavit, including insurance or police report information.

(d) Notwithstanding subsections (b) and (c), the owner of the vehicle shall not be responsible for the violation if notice of the violation is given to the owner of the vehicle more than ninety (90) days after the date of the violation.

Sec. 10-2-284. Penalty.

Any violation of section 10-2-283(a) shall be deemed a noncriminal violation for which a civil penalty of one hundred dollars (\$100.00) shall be assessed, and for which no points authorized by North Carolina General Statute 20-16(c) shall be assigned to the owner or driver of the vehicle nor insurance points as authorized by North Carolina General Statute 58-36-65. Failure to pay the civil penalty or file an appeal within thirty (30) days after the date the citation is served or mailed shall result in an additional penalty of one hundred dollars (\$100.00). Failure to pay the civil penalty within thirty (30) days after the service or mailing of the second notification of the violation shall result in the assessment of a collection assistance fee of twenty dollars (\$20.00). The city may establish procedures for the collection of the civil penalties and may enforce the penalties by a civil action in the nature of a debt.

Sec. 10-2-285. Appeals.

A notice of appeal shall be filed within thirty (30) days after the date the citation is served or mailed. The failure to give notice of appeal within this time period shall constitute a waiver of

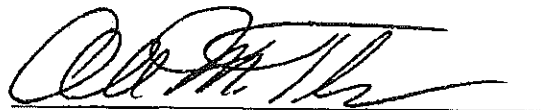
the right to contest the citation. Appeals shall be heard through an administrative process established by the city. Once an appeal is requested, an appeal hearing will be scheduled. The hearing officer's decision is subject to review in the Superior Court of Pitt County by proceedings in the nature of certiorari.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

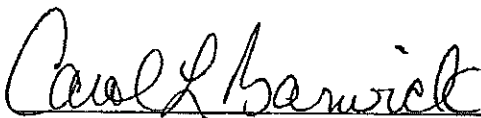
Section 4. This ordinance shall become effective on October 1, 2016.

This the 8th day of September, 2016.



Allen M. Thomas, Mayor

ATTEST:

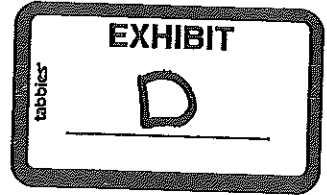


Carol L. Barwick, City Clerk



NORTH CAROLINA  
PITT COUNTY

INTERLOCAL  
AGREEMENT



THIS INTERLOCAL AGREEMENT, made and entered into on the 20<sup>th</sup> day of March, 2017, by and between the CITY OF GREENVILLE (hereinafter "CITY"), a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina, and the PITT COUNTY BOARD OF EDUCATION (hereinafter "BOARD"), a North Carolina body politic, organized and existing under the laws of the State of North Carolina; (Collectively, the CITY and the BOARD are the "Parties");

WITNESSETH:

WHEREAS, the General Assembly of North Carolina has enacted Session Law 2016-64 (the "Act") concerning the law governing Red Light Cameras in the City of Greenville;

WHEREAS, the operation of a Red Light Camera program is expected to result in a significant decrease in traffic collisions and resulting injury and property loss;

WHEREAS, the Parties find and determine that improved traffic safety is beneficial to both organizations and the community that they each serve;

WHEREAS, the Red Light Camera program is expected to make new revenue available to the Pitt County School system to support operations at the discretion of the BOARD;

WHEREAS, the Parties find and determine that making new resources available for school operations is in the best interests of their respective constituents and that program costs should be covered by program revenues;

WHEREAS, interlocal cooperation between units of local government is specifically authorized by Article 20 of the North Carolina General Statutes; and

WHEREAS, Section 4 of Session Law 2016-64 authorizes the City of Greenville and the Pitt County Board of Education to enter into an interlocal agreement to effectuate the purpose of the Act and to include provisions on cost-sharing and reimbursement procedures to support a Red Light Camera program.

NOW, THEREFORE, pursuant to North Carolina General Statutes §160A-300.1, as amended, Session Law 2016-64, and Article 20 of the North Carolina General Statutes, and in consideration of the respective rights, powers, duties, and obligations hereinafter set forth, the CITY and the BOARD mutually agree as follows:

1. PURPOSE:

- (a) The CITY and BOARD have a mutual interest in the operation of a Red Light Camera program for the safety of the citizenry and providing additional funding for the benefit of the public schools. The CITY and BOARD desire to enter into this Interlocal Agreement in order to set forth the relationship of the Parties while also complying with North Carolina law.
- (b) In accordance with the provisions of S.L. 2016-64, the CITY and BOARD may enter into an interlocal agreement necessary and proper to effectuate the purpose



and intent of G.S. 160A-300.1 including provisions on cost-sharing and reimbursement.

2. RED LIGHT CAMERA PROGRAM:

- (a) The CITY will operate a Red Light Camera program consisting of the utilization of automated camera, video, and radar equipment installed at intersections throughout the CITY to detect traffic signal violators.
- (b) As authorized by N.C.G.S. §160A-300.1(c) (4a), the CITY will contract for the installation, maintenance, and operation of the red light camera systems with a contractor (Contractor). The contract for services with the Contractor (Service Contract) will also include operation of the Red Light Camera program consisting of issuing all citations and collecting all fines. The CITY will administer the Service Contract utilizing CITY personnel.
- (c) The CITY will also be responsible for administering all appeals of citations, validating the Contractor's performance, responding to all inquiries from the public, and providing public information and education regarding the Red Light Camera program.

3. DISTRIBUTION OF CLEAR PROCEEDS:

- (a) The CITY shall pay to the BOARD the clear proceeds of the revenue collected by the Contractor and paid over to the CITY. These funds will be transferred at least monthly in accordance with procedures established by the Parties and detailed in Attachment A (Payment Procedures). The BOARD's financial institution, account number, and point of contact may be revised by the BOARD upon reasonable written notice to the CITY.
- (b) For the purposes of determining the clear proceeds derived from the citations, the following expenses, not to exceed ten percent (10%) of revenue collected by the Contractor and paid over to the CITY, are authorized to be deducted from said revenue:
  - 1) The cost of materials and postage directly related to the printing and mailing of the first and second notices sent to the owner and, if necessary, the driver of the vehicle.
  - 2) The cost of computer services directly related to the production and mailing of the notices.

4. FINANCIAL SUPPORT FOR THE PROGRAM:

- (a) Except as set forth in subsection (c) below, the CITY will invoice the BOARD monthly the actual cost of the Service Contract. The CITY shall provide the BOARD a copy of the monthly invoices submitted by the Contractor for accounting purposes. The BOARD shall remit payment to the CITY within 30 days of receipt of invoice from the CITY in accordance with payment procedures detailed in Attachment A

(Payment Procedures). The CITY's financial institution, account number, and point of contact may be revised by the CITY with reasonable written notice to the BOARD.

- (b) The CITY will invoice the BOARD monthly the amount of Six Thousand Two Hundred Fifty Dollars (\$6,250), said amount to be utilized by the City to pay the salary and benefits of a sworn law enforcement officer position to serve as the Red Light Camera program manager who will be responsible for final approval of violations as well as oversight of equipment integrity, calibration certification and quality assurance, the fees of the hearing officers conducting the nonjudicial administrative hearings to review objections to citations or penalties issued or assessed pursuant to the Red Light Camera program, and other expenses incurred by the City relating to the Red Light Camera program. The BOARD shall remit payment to the CITY within 30 days of receipt of invoice from the CITY in accordance with payment procedures detailed in Attachment A (Payment Procedures). The CITY's financial institution, account number, and point of contact may be revised by the CITY with reasonable written notice to the BOARD.
- (c) Notwithstanding any other provision of this Section 4, the financial support for the Red Light Camera program invoiced by the CITY and paid by the BOARD shall not include any amount which the CITY has not paid to the BOARD as a result of a deduction made pursuant to Section 3(b).
- (d) Notwithstanding any other provision of this Section 4, the Board will not be required to make payments to the City as required above which are greater than the amount distributed to the Board by the City pursuant to Section 3.

#### 5. DURATION:

This Interlocal Agreement shall become effective on March 20, 2017, and unless sooner terminated as provided herein, shall extend for the term established in the Service Contract. Any renewal or extension of this Agreement shall be approved in writing by the CITY and BOARD.

#### 6. MISCELLANEOUS:

- (a) This Interlocal Agreement is entered into in Pitt County, North Carolina and shall be construed under the laws, statutes, and ordinances of such jurisdiction.
- (b) This Interlocal Agreement shall not be modified, amended, or changed in any respect except in writing, duly signed by the Parties hereto.
- (c) No party may transfer or assign its rights under this Interlocal Agreement without written approval from the governing boards of the respective Parties. This Interlocal Agreement shall bind the Parties hereto, respective successors, permitted assignees, and transferees.
- (d) The Parties agree that if any provision of this Interlocal Agreement shall be held invalid for any reason, the remaining provisions shall not be affected if they may continue to conform to the purposes of this Interlocal Agreement and the requirements of applicable law.
- (e) This Interlocal Agreement shall not be binding upon the Parties unless and until approved or ratified by the Pitt County Board of Education and the Greenville City Council.

7. LIABILITY:

In the event that litigation is brought against the CITY or BOARD as a result of this Interlocal Agreement, each party shall have sole discretion to determine its participation in the litigation, if any. Each party shall be responsible for its own costs and attorney's fees.

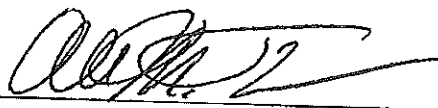
8. TERMINATION:

Either party may terminate this Interlocal Agreement for any reason by providing written notice to the other party no less than sixty (60) days prior to the effective date of termination. The duties and obligations of the Parties shall extend through the effective date of said termination and the payment of all obligations resulting therefrom.

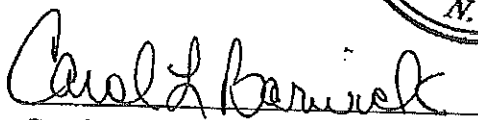
IN TESTIMONY WHEREOF, the CITY and BOARD have caused this Interlocal Agreement to be executed in duplicate originals, their seals to be affixed and attested, this the day and year first written above.



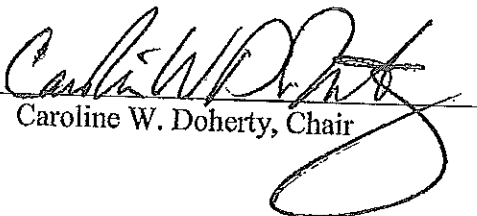
CITY OF GREENVILLE

BY:   
Allen M. Thomas, Mayor

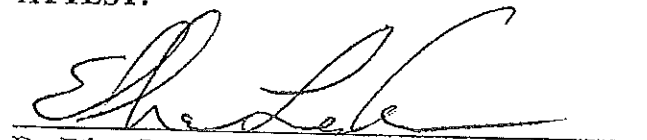
ATTEST:

  
Carol L. Barwick, City Clerk

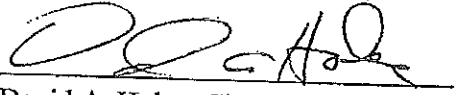
PITT COUNTY BOARD OF  
EDUCATION

BY:   
Caroline W. Doherty, Chair

ATTEST:

  
Dr. Ethan Lenker, Superintendent of Pitt County Schools and  
Secretary to the Pitt County Board of Education

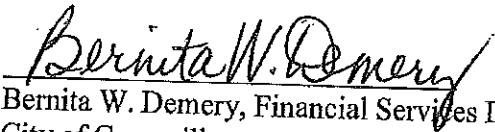
APPROVED AS TO FORM



David A. Holec, City Attorney

PRE-AUDIT CERTIFICATION - CITY OF GREENVILLE

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.



Bernita W. Demery, Financial Services Director  
City of Greenville

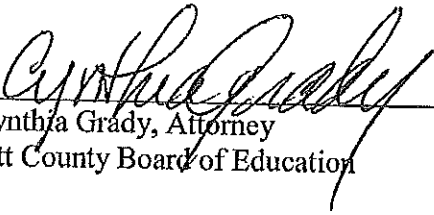
Date

3/22/2017

Account Number: 

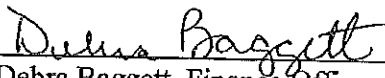
Project Code (if applicable): \_\_\_\_\_

APPROVED AS TO FORM

  
Cynthia Grady, Attorney  
Pitt County Board of Education

PRE-AUDIT CERTIFICATION -- PITT COUNTY BOARD OF EDUCATION

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

  
Debra Baggett, Finance Officer  
Pitt County Board of Education

Date 3/20/17

Account Number: \_\_\_\_\_

Project Code (if applicable): \_\_\_\_\_

## Attachment A

### Payment Procedures

1. The CITY has an obligation under Paragraph 3(a) to transfer funds to the BOARD monthly. This task will be accomplished as follows:

Within 30 calendar days following the end of the previous month, the CITY will remit the clear proceeds of the revenue received by the CITY during that period. Funds will be transferred to the BOARD's account via inter-fund transfer and the BOARD's point of contact (POC) will be notified at the time of transfer. The BOARD's financial institution, account number and POC are identified below:

Financial Institution: Wells Fargo  
Account Number: [REDACTED]  
BOARD POC: Renee Dunn  
Phone Number: 252-830-4252  
Email [rdunn@pitt.k12.nc.us](mailto:rdunn@pitt.k12.nc.us)  
Address: 1717 West Fifth Street, Greenville, NC 27834

2. The CITY has an obligation under Paragraph 4 to invoice the BOARD monthly for program costs. This task will be accomplished as follows:

Within 45 calendar days following the end of the month, the CITY will submit an invoice for program costs incurred, with required supporting documentation, to the BOARD's POC as identified below:

BOARD POC: Renee Dunn  
Phone Number: 252-830-4252  
Email Address: [rdunn@pitt.k12.nc.us](mailto:rdunn@pitt.k12.nc.us)

3. The BOARD has an obligation under Paragraph 4 to transfer funds to the CITY to pay the invoices submitted hereunder, and will do so as follows:

Upon receipt of the invoice from the CITY, the BOARD intends to remit payment within 10 business days; however, in no case shall the transfer occur more than 30 calendar days after receipt of the CITY's invoice. Funds will be transferred to the CITY's account via inter-fund transfer and the CITY's POC will be notified at the time of transfer. The CITY's financial institution, account number and POC are identified below:

Financial Institution: Wells Fargo  
Account Number: [REDACTED]  
CITY POC: Shawna Wooten  
Phone Number: 252-329-4442  
Email - [swooten@greenvillenc.gov](mailto:swooten@greenvillenc.gov)  
Address: 200 W. 5<sup>th</sup> Street, Greenville, NC 27835