



COUNTY OF DARE, NORTH CAROLINA

District 1: Roanoke Island & Mainland; Dist 2: Nags Head, Colington, Kill Devil Hills; Dist. 3: Kitty Hawk. Southern Shores. Duck; Dist. 4: Chicamacomico. Avon. Buxton. Frisco. Hatteras; Dist. 5: At

EMERGENCY SPECIAL MEETING
DARE COUNTY BOARD OF COMMISSIONERS
DARE COUNTY ADMINISTRATIVE OFFICES – RM. 185
954 MARSHALL C. COLLINS DRIVE, MANTEO
DECEMBER 19, 2008 – 5:00 P.M.

The Dare County Board of Commissioners met in an emergency special meeting on December 19, 2008. The following Commissioners were present: Chairman Warren Judge, Vice-Chairman Allen Burrus, Richard Johnson, Mike Johnson (via telephone), Virginia Tillett, and Max Dutton. County Manager Terry Wheeler, Attorney Bobby Outten, and Finance Director, Dave Clawson, were also present. Commissioner Jack Shea was unable to attend.

Chairman Judge called the emergency special meeting to order at 5:00 p.m. He explained the emergency meeting had been properly announced and the County Attorney notified. He stated the purpose of the meeting was to discuss the November 21, 2009 rule action of the Insurance Commission of the State of North Carolina. He explained the Board would go into Closed Session in order to consult with the Attorney and preserve the Attorney/Client privilege about the issues stemming from the rule of a rate increase and two (2) percent deductible on insurance policies. Chairman Judge attended a meeting on Tuesday, December 16, 2008, with the Dare County town mayors with five (5) of the six (6) towns represented. They met to discuss the various ramifications resulting from the Insurance Commission's decision. He tasked the County Attorney with researching the effects on our County residents. He explained Attorney Outten had just received information on the day prior and discovered the deadline for action would be Monday, December 22, 2008.

MOTION

Commissioner Richard Johnson moved the Dare County Board of Commissioners go into closed session pursuant to the provisions of NCGS 143-318.11 to: consult with an attorney employed or retained by the County in order to preserve the attorney client privilege between the attorney and the County.

Vice-Chairman Burrus and Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Following Closed Session, Chairman Judge reconvened the meeting. Attorney Outten explained the NC Insurance Commission had imposed a beach plan in which insurance claim deductibles would now be two (2) percent of the home's value per occurrence. He noted this ruling was not based on wind speeds or hurricane seasons, but this would be in effect year round. Attorney Outten said he would continue to look into the other issues that the Insurance Commission imposed at the November 21st meeting in order to preserve the County's rights to take action. He explained the estimated cost of legal fees would be approximately \$50,000. He noted Kill Devil Hills and Nags Head are interested in supporting this effort. Nags Head has agreed to contribute an estimated \$10,000. The other towns have not yet met and would be approached with a request to participate. He stated the Board would need to make a motion to move forward with this effort if they felt it is necessary. Chairman Judge added this rate increase would be for

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any event that triggers coverage under a home owner's wind and hail policy. He noted Nags Head is planning to hold their own special called meeting to confirm their participation Monday morning. Attorney Outten stated he would contact the other municipalities.

MOTION

Commissioners Tillet and Richard Johnson motioned to authorize staff to file appropriate actions to protect the County's rights and challenge all actions of the Commissioner of Insurance of North Carolina on November 21, 2008.

Commissioner Dutton seconded the motion.

VOTE: AYES unanimous

Commissioner Richard Johnson noted the importance of this issue and asked Ms. Toolan to create a public service announcement in order to make the public aware of the issues. Commissioner Tillett asked if Legislators Basnight and Spear had been made aware of the issue and if they were working to help resolve it. Chairman Judge stated Senator Basnight is part of the committee and was aware of the issues, and noted many people had spoken with Representative Spear and knew he was involved in trying to resolve the issues. Commissioner Mike Johnson explained Representative Spear is trying to get support to introduce legislation to put a moratorium on the issue.

MOTION

Vice-Chairman Burrus and Commissioner Tillett motioned to close the meeting.

Commission Dutton seconded the meeting.

VOTE: AYES unanimous.

The meeting was closed at 5:43 p.m. until Monday, January 5, 2008 at 9:00 a.m.

(SEAL)

Respectfully submitted,

By: _____

Katie Smith, Clerk

APPROVED:

By: _____

Warren C. Judge, Chairman
Dare County Board of Commissioners

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