
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REGULAR AGENDA SESSION
JUDGE E. MAURICE BRASWELL
CUMBERLAND COUNTY COURTHOUSE - ROOM 564
NOVEMBER 12, 2020
1:00 PM

1. APPROVAL OF AGENDA
2. APPROVAL OF MINUTES
 - A. October 8, 2020 Agenda Session Regular Meeting Minutes
3. PRESENTATIONS
 - A. Cumberland County Schools Facility Needs Survey 2021 - 2025
 - B. Update on the Provision of Behavioral Health Services by Alliance Health
 - C. Update on Financing of the Emergency Operations Center (EOC) Capital Project and the Fayetteville Technical Community College (FTCC) Fire Training Center and Tentative Financing Schedule
4. CONSIDERATION OF AGENDA ITEMS
 - A. Updated 2020 Fayetteville-Cumberland Parks & Recreation Master Plan
 - B. Cumberland County Community Transportation Program 2020 System Safety Plan
 - C. Cumberland County Community Transportation 2020 Title VI Program Plan
 - D. North Carolina Non-Congregate COVID-19 Sheltering Memorandum of Agreement
 - E. Community-Based Virtual Learning Center Selection
 - F. Memorandum of Agreement Between the United States Department of Agriculture, Natural Resources Conservation Service and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation and the Cumberland Soil and Water Conservation District and Cumberland County
 - G. Electrical Switchgear Replacement at the E. Maurice Braswell Courthouse
 - H. Extension of Janitorial Contract with 360 Brands and Associated Budget Ordinance Amendment #B211176
 - I. Workforce Development Finish Line Grant Award for Administration and Operations and Associated Budget Ordinance Amendment #B210914
 - J. Qualification-Based Selection Lists for Professional Services Related to Engineering and Infrastructure Projects
 - K. Legal Requirements for Appointment of Members to the Tourism Development Authority

L. Request of the Town of Wade to Relinquish Its Jurisdiction to the County for Minimum Housing Code Enforcement

5. OTHER ITEMS

6. MONTHLY REPORTS

A. Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care

B. Community Development Block Grant - Disaster Recovery (CDBG-DR) Update

C. Financial Report

D. Project Reports

E. Health Insurance Update

7. CLOSED SESSION: If Needed

ADJOURN

AGENDA SESSION MEETINGS:

December 10, 2020 (Thursday) 1:00 P.M.

January 12, 2021 (Tuesday) 1:00 P.M.



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 11/5/2020

SUBJECT: CUMBERLAND COUNTY SCHOOLS FACILITY NEEDS SURVEY 2021 - 2025

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): JOE DESORMEAUX, ASSOCIATE SUPERINTENDENT OF AUXILIARY SERVICES

BACKGROUND

The North Carolina General Statutes (NCGS 115C-426.2) strongly encourage local school boards to develop a five-year facility needs plan and to share that plan with the local county commissioners. The goal is to promote greater mutual understanding of immediate and long-term budgetary issues and constraints affecting both public schools and county government.

In their continued adherence to this statute and goal, Cumberland County Schools is presenting their Facility Needs Survey for years 2021 - 2025 to the Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

Management requests the following action be placed on the November 16, 2020 Board of Commissioners' Consent Agenda:

Receive the report. Receipt of the survey does not necessarily constitute endorsement of or commitment to fund the survey.

ATTACHMENTS:

Description

2021-2025 BOE Facility Needs Survey

Type

Backup Material



Facility Needs Survey 2021-2025

**Five Year Capital Needs Report to DPI
(Including 6-10 Year Projections)**

Dr. Marvin Connelly, Superintendent

Joe Desormeaux, Associate Superintendent, Auxiliary Services

**Mrs. Alicia Chisolm,
Chair, Cumberland County BOE**

Final Print -

Submitted January 2021



Cumberland County Schools Cost Summary (0 to 5 years)

Unit: 260		Priority	New School	Additions	Renovations	Furn/Eqpt	Land	Total
101	New High School	2	73,956,664	0	0	5,752,475	1,875,000	\$81,584,139
102	North Elementary	2	19,425,078	0	0	1,701,893	0	\$21,126,971
302	Alma O Easom Elementar	1	0	0	1,460,265	47,300	0	\$1,507,565
306	Armstrong Elementary	1	0	0	3,915,991	0	0	\$3,915,991
308	Ashley Elementary	1	0	0	2,606,258	20,000	0	\$2,626,258
310	Loyd E Auman Elementar	1	0	1,949,062	3,720,406	210,155	0	\$5,879,623
312	Beaver Dam Elementary	1	0	1,949,062	1,075,318	162,855	100,000	\$3,287,235
316	Lillian Black Elementary	1	0	1,949,062	5,969,472	210,155	0	\$8,128,689
318	Jack Britt High	1	0	0	10,743,359	56,100	0	\$10,799,459
320	Brentwood Elementary	1	0	1,949,062	4,768,043	162,855	0	\$6,879,960
321	Douglas Byrd Middle	1	0	0	4,187,668	51,700	0	\$4,239,368
322	Douglas Byrd High	1	0	0	11,518,916	2,500	0	\$11,521,416
325	Cape Fear High	1	0	5,314,641	11,384,989	766,568	0	\$17,466,198
326	Elizabeth M Cashwell Ele	1	0	1,949,062	3,799,108	210,155	0	\$5,958,325
332	Eastover-Central Element	1	0	130,219	3,911,183	58,180	0	\$4,099,582
336	Anne Chesnutt Middle	1	0	0	4,811,070	51,700	0	\$4,862,770
338	Cliffdale Elementary	1	0	0	2,273,016	0	0	\$2,273,016
340	College Lakes Elementary	1	0	0	3,174,205	47,300	0	\$3,221,505
342	C Wayne Collier Element	1	0	0	4,614,544	0	0	\$4,614,544
344	J W Coon Elementary	1	0	3,250,012	3,430,096	318,860	0	\$6,998,968
348	Cumberland Mills Element	1	0	1,949,062	3,535,100	210,155	0	\$5,694,317
352	Cumberland Road Eleme	1	0	0	3,679,840	2,500	0	\$3,682,340
356	District No 7 Elementary	1	0	0	2,539,912	0	0	\$2,539,912
357	Gray's Creek High	1	0	6,682,275	5,496,209	548,304	0	\$12,726,788
358	Luther Nick Jeralds Middl	1	0	0	5,804,426	51,700	0	\$5,856,126
359	E E Smith High	1	0	0	10,796,014	56,000	0	\$10,852,014
361	Ferguson-Easley Element	1	0	1,949,062	4,068,419	210,155	0	\$6,227,636
362	Gray's Creek Middle	1	0	0	1,041,370	54,200	0	\$1,095,570
363	Glendale Acres Elementar	1	0	1,949,062	2,614,823	186,505	0	\$4,750,390
364	Alderman Road Elementa	1	0	3,055,781	4,683,060	302,628	0	\$8,041,469
365	R Max Abbott Middle	1	0	0	6,944,352	71,700	0	\$7,016,052
366	Howard L Hall Elementary	1	0	1,949,062	4,009,730	210,155	0	\$6,168,947
367	Bill Hefner Elementary	1	0	0	5,148,766	47,300	0	\$5,196,066
368	Hope Mills Middle	1	0	0	5,133,575	0	0	\$5,133,575
369	John R Griffin Middle	1	0	0	3,505,436	56,700	0	\$3,562,136
370	Ed V Baldwin Elementary	1	0	1,949,062	2,926,286	240,155	0	\$5,115,503
371	Ireland Drive Middle	1	0	1,949,062	1,768,407	162,855	0	\$3,880,324
372	Lewis Chapel Middle	1	0	0	5,652,912	0	0	\$5,652,912
373	Gallberry Farm Elementar	1	0	3,055,781	2,820,849	302,628	0	\$6,179,258
374	Alger B. Wilkins High Sch	1	0	0	2,863,718	40,000	0	\$2,903,718



Cumberland County Schools Cost Summary (0 to 5 years)

Unit: 260		Priority	New School	Additions	Renovations	Furn/Eqpt	Land	Total
375	Gray's Creek Elementary	1	0	0	5,804,478	47,300	0	\$5,851,778
380	Long Hill Elementary	1	0	0	2,876,226	0	0	\$2,876,226
382	Lucile Souders Elementar	1	0	1,949,062	3,099,245	182,855	0	\$5,231,162
383	Mac Williams Middle	1	0	0	4,475,435	51,700	0	\$4,527,135
386	Margaret Willis Elementar	2	0	1,949,062	2,883,402	210,155	0	\$5,042,619
388	Massey Hill Classical Hig	1	0	0	10,260,865	56,100	0	\$10,316,965
396	Mary McArthur Elementary	1	0	1,949,062	4,024,086	230,155	0	\$6,203,303
397	E Melvin Honeycutt Eleme	1	0	0	5,507,452	47,300	0	\$5,554,752
398	E E Miller Elementary	1	0	0	3,905,570	47,300	0	\$3,952,870
400	Montclair Elementary	1	0	1,949,062	3,755,887	210,155	0	\$5,915,104
401	Morganton Road Element	1	0	1,949,062	3,697,720	210,155	0	\$5,856,937
402	Manchester Elementary	1	0	3,113,438	2,755,232	316,205	0	\$6,184,875
403	New Century International	1	0	0	2,336,017	0	0	\$2,336,017
404	William H Owen Elementa	1	0	0	3,562,816	0	0	\$3,562,816
405	Walker-Spivey Elementar	1	0	0	3,371,579	0	0	\$3,371,579
406	Pine Forest Middle	1	0	0	5,997,104	51,700	0	\$6,048,804
407	Lake Rim Elementary	1	0	0	3,352,233	47,300	0	\$3,399,533
408	Pine Forest High	1	0	0	13,015,791	56,000	0	\$13,071,791
410	Ponderosa Elementary	1	0	1,949,062	3,280,121	162,855	0	\$5,392,038
411	Reid Ross Classical High	1	0	0	7,164,472	56,100	0	\$7,220,572
412	Raleigh Road Elementary	1	0	1,949,062	2,999,615	162,855	0	\$5,111,532
413	Howard Learning Academ	1	0	0	1,868,245	51,700	0	\$1,919,945
414	Benjamin J Martin Elemen	1	0	1,949,062	2,250,492	162,855	0	\$4,362,409
415	Rockfish Elementary	1	0	1,949,062	2,979,912	162,855	0	\$5,091,829
416	J W Seabrook Elementary	1	0	0	2,158,935	0	0	\$2,158,935
417	New Century International	1	0	0	535,646	0	0	\$535,646
418	Seventy-First Classical Mi	1	0	0	3,325,966	0	0	\$3,325,966
424	Seventy-First High	1	0	624,375	12,018,765	52,170	0	\$12,695,310
425	South View Middle	1	0	0	7,230,281	69,700	0	\$7,299,981
426	Sherwood Park Elementar	1	0	1,949,062	3,519,225	228,155	0	\$5,696,442
427	South View High	1	0	0	11,520,006	40,000	0	\$11,560,006
428	Spring Lake Middle	1	0	0	5,882,585	51,700	0	\$5,934,285
430	Stedman Elementary	1	0	1,441,238	3,296,651	161,255	0	\$4,899,144
432	Stedman Primary	1	0	11,359,969	2,983,261	1,166,488	0	\$15,509,718
434	Stoney Point Elementary	1	0	3,055,781	3,230,795	302,628	0	\$6,589,204
440	Sunnyside Elementary	1	0	3,169,997	2,588,650	319,810	0	\$6,078,457
444	Teresa C Berrien Element	1	0	0	3,686,914	47,300	0	\$3,734,214
446	Terry Sanford High	1	0	0	8,962,758	56,100	0	\$9,018,858
448	Vanstory Hills Elementary	1	0	1,949,062	4,790,966	210,155	0	\$6,950,183
449	Ramsey Street High	1	0	0	3,884,923	80,100	0	\$3,965,023



Cumberland County Schools Cost Summary (0 to 5 years)

Unit: 260		Priority	New School	Additions	Renovations	Furn/Eqpt	Land	Total
450	Warrenwood Elementary	1	0	1,949,062	2,915,333	167,855	0	\$5,032,250
452	Westarea Elementary	1	0	1,949,062	4,020,585	162,855	0	\$6,132,502
454	Westover Middle	1	0	0	5,574,787	0	0	\$5,574,787
455	Westover High	1	0	0	10,198,138	62,100	0	\$10,260,238
459	William T Brown Element	1	0	0	5,046,485	47,300	0	\$5,093,785
Totals:			93,381,742	91,030,995	384,992,761	18,333,662	1,975,000	\$589,714,160



Gallberry Farm Elementary

School No: 260373

Date: 9/1/2020

General Building Information

Form Instructions: Enter building construction history for this school. For example, original building, classroom addition, mini-gym addition, etc. Also complete the requested information concerning the particular construction..

Building Construction History

For definition Press Condition or Accessibility

Table with 5 columns: Building, Year Built, SF Area, Condition, Accessibility. Rows include One - Main Building, One - Classroom Addition, Two - Tractor Storage.

Summary rows for School Total Area (SF: 100970) and School Site Acreage (Acreage: 25).

Utility Costs

Complete the following utility cost for FY 2019-20. If there are solar arrays on the site or school roof, complete Solar Energy section.

Utility Cost and Solar Energy tables with columns for ELEC, GAS, WATER / SEWER, USED, SOLD TO UTILITY.

Scroll Down

Mobile Units

Note: The capacity of mobile classroom units is NOT included in the school capacity totals.

Mobile Units table with columns for Mobile Units Type, No, Teaching Stations, no., Capacity.



Gallberry Farm Elementary

School Number: **260-373**

Planned Capacity: **1023**

Priority: **1**

Pre-K Capacity: **54**

Additions		Date: 10/1 /2020			Estimated Cost	
Academic Classrooms		Elem	Middle	High	Area (sf)	
Pre-K Clrms:	1				1,200 s.f. X \$237.50 per sq. ft. =	285,000
Kindergartens:	3				3,600 s.f. X \$237.50 per sq. ft. =	855,000
Grades 1 Clrms:	1				1,000 s.f. X \$225.00 per sq. ft. =	225,000
Grades 2-3 Clrms:	1				1,000 s.f. X \$225.00 per sq. ft. =	225,000
Grades 4-5* Clrms:	2				1,700 s.f. X \$225.00 per sq. ft. =	382,500
LA/SS/Math Clrms:						
Math/Sci Clrms:						
Science Labs:						
Science Classrooms:						
Exceptional (self-contained):						
Resource:						
Computer Rooms:						
Arts Education		Elem	Middle	High		
Visual Arts:						
General Music:						
Instrumental Music (band):						
Vocal Music (chorus):						
Dance/Drama:						
Vocational		Elem	Middle	High		
Keyboarding Labs:						
Prevocational Labs:						
Business/Office Ed:						
Service/Marketing:						
Technology Labs:						
Agri/Trade+Ind:						
Physical Education, etc		Elem	Middle	High		
P.E./ Multi/ Main Gymnasium:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Check to add new facility	
Auxiliary Gym:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Check to add new facility	
Health/P.E. Clrms:						
Weight Room:						
Wrestling:						
Core Facilities						
Media RLV Area:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Media Support Area:						
Dining Area:		<input type="checkbox"/>				
Kitchen Area:						
# of Serving Lines:						
Auditorium:			<input type="checkbox"/>			
Admin/Guidance Area:						
Other/misc. Area:						
Subtotals:					8,500 s.f.	1,972,500
Bldg. Support/Circulation:					2,975 s.f. X \$250.00 per sq. ft. =	743,750
Total Area (s.f.) Added:					11,475	Const. Cost (\$236.71/s.f.): \$2,716,250
Demolition of Existing Buildings:					s.f.	
Contingency:					(4.5% of Const. Cost)	135,813
Admin. and Design Fees:					(7.5% of Const. Cost)	203,719
					Total for Additions:	\$3,055,781

*Base-line Cost/ sq.ft.: \$250

Land Purchase

Additional Land Needed: Acres x \$ /Acre =



Gallberry Farm Elementary

School Number: 260-373

Planned Capacity: 1023

Priority: 1

Pre-K Capacity: 54

Renovations

Site Improvements	Size/ Amount	Notes/ Description	Cost
Parking/ Drives:\$	247,903	Resurface all lots & drives	247,903
Sewer System:	<input type="checkbox"/>	Check box to add sewer system.	
Water System (well):	<input type="checkbox"/>	Check box to add a well.	
Grading/ Drainage:\$			
Canopy (cov. walk):		s.f.	
Other Sitework (describe):\$	25,360	Resurface Basketball Court & Walking Track	25,360
Building/ Exterior/ Structure			
Roof Replacement:		s.f.	
Structural Repairs:\$			
Window Replacement:		s.f.	
Masonry/ Ext. Wall Repairs:\$			
Other Bldg/Exterior (describe):\$	110,420	Exterior Paint	110,420
Interior/ Finishes			
Partition/Wall Construction:\$			
Ceilings:		s.f.	
Flooring:	52,108	s.f. X \$3.37 per sq. ft. =	175,506
Painting:	100,382	s.f. X \$1.80 per sq. ft. =	180,688
Other Bldg/Interior (describe):\$			
Plumbing/ HVAC/ Electrical			
Air Conditioning:		s.f.	
Electrical Service:		s.f.	
Lighting:	97,057	s.f. X \$8.00 per sq. ft. =	776,456
Computer/ Tech. Wiring:		s.f.	
Plumbing:\$	13,000	Backflow, Water Heater	13,000
Other Plbg/HVAC/Elec.(describe):\$	272,400	Boiler/ Update Bldg Automation & Software	272,400
Bldg. Code/ Life Safety			
Bldg. Code/ Life Safety:\$			
ADA Ramps/H.C. Access:\$			
ADA Toilet Renovations:\$			
Fire Alarm:\$	176,698	Replace Fire Alarm System	176,698
Sprinkler System:		s.f.	
Other Code/Safety (describe):\$	10,000	Security enhancement for core facilities	10,000
Hazardous Mat'l/ Environmental			
Hazardous Matl. Abatement:\$			
Indoor Air Quality:\$			
Inground Fuel Tanks:\$			
Radon Management:\$			
Other Environmental (describe):\$			
Other Renovations (not incl. above)			
Other Renovations (describe)1.\$	361,120	Resurface & Replace Playgrounds	361,120
2.\$	30,912	Refurbish Mobile Unit	30,912
3.\$			
Subtotal:			2,380,463
Contingency (5.5% of renovation cost):			238,046
Admin. and Design Fees (8.5% of renovation cost):			202,339
Total Renovation Cost:			\$2,820,849



Gallberry Farm Elementary

School Number: 260-373

Planned Capacity: 1023

Priority: 1

Pre-K Capacity: 54

Furnishings/ Equipment

Furn./ Eqpt. for Addition*:		\$2,716,250 x 0.094. =	255,328
Kitchen Equipment:	<input type="checkbox"/>	Check to add kitchen equipment	
Media Center Furnishings*:	<input type="checkbox"/>	Check to add media center furnishings	
Other Furn./ Eqpt. (describe):	47,300	Walk-in Cooler/Freezer	47,300
Total Furn./ Eqpt.			\$302,628

Total Cost of Additions and Renovations: \$6,179,258

Notes/Comments:

Justifications Why are these improvements needed?

1. Depreciation/ Deferred Maintenance
- 2.

Funding

Likelihood that County will fund project: Very Unlikely

If "Very Unlikely," why will County funding not be available? Current available funding is limited and not sufficient to fund all the identified needs.

What other funding sources are available for the project? None



Administrative Unit: Cumberland County Schools (Unit 260)

I. Certification of Board of Education

The Cumberland County Schools Board of Education hereby submits its Facility Needs Survey dated 10/10/2020 listing all improvements and additional facilities needed to accomodate projected enrollments through the 2020-21 school year and improvements to existing facilities to provide safe, comfortable environments that support the educational programs.

We do hereby certify that the needs identified herein are a true representation of our situation. Alternatives were considered and this plan provides the best balance between cost and benefit to our students. We understand that costs have been standardized to statewide averages to provide uniform comparisons.

_____, Chairman _____ Date
_____, Secretary, Ex-officio _____ Date

2. Certification of Board of County Commissioners

The Cumberland County Board of Commissioners has received and reviewed a copy of this survey prior to submission to the State Board of Education. This does not necessarily constitute endorsement of or committment to fund the Facility Needs Survey.

_____, Chairman _____ Date
_____, County Manager or Clerk _____ Date

FY YEAR	TOTAL REVENUE	TOTAL EXPENDITURES	DEBT NET	CHANGE IN FUND BALANCE	TOTAL FUND BALANCE
2016	\$ 14,921,006	\$ (7,479,166)	\$ (5,485,871)	\$ 1,955,969	\$ 10,973,275
2017	\$ 15,115,056	\$ (5,835,448)	\$ (5,365,917)	\$ 3,913,691	\$ 14,886,966
2018	\$ 15,620,194	\$ (11,029,218)	\$ (5,465,807)	\$ (874,831)	\$ 14,012,135
2019	\$ 16,460,381	\$ (15,009,824)	\$ (5,346,533)	\$ (3,895,976)	\$ 10,116,159
2020	\$ 16,898,720	\$ (12,741,524)	\$ (5,223,328)	\$ (1,066,132)	\$ 9,050,027
2021	\$ 15,282,067	\$ (10,226,970)	\$ (5,055,097)	\$ -	\$ 9,050,027
	Current Expenditures: \$7M				
	Current Encumbrances: \$3M				
	Committed: 98%				
	Commitments include Capital Outlay, Instructional Services, and System-Wide Support				
	Revenues include lottery, sales tax, interest, and misc				



CUMBERLAND
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COUNTY ★
NORTH CAROLINA

FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 10/29/2020

**SUBJECT: UPDATE ON THE PROVISION OF BEHAVIORAL HEALTH SERVICES
BY ALLIANCE HEALTH**

Requested by: AMY CANNON, COUNTY MANAGER

**Presenter(s): ROB ROBINSON, ALLIANCE HEALTH CEO; KELLY GOODFELLOW,
ALLIANCE HEALTH EVP, CFO**

BACKGROUND

Each year Cumberland County provides \$4,800,000 to Alliance Health for the provision of behavioral health services delivered to residents of this County. During fiscal year 2020, \$2,966,038 of that allocation was unspent at the end of the fiscal year and remains in a "restricted for Cumberland" account on the books of Alliance Health. During the meeting, staff of Alliance Health will explain what led to that under-spending last fiscal year and will provide an update on overall service delivery in Cumberland County.

RECOMMENDATION / PROPOSED ACTION

Receive the update.

ATTACHMENTS:

Description

Alliance Health Presentation

Type

Backup Material



Cumberland County Board of Commissioners

November 12, 2020

About Alliance

- Behavioral health MCO for Durham, Wake, Cumberland and Johnston counties
- 470,000+ Medicaid-eligible and uninsured individuals among a population of over 1.8M
- Professional staff of over 500
- Network of 2,200+ contracted providers
- Preparing to operate a “Tailored Plan” beginning in 2022

FY20 Final Budget

Category	Amount	% of Total
Medicaid	\$ 412,643,519	68.58%
Federal/State	79,538,810	13.22%
Local	38,784,914	6.45%
Grants/Miscellaneous	982,500	0.16%
Fund Balance Appropriation	8,705,695	1.45%
Administrative	61,016,540	10.14%
Total	\$ 601,671,978	

FY20 Year End

- Cumberland remaining funds - \$2,966,038 of the \$4.8M

Budget/Cash Received	\$4,836,067
Spent	(\$1,870,029)
Remaining Funds	\$2,966,038

FY20 Year End

- Impact to services:
 - COVID
 - Disruption in crisis services at Roxie
- Additional State dollars to offset local service spend
 - \$30M COVID allocation – Alliance share \$7,500,760

FY20 Year End

- Investments and support for the community
 - Financial Stabilization payments
 - Cell phone and technology equipment
 - Additional service codes to allow for telehealth billing
 - Rate increases for residential and community services

FY21 Budget

Category	Amount	% of Total
Medicaid	\$ 399,202,069	72.34%
Federal/State	54,548,221	9.88%
Local	38,239,101	6.93%
Grants/Miscellaneous	675,000	0.12%
Administrative	59,178,135	10.72%
Total	\$ 551,842,526	

FY21 COVID relief

- Session Law 2020-88 - \$50M
 - Alliance portion - \$6,820,904
- Session Law 2020-97 - \$38M
 - Alliance portion - \$5,899,330
- Increase in Medicaid funds
- To be spent by December 31, 2020

FY21 COVID relief

- Continue rate increases and implement additional increases
 - Direct Service Provider support
- Invest in Child Crisis Facility renovation
- Cumberland OneCare Network implementation
- Residential development for our TBI members

Tailored Plan Update

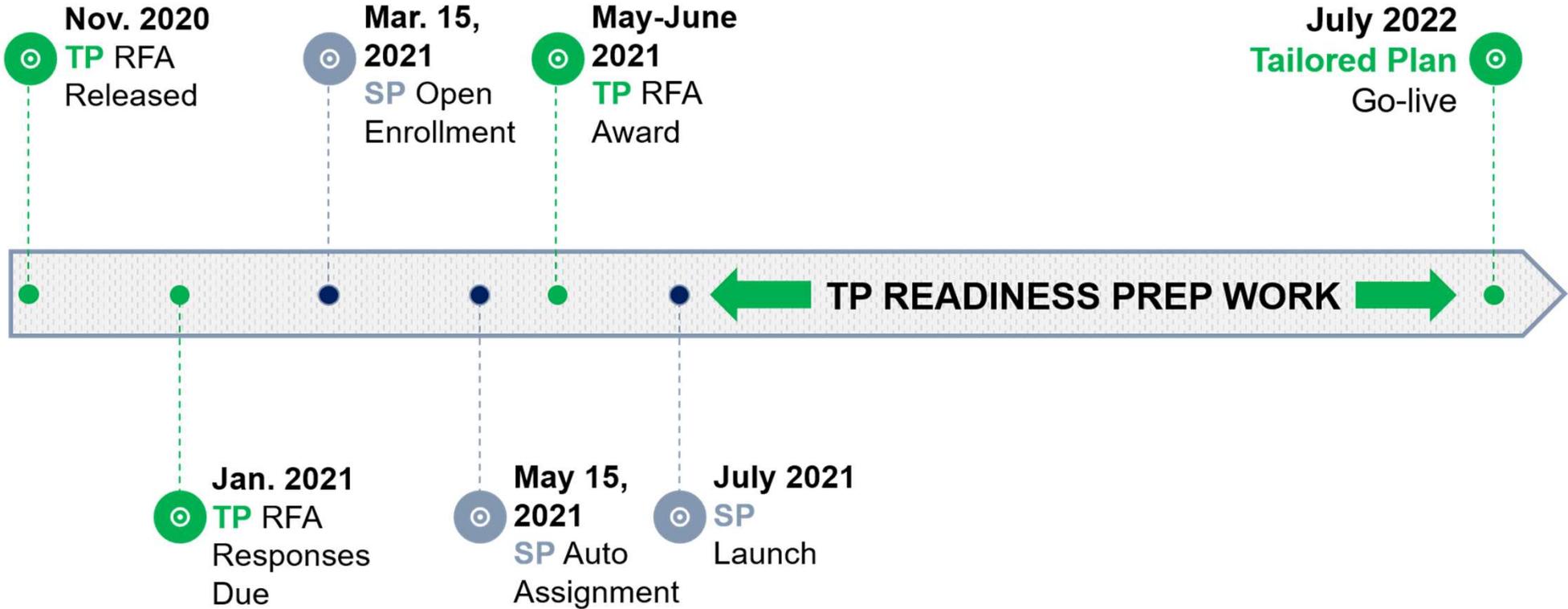
Types of NC Managed Care Plans

- Standard Plans
 - Serve most Medicaid enrollees, including adults and children
 - Provide integrated physical health, behavioral health, and pharmacy services at launch of Medicaid managed care program
- Tailored Plans
 - Specifically designed to serve special populations with unique health care needs
 - Provide integrated physical health, behavioral health, and pharmacy services

Standard Plan Contracts

- Statewide PHP contracts were awarded to:
 - AmeriHealth Caritas North Carolina, Inc.
 - Blue Cross and Blue Shield of North Carolina
 - UnitedHealthcare of North Carolina, Inc.
 - WellCare of North Carolina, Inc.
- PHP contract awarded to Carolina Complete Health, a provider-led entity (PLE), to operate in Regions 3 and 5
 - DHHS extended CCH contract to also cover Region 4 (Oct. '19)

Medicaid Transformation Timeline



Addressing the needs of youth with complex needs

Support for Children in DSS Custody

- Developed comprehensive plan to address children with more complex needs
 - Funding development and operations of 24/7 crisis group home
 - Implementing a intensive case management service
 - Expanding access to specialized trauma assessments
 - Continuing work and strengthening contractual requirements with Alliance treatment foster care providers
 - Building predictive models and early identification support plan

Crisis Update

Facility Based Crisis Services Update

- April 2020: Phase II Construction began
- May 2020: 23 hour Behavioral Health Urgent Care (BHUC) opens
- September 2020: DHSR requested work completed
- October 2020: Awaiting DHSR site inspection
- Total Admissions through September 23 BHUC

June	July	Aug	Sept	Total
86	115	115	120	436

Child Crisis Center

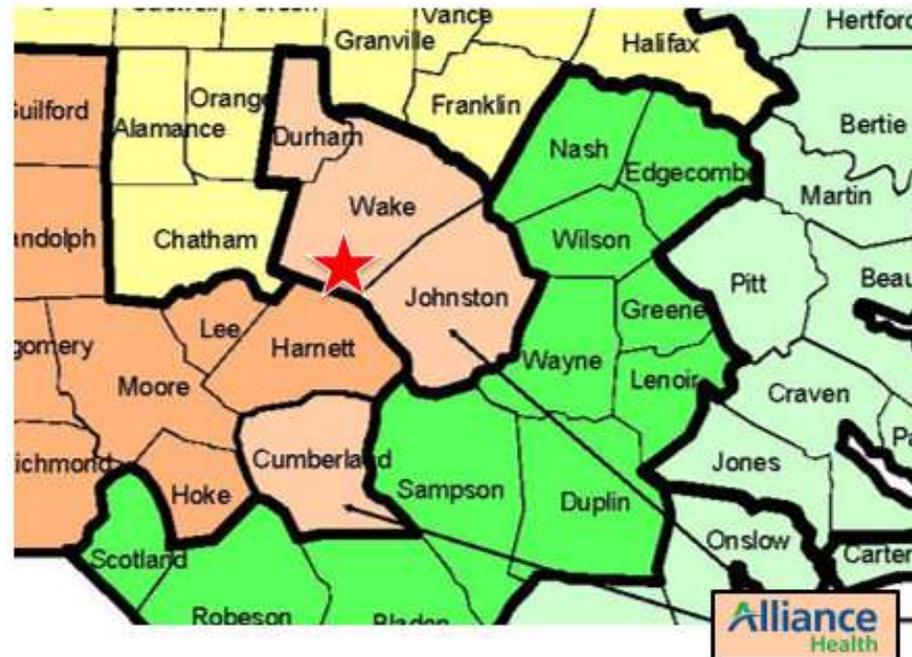


Child Crisis Center

- 16-bed crisis facility for children and teens ages 6-17
- Includes behavioral health urgent care services to address emergency department overcrowding
 - Walk-in access to same-day clinical assessments, psychiatric evaluations, necessary medications
- Designed to stabilize youth experiencing behavioral health crisis and engage them in appropriate treatment
 - 24/7 access to assessment, stabilization, treatment planning

Child Crisis Center

- Centrally located in Fuquay-Varina, accessible to the entire Alliance region





CUMBERLAND
★
COUNTY ★
NORTH CAROLINA

FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 11/5/2020

SUBJECT: UPDATE ON FINANCING OF THE EMERGENCY OPERATIONS CENTER (EOC) CAPITAL PROJECT AND THE FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE (FTCC) FIRE TRAINING CENTER AND TENTATIVE FINANCING SCHEDULE

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): VICKI EVANS, FINANCE DIRECTOR

BACKGROUND

The EOC capital project and the FTCC Fire Training Center were both prioritized within the County's Capital Planning Model for debt issuance to occur this fiscal year. The project schedules for both projects line up in a way for Cumberland County to take advantage of issuing debt on these two projects in a single public financing which will save on debt issuance costs and the commitment of staff time. In addition, to secure debt on the \$10,000,000 for the FTCC Fire Training Center contribution, collateral of the EOC building will be pledged. Finance staff has been consulting with the County's financial advisors and bond counsel about moving this debt issuance forward and have developed the attached tentative financing schedule.

A February 2, 2021 Local Government Commission (LGC) request for debt issuance of Limited Obligation Bonds, Series 2021 approval is being requested. There are several actions required of the Board of Commissioners prior to the financing going before the LGC. All of those are shown on the attached schedule with yellow highlights to emphasize the Board of Commissioner meeting date as well as the action item. Entities who will be working with the County throughout this financing are shown at the bottom of the schedule. The amount to be financed will be shown within the preliminary financing documents with the following language: "the County intends to issue Limited Obligation Bonds (LOBs) in an amount not to exceed \$25,000,000, to finance construction of a new emergency operations center for the County and a fire

training center to be operated by FTCC.”

As shown on the attached schedule, multiple items will come before the Board of Commissioners for consideration throughout this process. Additional information about each of the projects will be shared during the meeting.

RECOMMENDATION / PROPOSED ACTION

No action needed. For information and discussion purposes only.

ATTACHMENTS:

Description

LOBs Series 2021 Financing Schedule

Type

Backup Material

**County of Cumberland, North Carolina
Limited Obligation Bonds, Series 2021**



**Tentative Financing Schedule
as of October 30, 2020**



November 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December 2020						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

January 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

Date	Event	Party
Week of Nov 2	Kick-Off Call	All
Week of Nov 9	Distribute 1st Draft of Bond Documentation and Bond Resolution	BC
Week of Nov 9	Distribute 1st Draft of the Preliminary Official Statement	UC
NLT Nov 11	Joint Legislative Committee Letter	County; BC
12-Nov	BOCC Agenda Session - Update on Financing Process	County; BC
13-Nov	Document Review Session	All
16-Nov	BOCC Regular Meeting - Call Public Hearing	County; BC
20-Nov	Distribute 2nd Draft of Financing Documents and Preliminary Official Statement	BC; UC
10-Dec	BOCC Agenda Session - provide update if needed	County; BC
Week of Dec 14	Document Review Session	All
21-Dec	BOCC Regular Meeting - County holds Public Hearing & Adopt Preliminary Resolution	County
1-Jan	LGC Application Due	County; FA
NLT Jan 2	Submit Documents to Rating Agencies	FA; UW
4-Jan	BOCC Regular Meeting - EOC Capital Project Bid Award	County; BC
Week of Jan 11	Rating Agency Calls	County; FA; UW
19-Jan	BOCC Regular Meeting - Adopt Final Resolution	County; BC
Week of Jan 25	Due Diligence Call	ALL
NLT Jan 28	Receive Ratings	County; FA
2-Feb	LGC Approval	LGC
NLT Feb 3	Post Preliminary Official Statement	UC; UW
10-Feb	Bond Pricing and Signing of Bond Purchase Agreement	ALL
23-Feb	Pre-Closing	ALL
24-Feb	Closing	ALL

Participants

Issuer	County of Cumberland, North Carolina	County
Commission	Local Government Commission	LGC
Financial Advisor	DEC Associates Inc.	FA
Co-Bond Counsel	McGuireWoods / The Charleston Group	BC
Underwriter	PNC Capital Markets LLC	UW
Underwriters' Counsel	Womble Bond Dickinson	UC
Trustee	TBD	T



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

**MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

DATE: 10/23/2020

**SUBJECT: UPDATED 2020 FAYETTEVILLE-CUMBERLAND PARKS &
RECREATION MASTER PLAN**

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): MICHAEL GIBSON, DIRECTOR, FAYETTEVILLE-CUMBERLAND
PARKS AND RECREATION**

BACKGROUND

On September 10, 2020, the Board received a presentation prepared by a Parks & Recreation consultant about the proposed 2020 Parks & Recreation Master Plan. Parks & Recreation staff advise that the Fayetteville City Council has adopted the plan, and it is being requested that the Board of Commissioners adopt the plan.

The 2006 Plan, and the 2020 Plan, can be found at the following link:
<https://www.fcpr.us/facilities/administrative/about-us/master-plan>

Attached is a copy of the presentation prepared and provided by McAdams. Page 7 onward covers the recommendations regarding the new master plan. Michael Gibson will be present to answer specific questions about the plan.

RECOMMENDATION / PROPOSED ACTION

Staff requests this item be forwarded to the November 16, 2020 Board of Commissioners' regular meeting as a Consent Agenda item with the following recommendation.

Adoption of the 2020 Updated Parks and Recreation Master Plan.

ATTACHMENTS:

Description

Type

McAdams Recommendations

Backup Material

2020 Draft Master Plan Exec. Summary

Backup Material

Fayetteville-Cumberland

parks and recreation comprehensive plan

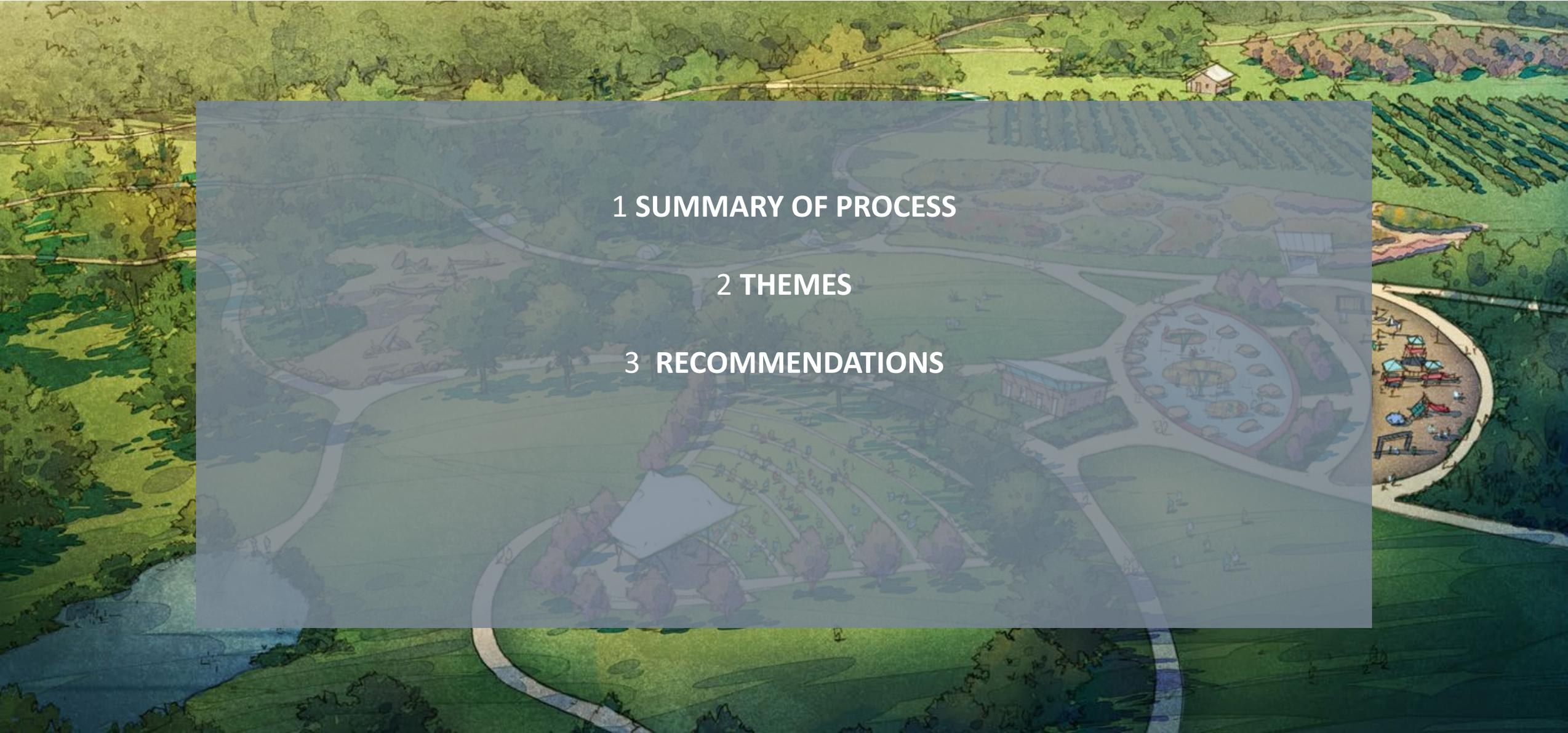


AGENDA

1 SUMMARY OF PROCESS

2 THEMES

3 RECOMMENDATIONS



summary of process



1 PROCESS SUMMARY

PLANNING PROCESS



- > Demographics + Trends
- > Statistically Valid Survey
- > Benchmarking
- > Programming Analysis
- > Social Vulnerability Mapping
- > Community Input

**INVENTORY +
ANALYSIS**



- > Synthesize results of all inventory and analysis
- > Create goals in partnership with Department staff

**SYNTHESIS +
GOAL SETTING**



- > Identify best practices for achieving goals
- > Draw connections between best practices and the Department's specific context

RECOMMENDATIONS



- > Detailed list of action items
- > Identify responsible Department of staff
- > Prioritize objectives as ongoing, short-term, medium-term or long-term

**ACTION +
IMPLEMENTATION**

COMMUNITY ENGAGEMENT

LOCAL GOVERNMENT BRIEFINGS

- Fayetteville City Management
- Fayetteville City Council
- Cumberland County Management
- Cumberland County Board of Commissioners
- Local Mayors 1
- Local Mayors 2

STAKEHOLDER GROUPS

- Parks + Recreation Advisory Board
- Senior Citizens Advisory Board
- Arts Council
- Economic Development Partners
- Education Partners

PUBLIC OPEN HOUSES

- Public Open House 1
- Public Open House 2
- Public Open House 3
- Public Open House 4

STATISTICALLY VALID SURVEY

Statistically valid survey that received 637 responses, resulting in a precision of +/- 3.88 at the 95 percent level of confidence.

MEETING STATUS

- Forthcoming
- Scheduled
- Completed

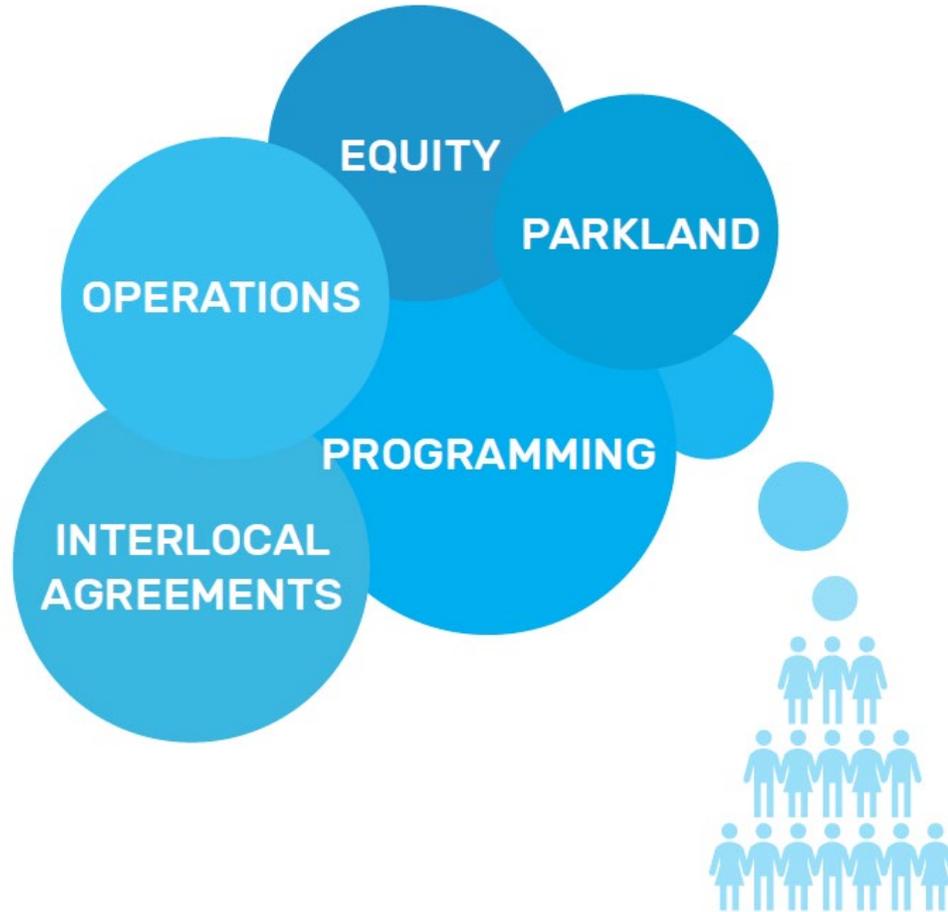


themes

1 DEMOGRAPHICS

THEMES

HOW THE COMMUNITY
IMAGINES THE FUTURE OF
THE PARKS SYSTEM:



recommendations



RECOMMENDATIONS

PARKLAND

PARKLAND



Offer an additional 830 acres of parkland by 2028 to increase the Department's level of service from 3.91 acres of parkland per 1,000 residents to 5 acres of parkland per 1,000 residents.



Offer an additional 186 miles of trail by 2028 to increase the Department's level of service from 0.04 miles of trail per 1,000 residents to 0.6 miles of trail per 1,000 residents.

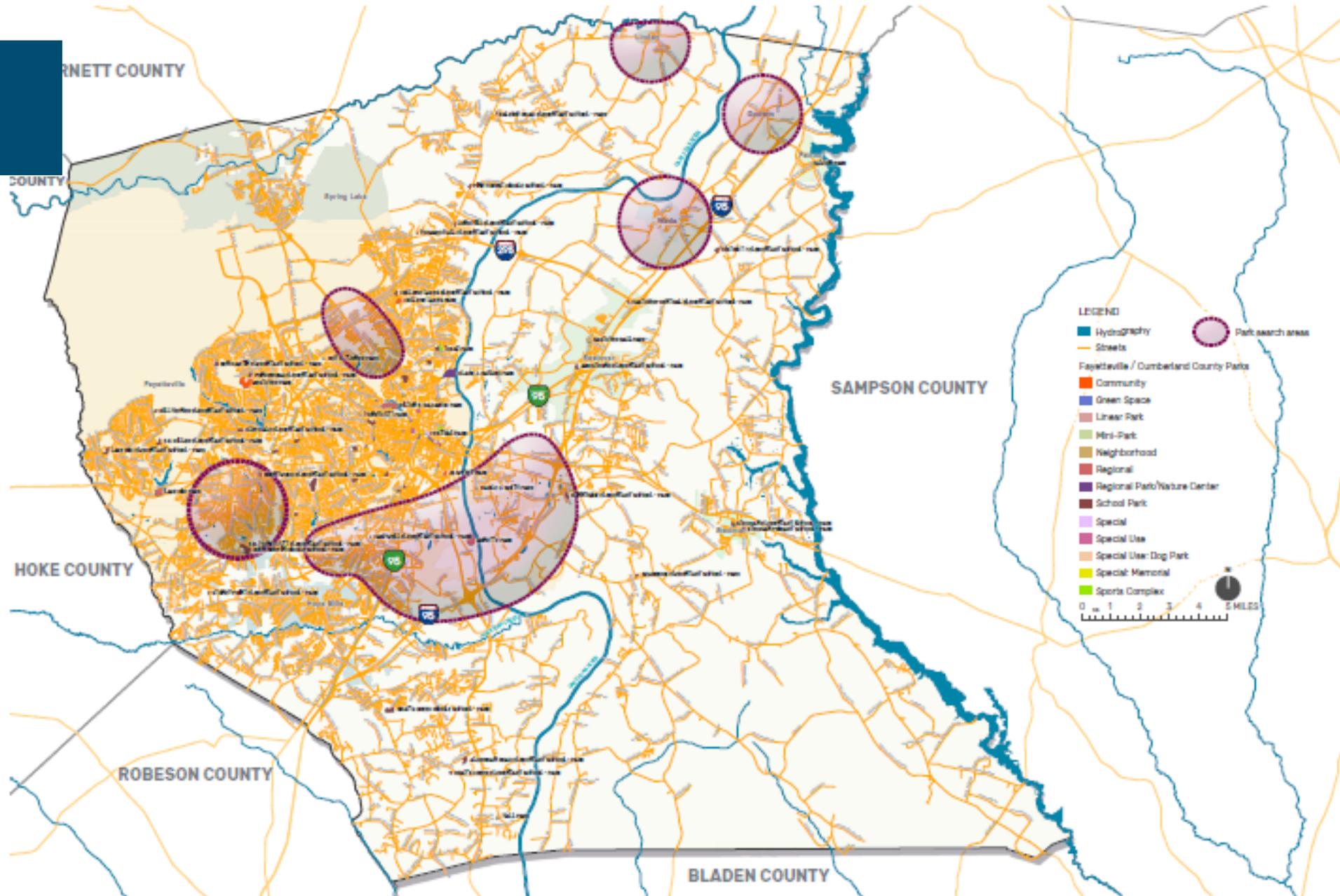


Offer an additional 247,357 square feet of indoor recreation space by 2028 to increase the Department's level of service from 0.26 square feet of indoor recreation space per resident to 1 square foot of indoor recreation space per resident.



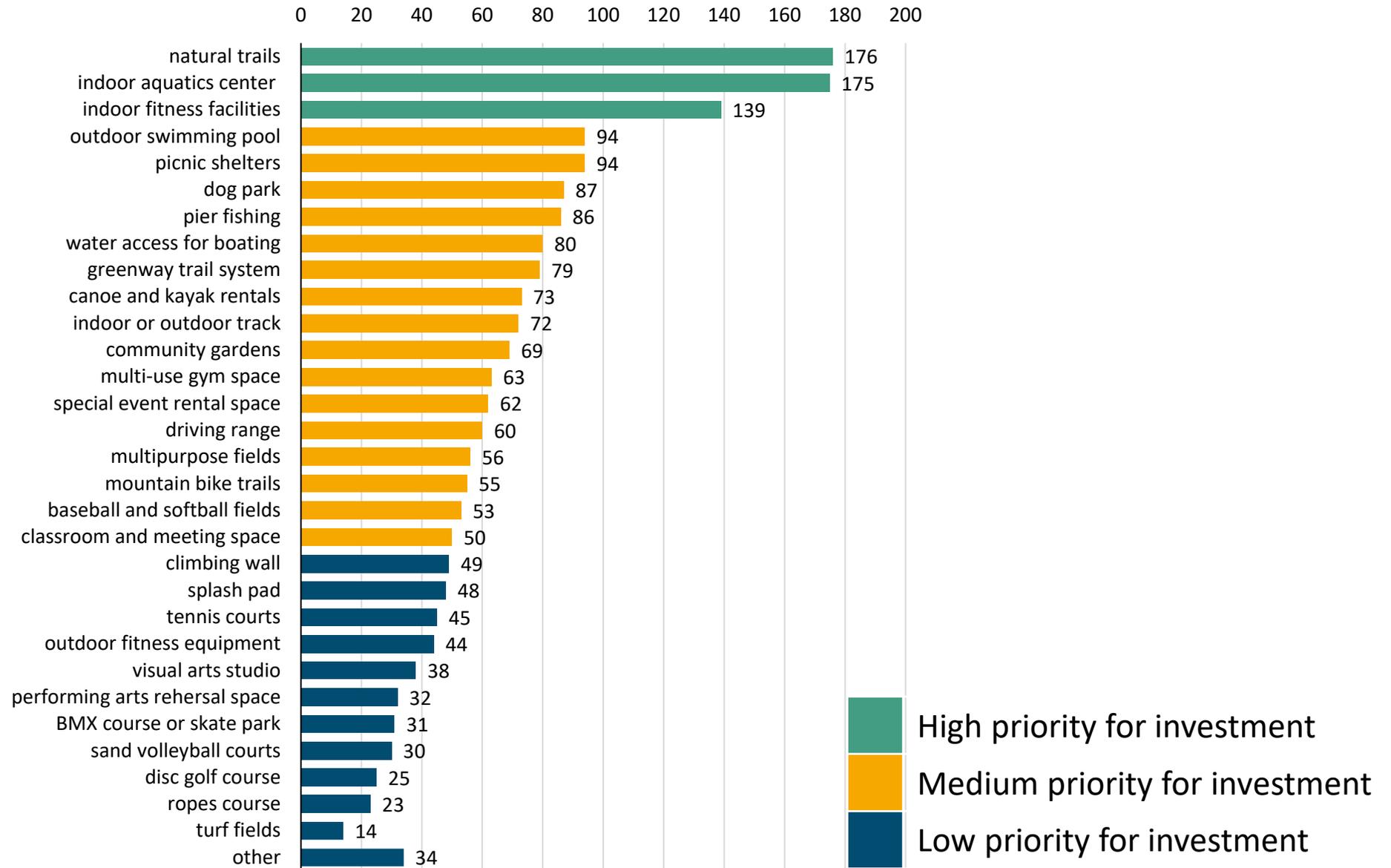
PARKLAND

**Future
parkland
and facility
search
areas.**



COMMUNITY ENGAGEMENT STATISTICALLY VALID SURVEY

TOP PRIORITIES FOR INVESTMENT FOR FACILITIES



PROVIDE

- Natural walking or hiking trails
- Indoor aquatics center
- Indoor fitness facilities
- Multi-use fields and courts
- Playgrounds
- Indoor recreation center and gym
- Walking and running trails
- Open fields for free play.

PROGRAMMING

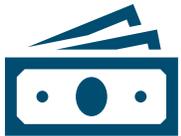
PROGRAMMING



Map programming locations to determine geographic gaps in service provision



Create business plans for program development, evaluation, and enhancement.



Develop cost recovery and pricing policy to direct staff in establishing user fees. The Department should create a cost recovery philosophy that is true to their role as a community service provider, while also allowing flexibility to recoup costs from those able to pay.



Update fee schedule based on cost recovery goals and implementation of new pricing strategies.

PROGRAMMING

PROGRAMMING

PROVIDE

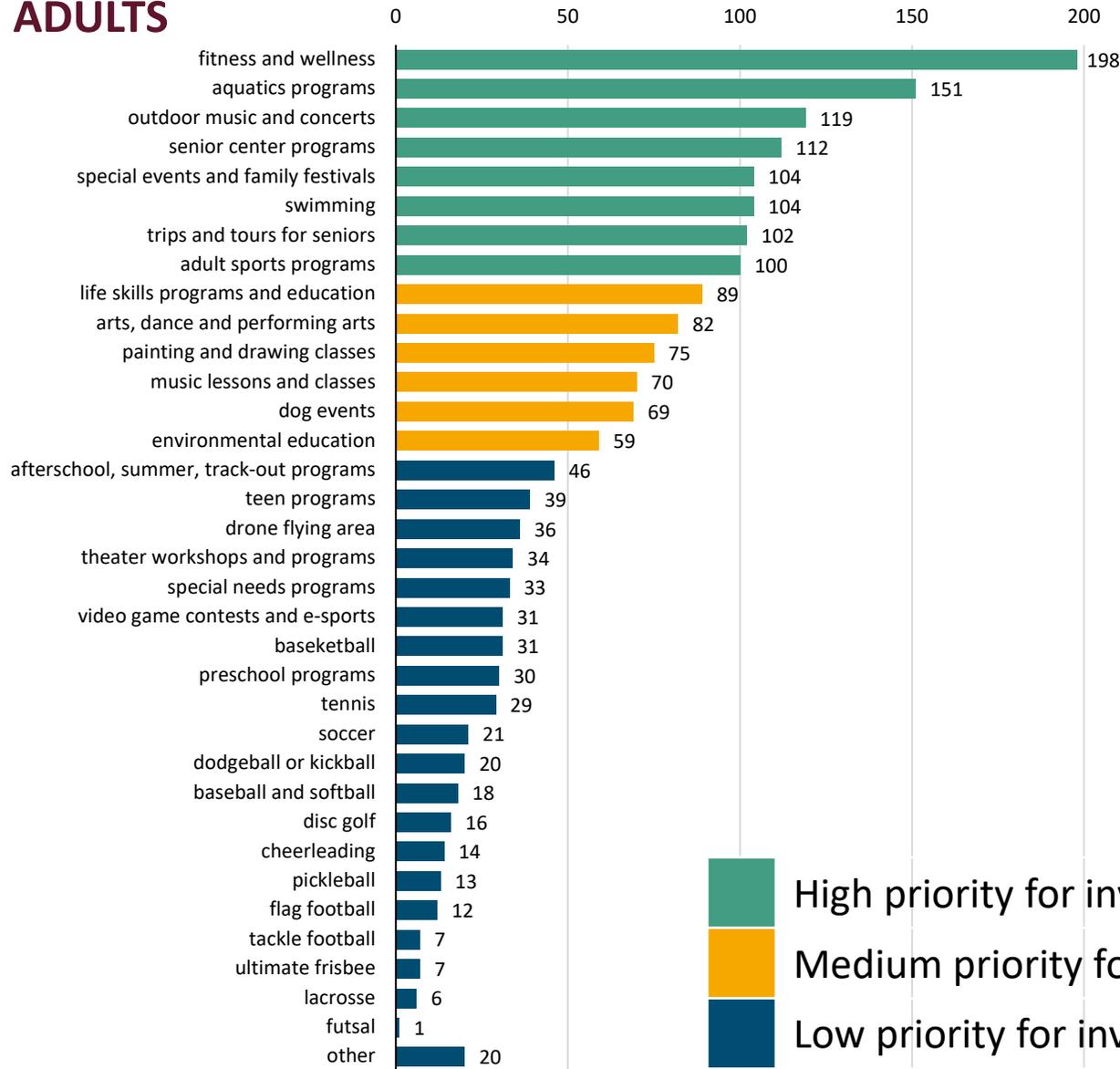
- Fitness and wellness programs
- Aquatics programs
- Outdoor music and concerts
- Senior center programs
- Special events and family festivals
- Swimming
- Trips and tours for seniors
- Adult sports programs
- Afterschool, summer, trackout programs
- Arts dance and performing arts
- Life skills programs and education

TOP PRIORITIES FOR INVESTMENT FOR PROGRAMMING

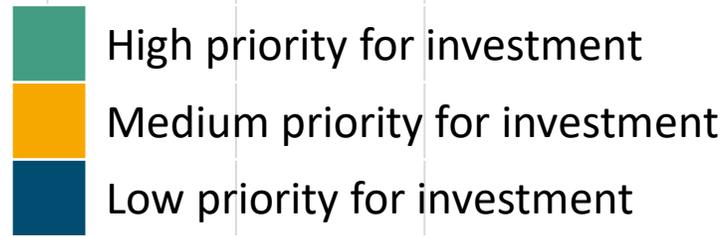
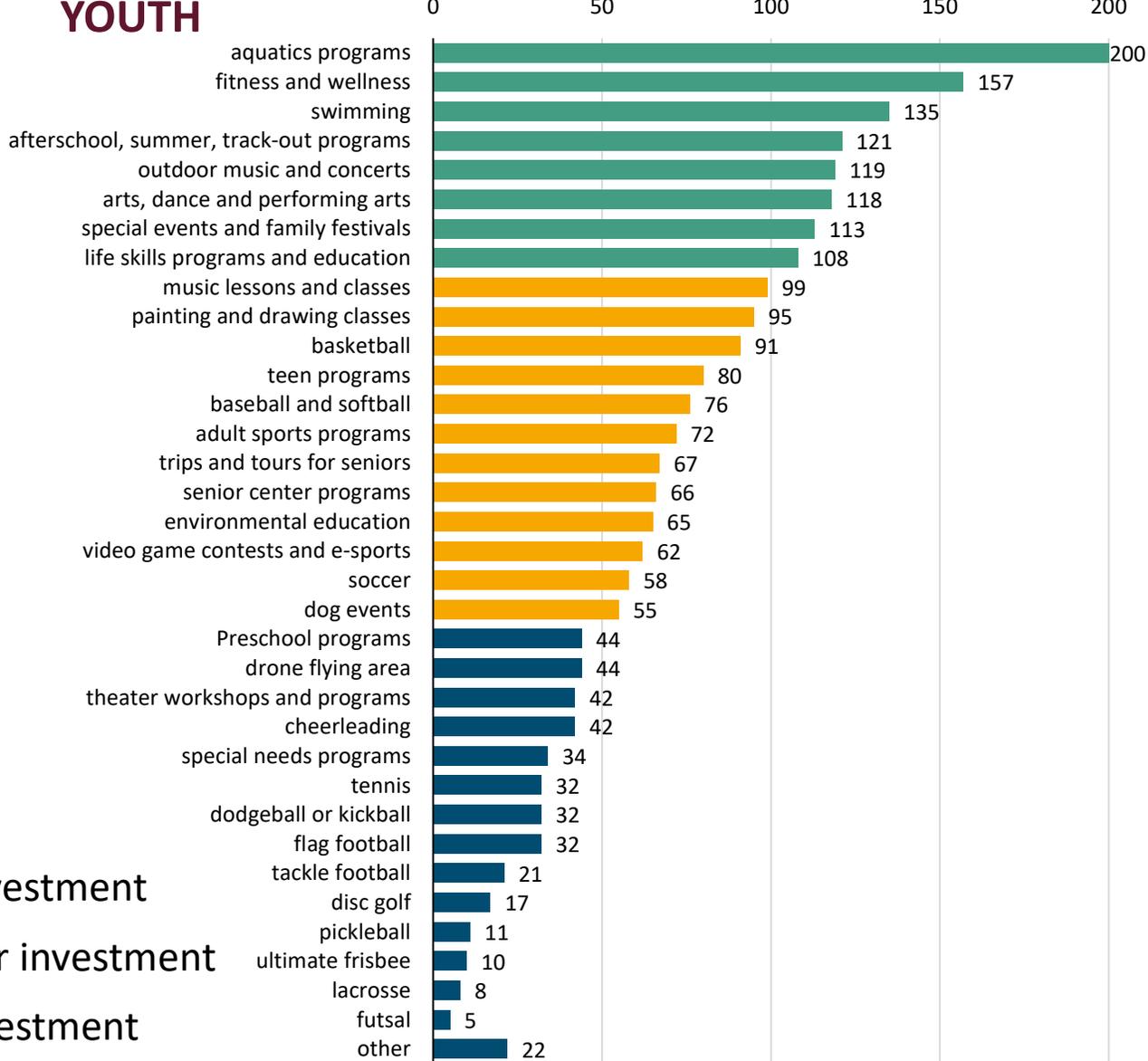
COMMUNITY ENGAGEMENT

STATISTICALLY VALID SURVEY

ADULTS



YOUTH



RECOMMENDATIONS

OPERATIONS

OPERATIONS



Implement strategies to track workload management such as documenting workloads, increasing FTEs, reducing travel time for maintenance tasks, and identifying work to be contracted.



Expand the Departments operations through partnerships for maintenance and programming needs. Evaluate partnerships annually.



Classify and prioritize all Departmental operations to be able to determine which operational activities should be prioritized when resources are limited.

RECOMMENDATIONS

EQUITY

EQUITY



Increase number of residents living within a 10-minute walk of a park or a 15-minute drive of a park.



Ensure parks in areas of high social vulnerability receive equitable investment compared to parks in less vulnerable areas.



Increase per capita operating expense from \$60.04 to \$69.56. This results in an overall operating expense increase of \$3,041,146 for a total operating budget of \$22,041,1146.



Update fee structure with pricing strategies that enable some users to pay to ensure continued low-cost or no-cost access to programming for those unable to pay.

RECOMMENDATIONS

INTERJURISDICTIONAL AGREEMENTS

INTERJURISDICTIONAL AGREEMENTS



Determine and track number of out of town users of parks, programs and facilities to understand the impact these users have on the system.



Quantify the impact these users have on the system and use the data generated to discuss joint use agreements or interlocal agreements with adjacent jurisdictions.

INTERJURISDICTIONAL AGREEMENTS

INTERJURISDICTIONAL AGREEMENTS



In the communities signed on to the interlocal agreement, make updates, improvements, and expansions to parks that create safe places for children to play, and parks that create a source of pride in local communities



Provide picnic shelters, walking trails, basketball courts, and playgrounds.



In existing parks address drainage issues, safety, field maintenance, programmatic marketing, and expanding parking.



Support recreation in constituent jurisdictions by recruiting volunteers to coach, coordinating league play, and tracking resident input and ideas.

QUESTIONS?





FAYETTEVILLE-CUMBERLAND PARKS + RECREATION COMPREHENSIVE PLAN

Executive Summary

The Fayetteville-Cumberland Parks and Recreation Comprehensive Plan is created to guide the department in serving all users of the Town's parks and recreation services.

This plan represents a collaborative effort Department staff, local decision makers, the public and the consulting project team. This plan will serve as the guiding document for the next 10 years of the Department's growth, improvement, and expansion.

This plan analyzes multiple facets of the Department's current parks and program offerings, and creates a 10-year work plan for Department staff to continue meeting resident's recreational needs.

This comprehensive plan uses the voice of the community as the foundation for recommendations and serves many benefits including: required for state and federal grant funding, provides data to validate decisions, framework for department growth, solicit data on community needs and wants, engages community, staff, stakeholders and decision makers, understand and resolve gaps and deficiencies, benchmark against comparable agencies, identify level of service goals and metrics, prioritize goals and objectives for 10-year planning horizon.



INVENTORY + ANALYSIS

GETTING TO KNOW YOUR PARKS SYSTEM



DEMOGRAPHICS

The population within the parks and recreation service area is expected to grow at .48% over the next 10 years. While well below the national growth rate of .86%, this growth will result in additional demands on the existing parks system.

The service area 's household incomes are slightly lower than the North Carolina average, suggesting limited disposable income for recreation.

The population is aging, suggesting the need for multi-generational recreation opportunities and expanded services for seniors. The county was recently declared a Tier 1 community.



PARKS

The Department provides an impressive variety of amenities, facilities and trails across 1,248 acres of managed parkland. With xx,xxx square feet of indoor recreation space, the Department is able to tailor offerings to the surrounding neighborhoods.

Recent expansion of indoor swimming pools has improved the level of service for aquatics, but left a shortage of access to outdoor aquatics.

An updated park classification system reveals the Department should focus on increased representation of sports complexes, greenways and open space and natural areas.

While the geographic distribution of parks is relatively equitable, gaps exist where new parks should be built or expanded.



PROGRAMS

The Department offers programs in 11 core program areas targeting ages from under 6 years of age to seniors (55+) and align well with the existing age profile of the community. The Department ranks best in class amount peers in providing teen programs.

While the Department uses only 4 of 10 standard pricing strategies, they are proud of their policy of affordability.

The majority of programs are in the introduction or take off stages and align with best practices. These programs will soon grow and stabilize, improving the below average number of mature programs. Retiring programs in the saturated and decline phases will allow for new and refreshed programming.



OPERATIONS

Department staff identified six service areas:

- › Leadership
- › Security
- › Business
- › Parks Division
- › Recreation Division
- › Facilities Division

The Department classifies 100 percent of these functions and services as essential to the operation of the Department, placing considerable responsibility on all staff. Prioritizing workload will allow staff to balance Athletics, Historic responsibilities, and preserve assets as the Department grows. Residents in adjacent communities and outside of the Department's service area are placing considerable demand on the system's infrastructure. While not yet quantified, this places additional burden on the system.



COMMUNITY ENGAGEMENT

THE VOICES OF OUR FUTURE

HUNDREDS OF RESIDENTS SHARED WHY PARKS ARE IMPORTANT TO THEM

WE VALUE PARKS BECAUSE THEY OFFER...
Health & wellness
People & community connections
Equity & inclusion

PARKS ARE...
A great place to play organized sports
A great place for the whole family
Great places for social engagement

WE'D LIKE TO SEE MORE...
Multi-use fields & courts
Playgrounds
Indoor recreation & gymnasium space

WE'D LIKE TO PARTICIPATE IN...
Youth athletics
Life skills programs
Fitness & wellness

PUBLIC OPEN HOUSES

The project team held 4 public open houses to gather input about community needs and wants, priorities, and review recommendations.

STAKEHOLDER GROUPS

The project team held meetings with three stakeholder groups to gather detailed information about recreation, arts, and economic development.

LOCAL GOVERNMENT BRIEFINGS

The project team conducted an asset mapping exercise with leadership of all local governments involved in the project including Fayetteville, Cumberland County, Eastover, Falcon, Godwin, Linden, Steadman, and Wade

STATISTICALLY VALID SURVEY

The statistically valid survey gathered input from a representative sample of residents in the Department's service area. Feedback details recreational needs and wants as well as existing barriers to accessing recreation services.



BY THE NUMBERS

BENCHMARKING

What do others offer?

TO DETERMINE...

system strengths to enhance & deficiencies to resolve

Compared to peer communities, the Department ranks lower in most metrics, but serves a larger population and geographic area. This suggests the Department is operating very efficiently and effectively to provide its current level of service.

To improve the Department's service delivery it must enhance collaborations with local municipalities, manage staffing based on geographic regions and consider enhancing financial resources to support Department functions.

LEVEL OF SERVICE

What do we offer?

TO DETERMINE...

what the system should offer to accommodate growth?

The Department is **currently** defined by:

3.91 AC / 1,000 pop	12.9 AC / 1,000 pop
2,567.06 SF Indoor Rec Space / Resident	NA SF Indoor Rec Space / Resident
0.04 Trail Miles / 1,000 pop	0.05 - 1.0 Trail Miles / 1,000 pop
5.13 FTE's / 10,000 residents	5.9 FTE's / 10,000 residents
\$60.04 Operating Expense / resident	\$65.51 Operating Expense / resident
\$15,368 Operating Expense / Acre	\$4,112 Operating Expense / Ac
\$116,949 Operating Expense / FTE	\$100,903 Operating Expense / FTE
\$5.34 Revenue / Resident	\$9.85 Revenue / Resident

BEST PRACTICES

What do experts say is best to offer?

TO DETERMINE...

emerging trends to consider offering

The National Parks and Recreation Agency reports the following medians for agencies with similar populations:

BY 2029, THE DEPARTMENT WILL NEED:

830
Additional acres of parkland

186
New miles of greenway trails

247,357
Square feet of indoor recreation space



A Priority Investment Rating (PIR) helps determine what parks and recreation facilities, amenities and programs the Department should prioritize as resources become available. A high PIR helps validate investment decisions when the Department is facing the difficult job of balancing multiple needs of the community.

TOP PIRs FOR PARKS

- › Nature trails
- › Indoor aquatics
- › Indoor fitness
- › Outdoor swimming pools
- › Picnic shelters
- › Dog parks
- › Pier fishing
- › Water access for boating
- › Greenway trail system
- › Canoe & kayak rentals

TOP PIRs FOR YOUTH PROGRAMS

- › Aquatics programs
- › Fitness & wellness
- › After-school, summer, track-out programs
- › Outdoor music and concerts
- › Arts, dance and performing arts
- › Special events & family festivals
- › Life skills programs & education
- › Music lessons & classes
- › Painting & drawing classes
- › Basketball

TOP PIRs FOR ADULT PROGRAMS

- › Fitness & wellness
- › Aquatics
- › Outdoor music and concerts
- › Senior center programs
- › Special events and family festivals
- › Swimming
- › Trips & tours for seniors
- › Adult sports programs
- › Life skills programs & education
- › Arts, dance & performing arts

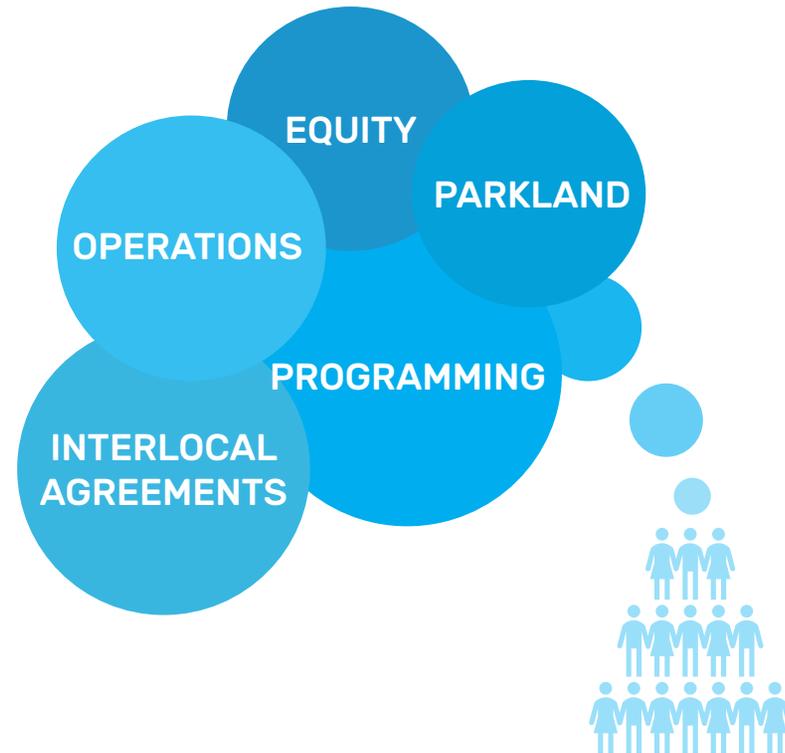


THEMES

GOALS:

Throughout the planning process, five themes emerged. Grounded in community values and the voices of residents, these themes represent the perspectives on the existing parks and recreation system, and how it can evolve to be even better.

HOW THE COMMUNITY IMAGINES THE FUTURE OF THE PARKS SYSTEM:



PARKLAND

Goal 1 - Parkland acquisition

- 2.1 Implement park design standards outlined in the park classifications while integrating opportunities to create unique experience within parks.
- 2.2 Thoughtfully acquire land for future park expansion needs in accordance with parkland acquisition map

Goal 2 - Level of service recommendations

- 2.1 Increase level of service of parkland acreage to 5 acres of parkland per 1,000 residents in the Department service area.
- 2.2 Increase level of service of trail mileage to 0.5 miles of trail per 1,000 residents in the Department service area.
- 2.3 Increase level of service of indoor recreation space to 3,000 square feet of indoor recreation space per 10,000 residents in the Department service area.

Goal 3 - Improve and expand existing and future park system with amenities identified through community engagement process.

- 3.1 Use results of community engagement and statistically valid survey when identifying amenities for existing park upgrades and future park programming
- 3.2 Upgrade existing parks to reflect best practices in park design.



PROVIDE DIRECTION, SET EXPECTATIONS FOR DESIRED RESULTS AND ESTABLISH A DECISION-MAKING FRAMEWORK.



PROGRAMMING

Goal 1 - Align programs and services to meet resident needs across the service area

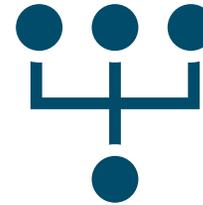
- 1.1 Enhance program development and service delivery
- 1.2 Develop programs and services that address program operational challenges, identified community needs, and trends.

Goal 2 - Enhance marketing as part of the overall customer experience to help increase program participation and satisfaction

- 2.1 Enhance website to create a better customer service experience
- 2.2 Conduct a market analysis for new opportunities in programs and services.
- 2.3 Enhance social media engagement through best practice strategies.

Goal 3 - Incorporate key indicators into the program development process to maximize resources in program delivery

- 3.1 Identify and document all internal factors for newly developed programs and events.
- 3.2 Identify potential partnerships and sponsorships to pursue in support of newly developed programs.
- 3.3 Assess the market including similar providers, market competition, market potential and communication strategy for newly developed programs.



OPERATIONS

Goal 1 - Align services and needs with best practices in service delivery and appropriate classification based on community benefit versus individual benefit.

- 1.1 Define priority functions and services to better classify during annual updates to the service delivery analysis.
- 1.2 Implement management principles to improve the Department's overall effectiveness and sustainability.

Goal 2 - Improve capacity and efficiency by incorporating additional best practices in service delivery

- 2.1 Increase capacity through the implementation of workload management principles.
- 2.2 Enhance existing and develop new public/private and public/nonprofit partnerships and service delivery.



GOALS:

PROVIDE DIRECTION, SET EXPECTATIONS FOR DESIRED RESULTS AND ESTABLISH A DECISION-MAKING FRAMEWORK.



EQUALITY

Goal 1 - Identify areas to expand parkland that will fill gaps in current service provision within Fayetteville, Cumberland County, and local jurisdictions.

- 1.1 Identify areas to expand parkland acreage within Fayetteville city limits.
- 1.2 Identify areas to expand parkland acreage within Cumberland County
- 1.3 Identify areas to expand parkland acreage within local jurisdictions within the interlocal agreement.
- 1.4 Ensure quality of parks provided within areas of high social vulnerability.
- 1.5 Identify areas to expand programming with Fayetteville city limits and Cumberland County.

Goal 2 - Increase department operating budget to accommodate service area residents and those from adjacent jurisdictions

- 2.1 Increase per-capita operating expense for department to improve system for residents and account for residents from adjacent areas.

Goal 3 - Expand use of pricing strategies to guarantee program affordability while equipping the Department to charge higher prices for specialized programming

- 3.1 Continue ensuring program affordability for residents with little or no ability to pay for parks and recreation programming and services.
- 3.2 Introduce updates to fee structure with ample notice and advertisement for participants.



INTERJURISDICTIONAL AGREEMENTS

Goal 1 - Adjacent jurisdictions

- 1.1 Determine and track number of out of town users of parks, programs, and facilities
- 1.2 Use data generated in objective 1.1 to begin discussion with adjacent jurisdictions about joint use agreements

Goal 2 - Address the following needs identified through engagement of jurisdictions participating in the interlocal agreement, including Eastover, Falcon, Godwin, Linden, Steadman, and Wade.

- 2.1 Make updates, improvements, and expansions that enable people to gather and are a source of civic pride in jurisdictions participating in the interlocal agreement.
- 2.2 When feasible, provide the following amenities to jurisdictions participating in the interlocal agreement.
- 2.3 Assist jurisdictions participating in the interlocal agreement with addressing the stated facility and operational challenges.
- 2.4 Support local jurisdictions in their efforts to enhance community involvement in their local parks and recreation.
- 2.5 Support local jurisdictions in their efforts to enhance park amenities.



CUMBERLAND
★**COUNTY**★
NORTH CAROLINA

PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RAWLS HOWARD, DIRECTOR OF PLANNING & INSPECTIONS

DATE: 10/29/2020

**SUBJECT: CUMBERLAND COUNTY COMMUNITY TRANSPORTATION
PROGRAM 2020 SYSTEM SAFETY PLAN**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): RAWLS HOWARD, DIRECTOR OF PLANNING & INSPECTIONS

BACKGROUND

The Cumberland County Community Transportation Program System Safety Plan for FY2020 has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The purpose of the plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents. The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance, and Security.

RECOMMENDATION / PROPOSED ACTION

Staff requests that the Cumberland County Community Transportation Program System Safety Plan for FY2020 be forwarded as a Consent Agenda item at the November 16, 2020 Board of Commissioners' Meeting with the following recommendation:
Approve the Cumberland County Community Transportation Program System Safety Plan

ATTACHMENTS:

Description

CTP TRANSPORTATION 2020 SYSTEM SAFETY PLAN
CTP 2020 SSP Adoption Page

Type

Backup Material
Backup Material

07/2020

CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM

SYSTEM SAFETY PROGRAM PLAN

(PLAN UPDATED JULY 2020)

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT McCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

May 23, 2014

MEMORANDUM

TO: Community Transportation Systems

FROM: Debbie Collins, Director
Public Transportation Division *dgc*

SUBJECT: Policy Guidance for Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

The mission of the North Carolina Department of Transportation is "Connecting people and places in North Carolina - safely and efficiently, with accountability and environmental sensitivity." Community Transportation systems must meet all federal and state guidelines, regulations and laws regarding the safe transportation of their passengers. The Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators are to be implemented by local systems as part of the effort toward meeting those requirements. This memorandum supersedes the memorandum dated October 1, 2011, same subject.

Please contact your regional safety and security specialist if you have any questions concerning this policy.

SOURCE DOCUMENTS

1. Federal Transit Administration (FTA) Circular 9040.1F "Non-Urbanized Area Formula Program Guidance and Grant Application Instructions" effective April 1, 2007, Section X (see 49 U.S.C. Chapter 53 - Section 5329; Investigation of Safety Hazards)
2. 29 CFR 1910.1030(g)(2)-Bloodborne pathogens-Information and Training
3. 49 CFR 655.14-Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations- Education and Training Programs
4. 49 CFR 37.173-Americans with Disabilities Act-Training requirements
5. NCGS Statute 95 and Department of Labor Guidance

Attachment: Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION
1550 MAIL SERVICE CENTER
RALEIGH, NC 27694-1550

TELEPHONE: 919-707-6870
FAX: 919-733-1391
WWW.NCDOT.GOV/NCTRANSIT

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WELINGTON STREET
RALEIGH, NC

**Minimum Training Standards for Community and Human Service
Transportation System Vehicle Operators**

- **Defensive Driving**
 - Shall include all vehicle operators, including any employees that operate the vehicles in revenue service or carry passengers for any other trip purpose.
 - Initial training must be a certified program, or curriculum must be equal to an existing certified program.
 - *Training must be completed upon hire and annually.*
- **Americans with Disabilities Act (ADA)**
 - Shall include at a minimum the following training (for further guidance refer to 49 CFR Part 37—Transportation Services for Individuals with Disabilities (ADA))
 - Sensitivity training
 - Passenger assistance
 - Wheelchair handling
 - Wheelchair securement (passenger and mobility)
 - Wheelchair lift inspection
 - Wheelchair lift operation (normal and emergency)
 - ADA requires training all personnel to “**proficiency**”, which is defined as **expert performance**.
 - *Training must be completed upon hire and annually.*
- **Bloodborne Pathogens**
 - Shall follow the Occupational Safety and Health Administration guidelines for the training as listed in Standard 29 CFR 1910.1030(g)(2)
 - The OSHA Standard spells out the content of the training.
 - *Training must be completed upon hire and annually.*
- **Emergency Procedures**
 - Shall include all procedures required to report or react to an emergency by transit system staff:
 - Communication and notification procedures
 - Accident/Incident reporting procedures
 - Passenger handling procedures
 - Vehicle and facility evacuation procedures
 - Driver and passenger security training
 - Emergency evacuation procedures and training
 - Emergency equipment usage
 - First aid (drivers must be trained in first aid to include use of kit)
 - Bloodborne Pathogens (drivers must be trained in bloodborne pathogens to include use of kit and transit system specific engineering controls to minimize driver exposure, cleanup procedures and waste disposal)
 - Emergency triangles (drivers must be trained to properly setup equipment)
 - Fire extinguishers (drivers must be trained to properly inspect and use equipment)
 - Web cutter (drivers must be trained to properly use equipment)
 - Participation in local or regional Emergency Management drills is strongly encouraged
 - *Training must be completed upon hire and annually.*

- **Ride Check – Driver Evaluations**
 - Newly hired drivers must have a Ride Check – Driver Evaluation before being allowed to operate a transit vehicle unsupervised in revenue service.
 - All drivers must have an annual evaluation to assess the driver's performance of techniques, skills and knowledge gained through training of each of the above categories.
 - Remedial training will be provided as needed in addition to the required annual training.
 - *Training must be completed upon hire and annually.*
- **Illegal Drug Use**
 - Shall include all training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
 - *This shall be done upon hire. (Required under 49 CFR 655.14)*
- **General**
 - All new hires must complete all of the minimum training requirements before operating a transit vehicle unsupervised in revenue service.
 - *Reflective vest will be worn by drivers when performing job functions.*
 - *Drivers that are not meeting proficiency, expert performance level, must be given remedial training until they are proficient.*
 - *Refresher (annual) training must be completed annually (within 1-year of last training date).*
 - All of the training materials and documentation must be on file for review by the NCDOT/PTD. Materials shall include but not be limited to course outline (may be included in instructor's manual), instructor's manual, sample student manual (if one is used), handouts and copy of Power Point slides if used in lieu of instructor's manual.
 - Records of qualifications and training performed (for each individual trained) must be kept on file for a minimum of five (5) years. Records shall include proof of attendance (roster or certificate of completion, if provided), date of the course, and type of instruction delivery (instructor led, self-instruction, etc.), name and certification (if applicable) of instructor.
- **Minimum Training Standards Reporting Procedures**
 - Grantees must submit the following information to the Safety and Security Unit.
 - Number of employees who received training by category/type
 - A spreadsheet will be provided by the Safety and Security Unit for the purposes of reporting training.
 - The report must be submitted no later than the fifteenth (15) day of the month following the end of the quarter (Dates due: January 15, April 15, July 15, and October 15).
 - Submit reports by e-mail to the Safety and Security Specialist assigned to your area and courtesy copy to safetyunit@ncdot.gov.

GENERAL SYSTEM SAFETY PLAN MANAGEMENT DESCRIPTIONS OF ELEMENTS

1. POLICY STATEMENT AND AUTHORITY FOR SYSTEM SAFETY PROGRAM PLAN

- A. Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation to develop and implement a safety plan. As defined by MAP-21 public transportation is regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
- B. North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSP).
- C. Establish the SSP as an operating document that has been prepared for and approved by the transit system top management, chief executive officer or the governing board.
- D. The authority statement in the SSP should define, as clearly as possible, the following:
 - 1. The authority for establishment and implementation of the SSP
 - 2. How that authority has been delegated through the organization
- E. The SSP must adequately address the SIX CORE ELEMENTS.

2. DESCRIPTION OF PURPOSE FOR SYSTEM SAFETY PROGRAM PLAN

- A. Address the intent of the *SSP* and define why it is being written.
- B. Establish the safety philosophy of the whole organization and provide a means of implementation.
- C. A *SSP* could be implemented for the following reasons:
 - To establish a safety program on a system wide basis.
 - To provide a medium through which a system can display its commitment to safety.
 - To provide a framework for the implementation of safety policies and the achievement of related goals and objectives.
 - To satisfy federal and state requirements.
 - To meet accepted industry standards and audit provisions.
 - To satisfy self-insurance or insurance carrier provisions.
- D. The relationship of system safety to system operations should be defined.
- E. All departments involved must have a clear definition of their individual responsibilities relative to the scope of the *SSP*.
- F. This section should also contain system safety definitions applicable to the operating systems.

3. CLEARLY STATED GOALS FOR VEHICLE SAFETY MANAGEMENT PROGRAM

- A. The overall goal of a *SSP* is to identify, eliminate, minimize and control safety hazards and their attendant risks by establishing requirements, lines of authority, levels of responsibility and accountability, along with methods of documentation for the organization.
- B. These goals should be system-specific, tailored to the individual needs of the system, as well as being:
 - 1. Long term - the goal must have broad and continuing relevance.
 - 2. Meaningful - they must not be so broad as to be meaningless; desired results must be identified.
 - 3. Realizable - any goal that meets the first two criteria but cannot be attained is meaningless.
- C. Example:
 - 1. A goal might be to establish a high level of safety comparable to other transit systems in the U.S.
 - 2. Identify, eliminate, minimize, and/or control all safety hazards
 - 3. Provide appropriate action and measures to obtain necessary safety-related agreements, permits and approvals from outside agencies, where applicable.

4. IDENTIFIABLE AND ATTAINABLE OBJECTIVES

- A. Objectives are the working elements of the *SSP*, the means by which the identified goals are achieved.
 - 1. Must be quantifiable and meaningful.
 - 2. Met through the implementation of policies.
- B. Policies are central to the *SSP* and must be established by top management.
 - 1. They set the framework for guiding the safety program, on a relatively long-term basis.
 - 2. Policies are measurable.
 - 3. Policies are methods for reaching a specified objective.
- C. Example:

The establishment of a safety program incorporating public, patron, employee, and property safety including fire protection, loss prevention and life safety requirements.

- **Policies depend on the goals defined by the transit system and its safety philosophy.**

5. SYSTEM DESCRIPTION/ORGANIZATIONAL STRUCTURE

A. System Description

1. Briefly describe the system's characteristics. The information should be sufficient to allow non-technical person and those not employed in transit to understand the system and its basic operation.

2. Components that should be included in the system description:

- a. History
- b. Scope of service
- c. Physical features
- d. Operations
- e. Maintenance
- f. System Modifications

B. Organizational Structure

1. Organizational diagrams showing the title of each position.

2. Diagram showing the structure of the system safety unit identifying the key positions.

3. Diagrams showing the relationships and lines of communication between the system safety unit and other departments in the organization.

4. Describe the relationship of the transit system to local political jurisdictions.

SYSTEM SAFETY PROGRAM PLAN

Program Description:

The System Safety Program Plan (SSP) was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation Standard Operating Procedure SSP-001 and the State Management Plan. The SSP consists of and addresses the required six (6) core elements:

1. Driver/Employee Selection
2. Driver/Employee Training
3. Safety Data Acquisition Analysis
4. Drug, Alcohol and Abuse Program
5. Vehicle Maintenance
6. Security

The Cumberland County Community Transportation Program's number one priority is adherence to policies and procedures of the core elements. All of the elements listed are equal in importance and the policies and procedures must be met. The compliance will ensure that we meet all Federal Transportation Administration (FTA) and North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) policies and regulations.

Driver/Employee Selection Element:

Fair hiring practices are used to select employees. Each potential employee will complete a written application. The Contracted Owner and/or supervisor shall interview each potential employee.

Driver/Employee Training Element:

The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the follow actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver's performance evaluation to provide refresher training, assess skills, techniques, knowledge, etc...

Safety Data Acquisition Analysis Element:

The goal of the Safety Program is the reduction of accidents and injuries to customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of the Cumberland County Community Transportation Program to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each

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employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include behaviors that threaten the safety of employees, customers and the general public. Other unacceptable behaviors include those that result in damage to system, employee and public and/or private property. An employee who intentionally violates the safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigation. Such discipline may include a warning, demotion, suspension or immediate dismissal. In addition, such actions may cause the employee to be held legally liable under State or Federal Law.

Drug Alcohol and Abuse Program Element:

The goal is to provide a safe, healthy and productive drug-free work environment for all employees. A person being under the influence of a drug or alcohol while on the job poses serious safety and health risk to the user, co-workers, and passengers. The Cumberland County Community Transportation Program has established a policy of a drug-free work environment. A standard of zero tolerance for use of alcohol, illegal substances, or the misuse of prescription medications during work hours or the presence of these substances in the body during work hours regardless of when consumed. Random drug testing will be administered.

Vehicle Maintenance Element:

The goal is to ensure each vehicle and MOBILITY DEVICE lift is properly maintained to maximize the service life, maintain reliability, mitigate high maintenance costs and sustain proper safety and mechanical condition. To accomplish this goal we will at a minimum adhere to the vehicle manufacturer's maintenance/service manual and the MOBILITY DEVICE lift service manual.

Security Element:

The overall purpose of the Security Program is to optimize -- within the constraints of time, cost, and operational effectiveness -- the level of protection afforded to vehicles, equipment, passengers, employees, and contractors, and any other individuals who come into contact with the system during normal operations.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment. To further this objective, we have developed security plans and procedures.

The SSP will be updated as changes occur. An annual review is required to ensure all information is current. The annual review must be adopted by the board and certified by NCDOT/PTD.

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**RESOLUTION FOR APPROVAL OF REQUIREMENT FOR
COMMUNITY TRANSPORTATION SYSTEMS TO IMPLEMENT
SYSTEM SAFETY PROGRAM PLANS**

WHEREAS, the Federal Transit Administration's strategic safety goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries and property damage;

WHEREAS, the Federal Transit Administration and the National Transportation Safety Board require the reporting of certain transportation related accidents;

WHEREAS, the vision for public transportation services in North includes the provision of safe, affordable transportation choices, statewide to those who have travel options and to those whose options are limited;

WHEREAS, the development and implementation of System Safety Program Plans by Community Transportation systems is a fundamental step toward these goals;

WHEREAS, the North Carolina Department of Transportation, Public Transportation Division recognizes the safety implications of the development of System Safety Program Plans and provides training and technical assistance to transit systems to assist in the development and implementation of their System Safety Program Plans;

WHEREAS, rural transit systems receiving federal and state funds are not currently required to have a System Safety Program Plan;

WHEREAS, the Public Transportation Division, in an effort to promote safe public transportation services recommends requiring that each rural transit system in the state that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting;

WHEREAS, the Transit, Rail and Ferry Committee has concurred in this recommendation.

THEREFORE BE IT RESOLVED AS FOLLOWS:

That the North Carolina Board of Transportation approves the recommended requirement that each Community Transportation System that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting.

ANNUAL MANAGEMENT REVIEW

The SSP should reflect the changing needs of our system programs. As a transit system evolves and operates, it must consistently monitor the programs and update the SSP accordingly.

To ensure that this occurs, the Transportation Coordinator/Accountable Executive should prepare an annual report that assesses the adequacy and effectiveness of all phases of the SSP. The annual report should be submitted to the Transportation Advisory Board and a copy submitted to NCDOT/PTD Safety & Training Unit.

Report topics include:

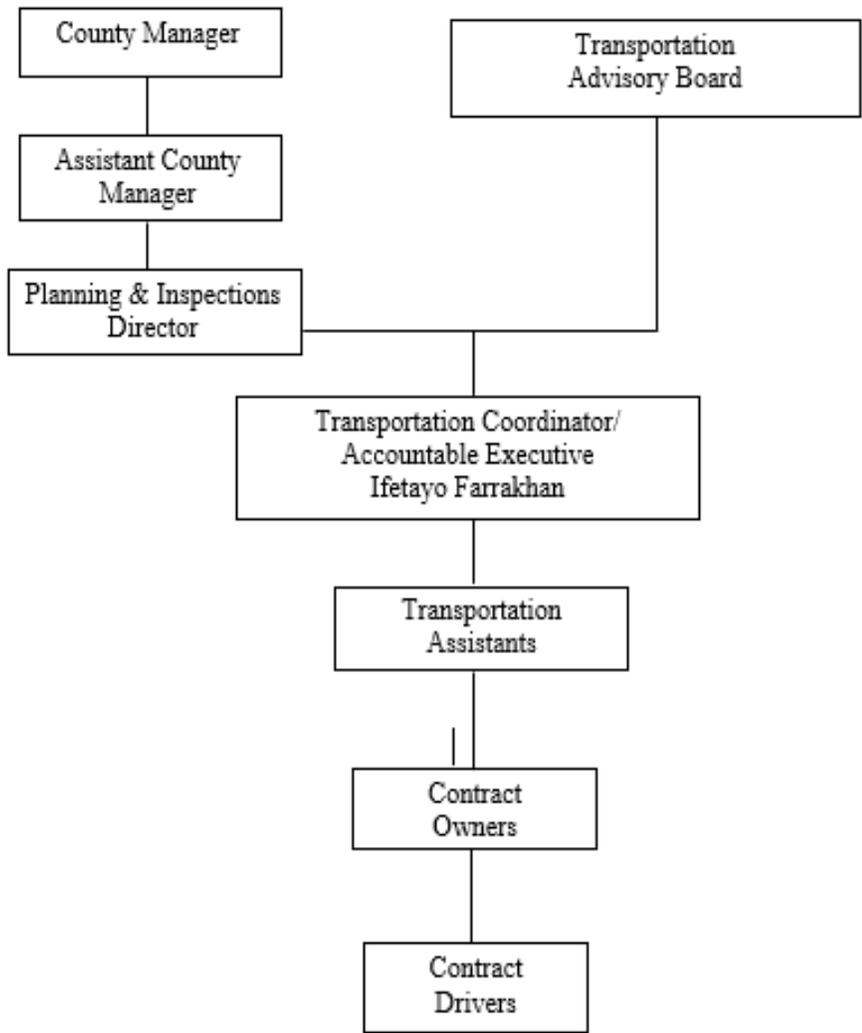
- ❖ Results of incident investigations and analysis
- ❖ Identification of possible hazardous conditions
- ❖ Results of inspections
- ❖ Established plans for handling future incidents
- ❖ Recommendations for SSP revisions
- ❖ Analysis of departmental involvement in the administration of the SSP

The Transportation Coordinator/Accountable Executive is responsible for maintaining and updating the SSP. The local Transportation Board must approve the required revisions.

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SYSTEM SAFETY PROGRAM PLAN POLICY AND PROCEDURE REVISION INDEX				
Policy/Procedure Name	SPP#	Revision #	Date	Description
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ORGANIZATIONAL STRUCTURE
FISCAL YEAR 2019
DEPARTMENT NAME Planning & Inspections



MISSION STATEMENT

The mission of the Cumberland County Community Transportation Program is to provide safe, dependable, accessible, and affordable transportation to all residents of Cumberland County. The Cumberland County Community Transportation Program will always strive to continue for tomorrow what is today: a key to independence.

SYSTEM GOALS

- PROVIDE 95% ON-TIME SERVICES
- PROMOTE THE CUMBERLAND COUNTY TRANSPORTATION PROGRAM SERVICES
 - ENHANCE QUALITY OF LIFE FOR CUMBERLAND COUNTY RESIDENTS

SYSTEM DESCRIPTION

The Cumberland County Community Transportation Program is a transportation system operating in Cumberland County, NC. The Community Transportation Program offers demand response and subscription transportation services through local contracted transportation providers. The Community Transportation Program also assists with transportation for the following agencies:

Employment Source (Service Source)

Medical and non-medical transportation is available to those that are 60+ or disabled. Medical transportation is provided at no cost to the client (as long as they do not qualify for Medicaid Transportation or ADA Transportation). Non-medical transportation is provided at a cost of \$2.50 per one-way trip (as long as they do not qualify for ADA Transportation). Trips are provided Monday thru Friday from 8:00am to 5:00pm. Accommodations for dialysis clients will be made to provide transportation outside of the normal service hours.

Employment transportation (EMPL) is available to citizens living in the urbanized area (as long as they do not live less than 1.5 mile from a Fayetteville Area System of Transit bus route). Trips are provided at a cost of \$2.50 per one-way trip. Trips are provided Monday thru Friday from 5:00am to 8:00pm.

Rural General Public (RGP) service is available to all citizens who reside in the rural areas of our county at a cost of \$2.50 per one-way trip. Trips are provided Monday thru Friday from 5:00am to 8:00pm.

All service is accessible to persons with disabilities.

Service Area

The Cumberland County Community Transportation Program serves all of Cumberland County including the municipalities within its borders. Cumberland County is a rural county located near the center of North Carolina encompassing 658 square miles. The ridership of CTP is comprised of the elderly, disabled, low income, and rural residents of our county. All destinations are located within the County of Cumberland.

Days and Hours of Service

Transportation services provided by the Community Transportation Program will not operate on the following holidays:

Christmas Day
New Year's Day

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DRIVER/EMPLOYEE SELECTION

NOTE: The following positions have been identified as safety sensitive:

- Driver

INITIAL HIRE PROCEDURES AND MINIMUM QUALIFICATIONS FOR DRIVERS

Background

In an effort to ensure that the most competent and safe drivers are employed by the Cumberland County Community Transportation Program the following eligibility requirements must be met by each prospective/current employee seeking/holding a position as a driver of a transit vehicle.

QUALIFICATIONS

Advertising of Positions

All driver positions must be advertised.

Application

Each potential employee shall complete a written application.

Interviews

The owner of the contracted transportation company shall interview each potential employee.

Physical Requirements

Each applicant must meet the requirements defined in 49 CFR Part 391.41 of the Federal Motor Carrier Safety Regulations. In addition to the following requirements:

- a. Eyesight – Drivers must have vision in both eyes, normal depth perception, normal peripheral vision and be free of any disease or condition that could impair vision. Drivers must have 20/40 vision in each eye with or without corrections, and 70 degrees or better horizontal vision. Drivers must be able to distinguish between green, red and yellow.
- b. Hearing – Drivers shall have adequate hearing to assure safe response to vehicle horns, emergency vehicle sirens, and train signals.
- c. Physical Ability: Must have the physical strength to assist MOBILITY DEVICE passenger and other ADA passengers when loading and unloading the vehicle.

Age

Drivers shall be at least twenty-one (21) years of age.

Knowledge of English

Drivers shall be able to read, write and speak the English language.

Driver Requirements

Drivers transporting people shall hold a valid NC Driver's License or Commercial Driver's License as appropriate. In order to be considered for employment all potential employees must

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provide a printout of the Bureau of Motor Vehicle (DMV) report issued within the past ten (10) days. **In no case will an individual be given a road test, placed in training or allowed to operate an agency vehicle without a DMV check that is in compliance with this policy and has been approved by the Transportation Coordinator/Accountable Executive.**

The criteria include:

- Good driving record with no Driving While Intoxicated (DWI), Driving Under the Influence (DUI) or similar charges, reckless driving, railroad crossing violations or leaving the scene of an accident offenses.
- No positive drug or alcohol test results within the last two years.
- No moving violations or at-fault accidents within the last three years.
- No suspended or revoked licenses within the past five (5) years for moving violations or violations of criminal laws.
- Any combination of violations, unfavorable road observations or accidents that indicates a pattern of unsafe vehicle operation behavior, whether on or off the job.
- Minimum of three (3) years driving experience.
- Ability to perform simple math.
- Reasonable knowledge of the service area and ability to read basic maps.
- A road test given by the owner of the contracted transportation company is required.

Operating Skills

Drivers shall have experience in safely driving some type of motor vehicle (including private automobile) for no less than three (3) years, including experience throughout the four seasons.

Criminal Record Checks

An original criminal record check, issued within the past 10 days, shall be obtained as part of the application process. Persons with felony convictions of any sort are unacceptable. Other unacceptable convictions include crimes of violence, drug usage or sales, physical abuse, fraud or theft. A pattern of unlawful behavior shall also disqualify an applicant.

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PROCEDURES FOR SELECTING A SAFE DRIVER

When hiring vehicle operators, be sure to have the driver candidates undergo the following:

- A pre-employment driving test (Ride Check)
- A pre-employment physical exam
- A background investigation
- Submission of driving record
- Pre-employment drug testing
- Basic training in driver skills
- Defensive driving skills training
- ADA Requirement Training
- Blood borne Pathogens Training
- Emergency Procedure Training
- Illegal Drug Use

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EXAMINATION TO DETERMINE PHYSICAL CONDITION OF DRIVER

Last Name	First	MI	Signature	
Street Address			DOB (month/day/year)	Age
City	State	Zip Code	Social Security Number	Date

HEALTH HISTORY

	Yes	No		Yes	No
Head or Spine Injury	<input type="checkbox"/>	<input type="checkbox"/>	Gonorrhea	<input type="checkbox"/>	<input type="checkbox"/>
Seizures or Fainting	<input type="checkbox"/>	<input type="checkbox"/>	Diabetes	<input type="checkbox"/>	<input type="checkbox"/>
Severe Injury or Illness	<input type="checkbox"/>	<input type="checkbox"/>	GI Ulcer	<input type="checkbox"/>	<input type="checkbox"/>
Cardiovascular Disease	<input type="checkbox"/>	<input type="checkbox"/>	Nervous Stomach	<input type="checkbox"/>	<input type="checkbox"/>
T.B.	<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic Fever	<input type="checkbox"/>	<input type="checkbox"/>
Syphilis	<input type="checkbox"/>	<input type="checkbox"/>	Asthma	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No			
Kidney Disease	<input type="checkbox"/>	<input type="checkbox"/>			
Muscular Disease	<input type="checkbox"/>	<input type="checkbox"/>			
Any Disease	<input type="checkbox"/>	<input type="checkbox"/>			
Permanent Defect	<input type="checkbox"/>	<input type="checkbox"/>			
Psychiatric Disorder	<input type="checkbox"/>	<input type="checkbox"/>			
Other Nervous Disorder	<input type="checkbox"/>	<input type="checkbox"/>			

If answer is YES, explain: _____

PHYSICAL EXAMINATION

General Appearance: Good Fair Poor

NOTE: Visual acuity of at least 20/40 required in each eye with field of vision of 70° horizontal meridian in each eye

Vision: _____

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AUTHORIZATION AND CONSENT FOR RELEASE OF INFORMATION

This release and authorization acknowledges that _____ may now, or at any time while I am employed, contact personal references, conduct a verification of my education and licenses/certifications, employment/work history, motor vehicle records, and receive any criminal history record information pertaining to me which may be in the files of any Federal, State or Local criminal justice agency, and to verify any other information deemed necessary to fulfill the job requirements.

I do hereby agree to release and discharge _____ and their associates to the full extent permitted by the law from any claims, damages, losses, liabilities, costs and expenses or any other charge or complaint filed with any Agency arising from the retrieving and reporting of information.

Last Name: _____ **First:** _____ **Middle:** _____

Date of Birth: ___/___/___ **Social Security #:** _____

Driver's License #: _____ **State:** _____ **Exp. Date:** ___/___/___

Signature

Date

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on employee records quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. Each employee should have a separate file which shall contain their driving record, background check, training records, and other employee information as it pertains to this program. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

07/2020

DRIVER/EMPLOYEE TRAINING

07/2020

October 20, 2011

MEMORANDUM

TO: Community Transportation Systems

FROM: Miriam S. Perry, Director

SUBJECT: Policy Guidance for Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

The stated mission of the North Carolina Department of Transportation is “Connecting people and places in North Carolina - safely and efficiently, with accountability and environmental sensitivity.” Community Transportation systems must meet all Federal and state guidelines, regulations and laws regarding the safe transportation of their passengers. The Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators are to be implemented by local systems as part of the effort toward meeting those requirements. This memorandum supersedes the memorandum dated October 1, 2007, same subject.

Please contact your regional safety and training specialist if you have any questions concerning this policy.

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MSP/pta

07/2020

Attachment: Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

07/2020

Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

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 - Shall include all vehicle operators, including any employees that operate the vehicles in revenue service or carry passengers for any other trip purpose;
 - *Initial training must be a certified program, or curriculum must be equal to an existing certified program.*
 - *Training must be completed upon hire and annually.*

- **Americans with Disabilities Act (ADA)**
 - Shall include at a minimum the following training (for further guidance refer to 49 CFR Part 37—Transportation Services for Individuals with Disabilities (ADA))
 - Sensitivity training
 - Passenger assistance
 - MOBILITY DEVICE handling
 - MOBILITY DEVICE securement (passenger and mobility)
 - MOBILITY DEVICE lift inspection
 - MOBILITY DEVICE lift operation (normal and emergency)
 - ADA requires training all personnel to “**proficiency**”, which is defined as **expert performance**.
 - *Training must be completed upon hire and annually.*

- **Bloodborne Pathogens**
 - Shall follow the Occupational Safety and Health Administration guidelines for the training as listed in Standard 29 CFR 1910.1030(g) (2)
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 - Shall include all procedures required to report or react to an emergency by transit system staff:
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 - Accident/Incident reporting procedures
 - Passenger handling procedures
 - Vehicle and facility evacuation procedures
 - Driver and passenger security training
 - Emergency evacuation procedures and training
 - Emergency equipment usage
 - First aid (drivers must be trained in first aid to include use of kit)
 - Bloodborne Pathogens (drivers must be trained in bloodborne pathogens to include use of kit and transit system specific engineering controls to minimize driver exposure, cleanup procedures and waste disposal)
 - Emergency triangles (drivers must be trained to properly setup equipment)

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- Fire extinguishers (drivers must be trained to properly inspect and use equipment)
- Web cutter (drivers must be trained to properly use equipment)
- Reflective vest will be worn by drivers when performing job functions
- *Participation in local or regional Emergency Management drills is strongly encouraged.*
- *Training must be completed upon hire and annually.*

- **Ride Check – Driver Evaluations**
 - Newly hired drivers must have a Ride Check – Driver Evaluation before being allowed to operate a transit vehicle unsupervised in revenue service
 - All drivers must have an annual evaluation to assess the driver’s performance of techniques, skills and knowledge gained through training of each of the above categories.
 - Remedial training will be provided as needed in addition to the required annual training.
 - *Training must be completed upon hire and annually.*

- **Illegal Drug Use**
 - Shall include all training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
 - *This shall be done upon hire.* (Required under 49 CFR 655.14)

- **General**
 - **All new hires must complete all of the minimum training requirements before operating a transit vehicle unsupervised in revenue service.**
 - *Drivers that are not meeting proficiency, expert performance level, must be given remedial training until they are proficient.*
 - *Refresher (annual) training must be completed annually (within 1-year of last training date).*
 - All of the training materials and documentation must be on file for review by the NCDOT/PTD. Materials shall include but not be limited to course outline (may be included in instructor’s manual), instructor’s manual, sample student manual (if one is used), handouts and copy of Power Point slides if used in lieu of instructor’s manual.
 - Records of qualifications and training performed (for each individual trained) must be kept on file for a minimum of five (5) years. Records shall include proof of attendance (roster or certificate of completion, if provided), date of the course, and type of instruction delivery (instructor led, self-instruction, etc.), name and certification (if applicable) of instructor

- **Minimum Training Standards Reporting Procedures**
 - Grantees must submit the following information to the Safety and Training Unit
 - **Number of employees who received training by category/type**
 - **A spreadsheet will be provided by the Safety and Training Unit for the purposes of reporting training**

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- **The report must be submitted no later than the fifteenth (15) day of the month following the end of the quarter (Dates due: January 15, April 15, July 15, and, October 15)**
- **Submit reports by e-mail to the Safety and Training Specialist assigned to your area and courtesy copy to safetypd@ncdot.gov**

PERFORMANCE EVALUATION POLICY

This administrative policy was adopted by the Cumberland County Community Transportation Program

- *Frequency:* Each Community Transportation Program driver will have a ride check evaluation no less than bi-annually. New employees require two evaluations the first year of employment. The first evaluation is due before the driver operates a vehicle unsupervised in revenue service and the second should be accomplished on or near their hiring date which will serve as their annual evaluation. Periodic or special performance evaluations are subject to determination by his or her supervisor or the Transportation Coordinator/Accountable Executive.
- *Responsibility:* Each Community Transportation Program driver will be evaluated by his or her immediate supervisor or the Transportation Coordinator/Accountable Executive.
- *Documentation Required:* Each Community Transportation Program driver's completed evaluation sheet will be personally reviewed with him/her by the immediate supervisor or higher authority. Both the supervisor and the employee will sign and date the evaluation sheet in the appropriate places. The employee may attach comments to explain or clarify any points made in the evaluation. It will then be filed in the subject employee's training record in a confidential manner.

Evaluation results will be the basis for promotion, salary actions, demotions, suspensions, dismissals, and other such actions.

All performance appraisals are maintained in a secure manner.

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EMPLOYEE CONDUCT POLICY

This administrative policy was adopted by the Cumberland County Community Transportation Program.

No employee of the Cumberland County Community Transportation Program shall have the authority to make statements on behalf of the Cumberland County Community Transportation Program without prior approval of the Transportation Coordinator/Accountable Executive. All employees shall conduct themselves in such a manner which shall bring credit to the Cumberland County Community Transportation Program or to the particular transportation contractor to which the employee is employed.

Behavior of any employee which may affect the safety and well being of other employees of the Cumberland County Community Transportation Program or contracted company, or to clients served by the Cumberland County Community Transportation Program or contractor, shall be cause for disciplinary action, whether or not such behavior relates to proper performance of the employee's job.

TRAINING PROGRAM FOR DRIVERS

<u>COURSE</u>	<u>FREQUENCY</u>
• Ride Check: Driver Evaluation	Bi-Annually
• Defensive Driving	Annually
• Americans with Disabilities Act (ADA)	Annually
• Blood-borne Pathogens	Annually
• Emergency Procedures for Vehicle Operators	Annually
• Illegal Drug Use	Annually
• First Aid	Annually
• CPR	Every three years

Each driver goes through an extensive training program involving all details of their position. However, whenever there is an infraction or whenever an employee feels that they need more training, then remedial training will be given. An infraction includes receiving a ticket or citation from law enforcement, the public, peer or self report of speeding, traffic violation or improper behavior. The contract owner will review and discuss the reported infraction with the driver and immediately schedule the appropriate training. Any required training should be held within 5 – 10 business days. In the discretion of the contract owner, the driver may be required to complete remedial training prior to returning to the driving schedule.

BACKING PROCEDURES

Vehicle backing is strongly discouraged unless it is absolutely necessary. The following procedures are suggested in the event that an operator is required to use the reverse gear:

- Except for backing out of a parking stall, drivers should only back a vehicle when it is absolutely necessary. If it becomes necessary to back the vehicle while the vehicle is in service, a driver should use an adult as a spotter. The spotter should not be asked to exit the vehicle because that can cause the spotter to be vulnerable to injury. Use of a spotter does not relieve the driver of the responsibility to back the vehicle safely.
- Before backing, check carefully in all directions including the rear of the vehicle.
- Turn on the four-way flashers.
- Begin honking the horn (if the vehicle does not have a working ‘backing-up’ alarm) and continue to give short continuous beeps on the horn while in motion.
- As a rule when stopping in traffic, stop far enough back to see the rear tires on the vehicle ahead. This allows a driver the ability to go around a stalled vehicle on the left or right if necessary without the need to reverse direction. This procedure does not always work but it is another good example of how to avoid backing.
- Be sure to stay out of intersections and crosswalks until they are free to traffic. Do not get into positions where backing a large vehicle becomes necessary.
- If the view is obstructed and the driver is in doubt, he or she should exit the vehicle (if it is reasonable safe to do so) to check behind and around it.

CROSSING RAILROAD TRACKS

To insure that everyone arrives safely at their destination, consistently utilize the following procedures when approaching and crossing railroad tracks:

- Upon approaching the railroad crossing, proceed into the far right lane.
- Turn on the four-way flashers 100 feet before reaching the tracks the vehicle must stop behind the white line (if a line is present) and not in the path of the crossing barrier.
- Turn off heaters, fans, radios, etc. so that you can hear a train. If necessary, ask passengers to remain silent during the crossing.
- Open the door completely and listen for an approaching train or (if driving a van) open the window completely and listen.
- Look in both track directions as you listen for an approaching train.
- When you can conclude that no train is approaching, close the door (watching the door while it is closing) or window.
- Check your left mirror for traffic.
- Proceed slowly over the tracks to avoid damage to the vehicle.
- Turn off the four-way flashers after the vehicle is past the tracks.

DEALING WITH BRAKE FAILURE PROCEDURES

The guidelines below can assist you in safely maneuvering your vehicle during brake failure:

- Do not force the brake to the floor; you will destroy any chance of rebuilding pressure.
- Gently pump the brake pedal to see if you can restore pressure.
- Sound your horn and flash your lights to alert other drivers.
- Shift to the lowest gear possible.
- Remain calm and guide your vehicle into an environment where you can slow the vehicle and bring it to a natural stop.
- Look for an outlet. Can you use a natural upgrade to slow the vehicle? Is there a large open parking lot that you can coast across?
- Do not pull the parking brake – you could put the vehicle in a tailspin. As an exception in vans or small buses, it may be necessary to use emergency brake but you should control the release with your hand to prevent the brake from locking.

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- Do not permit the wheels to lock until the vehicle has stopped.

EN-ROUTE PROCEDURES

- Depart on time and stay on schedule, but never at the expense of passenger safety.
- Drive safely and smoothly. Operate at all times on compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which the vehicle is being operated.
- Avoid lengthy conversations with passengers, since conversations can distract a driver from safely operating the vehicle.
- Mobile cellular phones must not be used while the vehicle is in motion. If a call must be made or received, the driver must pull over to a safe area and stop the vehicle.
- A vehicle with passenger doors in the open position should not be operated with passengers aboard. The doors should not be opened until the vehicle is stopped or at a railroad crossing. A vehicle with inoperable doors should not be operated with passengers aboard.
- During darkness, interior lighting and lighting of step-wells on vehicles should be sufficient for passengers to enter and exit safely.
- Passengers should not be permitted in the step-wells of the vehicle nor occupy an area forward of the standee line when the vehicle is in motion.
- Fueling the vehicle when passengers are being transported should be avoided unless it is necessary.
- When passengers are aboard, it is required that the driver to be secured to the driver's seat with a seat belt at all times while the vehicle is in motion. In addition, all MOBILITY DEVICES must be secured properly and all passengers must use a seat belt.
- Vehicles should not be left unattended at any time when passengers are aboard.
- When transporting passengers, drivers should stop at all railroad crossings in compliance with North Carolina Statutes.

HELPING PASSENGERS WITH PERSONAL ASSISTANCE DEVICES

Use the following guidelines when you are interacting with a passenger who has special needs:

Assisting Passengers Who are Using Canes or Critters:

- Always ask the disabled passenger if you can assist her/him prior to assisting the passenger.
- Assist from the opposite side of the cane.
- Canes, walkers and other personal assistance devices should be stored so that they do not interfere with movement in the vehicle.
- Amputees should be seated in cool areas during hot weather.

Assisting Developmentally Disabled Passengers:

- Treat the passengers with respect.
- Be patient and repeat instructions when necessary.
- Be firm if they insist on doing something that will endanger you, them or the other passengers.

Assisting Hearing-Impaired Passengers:

- Look directly at them so they can see your lips.
- Talk normally (do not shout) and do not exaggerate your speech.
- Be prepared to repeat yourself.
- Get another person to talk to them if the passenger has trouble reading your lips.
- Use a pad and pencil when necessary.

Assisting Speech-Impaired Passengers:

- Do not hesitate to ask speech-impaired persons to repeat anything that you do not understand.
- Be patient; the passenger's speech condition may become more difficult to understand if the passenger is under stress.

Assisting Passengers with Visual Impairments:

- Do not touch the passenger until you tell them who you are and what you intend to do.
- Do not shout at the passenger.
- Before boarding the passenger, take their hand and show them the door openings as well as the seat and mention any hazards.
- When escorting the passenger, remain on the opposite side of their cane and have them hold your arm. Advise the passenger of any changes in ground texture or elevation level.
- When walking with a passenger, call out turns and maneuvers at least five (5) steps in advance.
- If the passenger uses a service animal, it may be helpful to learn the name of the animal for future reference. Avoid any abrupt movements toward the animal or the passengers. Never touch a service animal.
- Seat visually impaired passengers against vehicle walls when possible or seat the passengers in seats with arm rests in order to assist them in keeping their balance.

NIGHT TIME DRIVING PROCEDURES

Several hazards associated with night driving are list below:

- Reduced visibility
- Glare
- The need for increased reaction time
- An increased number of tired and intoxicated drivers

Procedures for driving at night:

- Inspect and clean your headlights, tail lights, windshield, clearance lights, reflectors and turn signals.
- Increase your space cushion by driving at a slightly slower speed than you usually would during the day.
- Turn your lights on early and avoid the glare of oncoming bright lights by watching the right edge of the roadway. If someone is needlessly using bright light, do not turn your bright lights on in response to their lights.
- Make sure that your speed does not overdrive your headlight visibility.
- Do not break more than necessary. Use engine and lower gears to help you to slow down the vehicle when traction is poor.
- Keep the fuel tank at least half full.

TRANSPORTING ELDERLY PASSENGERS PROCEDURES

Use special care in serving elderly passengers:

- Dispatcher needs to be especially patient when giving elderly passengers information regarding vehicle routes and schedules.
- Give elderly passengers more time to get on or off the vehicle.
- Ask the elderly passengers if they would like your assistance before assisting them.
- If the elderly passenger refuses assistance, stay close to prevent them from tripping or falling.
- When assisting elderly passengers, do not put too much pressure on the passenger's arm.
- When letting elderly passengers on or off a vehicle, pull the vehicle close to the curb so the passenger will not have to step very far.
- Be sure elderly passengers do not sit too close to heaters or other such hazards.
- Elderly passengers may need to be reminded where/when to get off of the vehicle.
- Keep temperature controls warm in the winter and cool in summer.
- In cases of emergencies, drivers should notify dispatchers about possible health problems of elderly passengers.

MOBILITY DEVICE BOARDING METHODS

Your customers' safety will depend on more than just safely transporting them to their destination, their safety will also depend on how well you board and secure their MOBILITY DEVICES. Several MOBILITY DEVICE boarding guidelines are indicated below:

- Roll the MOBILITY DEVICE onto the lift, making sure that the front wheels are inside the platform roll stop while the roll stop is in the upright position.
- Lock the brakes.
- If the passenger has the capability to do so, ask the passenger to hold on to the hand rails provided on the lift. If the passenger does not have the capability to hold onto the handrails, ask the passenger to hold his/her hands in his/her lap.
- Before operating the lift for boarding, ask the passenger if he/she is ready. Keep one hand on the lift controls. Ask the passenger if it is okay for you to rest your other hand lightly on the armrest of the MOBILITY DEVICE as the lift goes up while you stand on the ground; this will keep you alert to the stability of the chair while also providing the passenger with psychological comfort.
- Make sure that the lift is level with the floor before stopping. Be sure that there is a smooth surface created by the vehicle transition plate so that the MOBILITY DEVICE rolls smoothly over it and into the vehicle.
- From inside the vehicle, hold the MOBILITY DEVICE handle as you unlock the brakes. (Turn the power back on or engage the clutches of a motorized MOBILITY DEVICE if needed.)
- Make sure the passenger's head does not hit the ceiling upon entering the doorway.
- The ADA states that MOBILITY DEVICES should always be secured facing the front of the vehicle, with the exception given to some older vehicles that are not yet appropriately equipped.
- The driver should never stand on the lift.

MOBILITY DEVICE LIFT AND SECUREMENT PROCEDURES

Always follow the guidelines below to ensure safe lift operation and passenger safety:

- Always inspect a lift prior to each use (look for loose nuts, bolts,)
- Before deploying a lift for use, safely park the vehicle on level ground, turn the engine off (unless otherwise specified by the manufacturer) and check for obstacles to avoid in area where lift is to be deployed. Make sure that hands, feet and clothing are away from folding parts of the lift.
- Only passengers and their mobility devices should ride the lift.
- When operating a lift with a passenger on it, allow the lift to go all the way up to floor level or down to the ground without stopping.
- Have the passenger use the handrails and never leave a passenger unattended on a lift.

Assisting MOBILITY DEVICE Users on the Lift:

- MOBILITY DEVICE users can choose to ride a lift either facing away from the vehicle or facing the vehicle. The preferred method is to have the passenger facing away from the vehicle because it positions the bulk of the weight where there is more structural support and allows the driver to pull the MOBILITY DEVICE into the vehicle or push the MOBILITY DEVICE onto the lift by the handgrips.
- In the preferred positions, the small front wheels of the MOBILITY DEVICE are less likely than the large back wheels of the MOBILITY DEVICE to roll over the platform roll stop.
- The preferred position also reduces the possibility of the passenger's feet or toes getting caught between the lift platform and the vehicle when the passenger is riding upward.

SECURING AN OCCUPIED MOBILITY DEVICE

To insure the safety of your passengers, consistently use good practices in handling MOBILITY DEVICES:

- Always use a four point tie-down to the floor of vehicle.
- Tie-downs should be attached to the strongest part of the device which is the frame.
- Lap boards or metal and plastic trays attached to the chairs should be removed and secured.
- Liquid oxygen being transported should be securely mounted/fastened to prevent damage
- Aspirators, ventilators/other equipment must be securely mounted to MOBILITY DEVICE or vehicle.
- Never restrain a child's head separately such as with a headband attached to the back of the seat. Restraining a child's head separately can cause excessive strain on the child's neck. Many children now have special neck braces to support their head during transport.

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EMPLOYEE TRAINING RECORD

NAME: _____

Training	Date	Driver Initial	Supervisor Initial
Orientation:			
Substance Abuse Policy			
Performance Evaluation Policy			
Employee Conduct Policy			
Trip logs			
Pre/Post-Trip Inspection logs			
Procedures Review			
Backing			
Railroad Crossing			
Brake Failure			
En Route			
Assisting Passengers			
Night Time Driving			
Elderly Passengers			
W/C Boarding			
W/C Lift and Securement			
Emergency Equipment Training			
Fire Extinguisher			
Bloodborne Pathogens Kit			
Emergency Triangle			
CPR/First Aid			
Webcutter			
Training:			
Defensive Driving			
American Disabilities Act			
Bloodborne Pathogens			
Emergency Procedures			
Illegal Drug Use			
First Aid			
CPR			
Ride Checks:			

Employee's Signature: _____

Director's Signature: _____

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RIDE CHECK: DRIVER EVALUATION

Date of Evaluation: _____

Driver's Name: _____

Evaluator's Name/Position: _____

Passenger Reception

1. Confirms identity/destination of passenger
2. Present at entry door while boarding
3. Greets passenger in a friendly manner
4. Uses proper assistance techniques
5. Assists passengers to and from the vehicle door if needed
6. Stops proper distance from curb
7. Avoids use of AM/FM radio
8. Uses correct ADA language at all times

Vehicle Condition

1. Daily pre-trip inspection complete/documented
2. Web cutter and emergency triangles are available
3. Registration and insurance card in vehicle
4. Driver's license/logs with driver
5. Vehicle exterior clean
6. Vehicle interior clean
7. Dashboard/windshield area clear of all objects
8. Tie downs properly employed
9. Tie downs clean/ stowed in box
10. Seat belts in good working condition
11. Fire extinguisher is available, serviceable, properly mounted/tagged
12. First Aid/Bloodborne pathogen kit available in vehicle
13. Flash light working (if applicable)
14. Communications system operable
15. Child seat used/stowed properly
16. Daily defect report filled out
17. Lift operational check
18. Keeps logs up to date

Performance While Enroute

1. Driver uses correct posture when driving

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2. Both hands on steering wheel
3. Appropriate uniform/footwear
4. Driver and passengers use seatbelts
5. Driver gets out of vehicle and looks before backing
6. Adjust mirrors before moving vehicle
7. Signals entry into traffic every time
8. Moves vehicle smoothly while slowing braking and stopping
9. Telegraphs use of brake or flashers when stopping
10. Squares corners when turning
11. Moves at appropriate speeds for current road conditions
12. Maintains following distance safety zone (4 seconds)
13. Uses proper caution at intersections
14. Anticipates stale green lights (slows down)
15. Seats passengers properly
16. Stops at all railroad crossings
17. Comes to a complete stop, leaving private property
18. Uses proper lane changing procedure
19. Stops behind line or plane at intersections
20. Observes proper communication procedures
21. Uses turn signals properly
22. Maintains order in vehicle
23. Maintains scheduled stops and pick-ups
24. Avoids unauthorized stops
25. Uses four second distance rule, adds seconds to following distance when driving conditions change (keep safety cushion)

Passenger Discharge

1. Uses parking brake when de-boarding passengers
2. Stops proper distance from curb
3. Assist passengers off vehicle (when needed or when passengers request help)
4. Renders adequate assistance to MOBILITY DEVICE passengers
5. Advises supervisor when leaving vehicle and upon return to vehicle
6. Makes sure passenger is safely inside of destination before leaving property
7. Follows passenger's instruction for assistance when needed

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Comments _____

Course of Action (required/taken) _____

Driver's Signature _____ Date _____

Evaluator Signature _____ Date _____

Driver's Comments _____

RIDE CHECK DRIVER PERFORMANCE EVALUATION EXPLANATION

PASSENGER RECEPTION

The Driver...

1. Asks the name of the passenger and the destination before boarding, unless the passenger is a subscription rider.
2. Is available at the door to assist the passenger on or off the vehicle (if needed).
3. Acts courteously, offers help by asking, "may I help" or "how may I help you?"
4. Follows guidance from the passenger, if help is needed.
5. Uses the passenger's instructions to assist in boarding and exiting the vehicle, if needed.
6. Stops the vehicle six (6) inches or four (4) feet from curb to keep passengers from falling off the vehicle as they load and unload. (This depends on the stopping or parking situation.)
7. Uses AM or FM radio only when passengers are not aboard, then only for the news and weather forecast.
8. Uses correct language under ADA guidelines.

VEHICLE CONDITION

The Driver...

1. Performs a pre-trip inspection and completely fills out the pre-trip inspection form before starting the first run of the day.
2. Ensure registration and insurance cards are current and available.
3. Has driver license in possession and current route logs on person at all times.
4. Vehicle is clean on exterior.
5. Vehicle is kept clean inside at all times.
6. Nothing is on the dashboard, rear view mirror, or sun visors that could create a hazardous situation.
7. Safely attaches tie down straps into floor tracks, and use the four-point tie down on MOBILITY DEVICES.
8. Removes tie downs from floor after each use. Stores tie down straps in their proper place.
9. Seat belts/tie down straps are not tangled, missing or broken.
10. Checks fire extinguisher for serviceability and expiration date.
11. Checks the first aid and Bloodborne Pathogen Kits regularly and re-supplies when needed.
12. Ensures web cutter and emergency triangles are available.
13. Checks batteries daily to make sure flashlight is usable.
14. Tests the two-way radio and/or other communication device for operability.
15. Child seats are placed in vehicle properly.
16. Fills out daily defect report correctly.
17. Keeps logs up to date as trip is completed for each passenger.

PERFORMANCE ENROUTE

The Driver...

1. Does not slouch in the seat while driving. Arms are not on or out of the window frame.
2. Both hands are on the steering wheel at the 9 and 3 or the 10 and 2 position. Gets the big picture.
3. Clothing should be appropriate for job.
4. Uses seat belt correctly and requires correct use of seat belt for all passengers.
5. Gets out and looks behind vehicle, for obstacles, before backing.
6. Adjusts mirrors before leaving base (for safety and visibility). Keeps eyes moving.
7. Uses signals for all maneuvers in traffic. Leaves an out.
8. Does not jerk the vehicle when stopping and starting. Uses the brakes without stomping or slamming (stops vehicle smoothly).
9. Presses the brakes slightly to warn tailgaters to slow down or uses flashers when coming to a quick stop.
10. Does not whip around corners. Slows down to 2 to 5 miles per hour when turning corners. Positions vehicle for

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proper safe turns. (Squares the corner.)

11. Does not travel too slow or too fast for conditions on the road or for the posted speed limit.
12. Does not enter intersection without proper caution, uses the four second rule. Keeps safety cushion under control.
13. Slows down when green light has been green for sometime at a distance.
14. Checks mirrors, looks over shoulder, signals, moves into passing lane, signals and returns to proper lane. Leaves (*himself/herself*) an out.
15. Signals at proper distance for an intended turn. Cancels signal when maneuver is completed.
16. Does not allow profanity or misbehavior in the vehicle.
17. Keeps on schedule safely but does not jeopardize safety for schedule.
18. Only transports passenger on route schedule. No unauthorized passengers or stops.
19. Maintains a safe distance when following some one in all weather conditions.
20. Stops at railroad crossings.

PASSENGER DISCHARGE:

The Driver...

1. Uses parking brake when loading or unloading passengers.
2. Stops the vehicle 6 inches to 4 feet from curb to discharge passengers. Assists passenger off vehicle.
3. Assists all passengers as required.
4. Advises dispatcher of absence from vehicle and advises dispatcher of return to vehicle.
5. Does not leave elderly and disabled passengers unattended. Makes sure they are in the hands of caretakers or inside their homes/destinations before driver leaves the property (case by case judgments).

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on employee training quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. Each employee should have a separate file which shall contain their training records, ride checks, and other employee information as it pertains to this program. Each vehicle should have a separate file which contains the pre-trip and post-trip records. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

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SAFETY DATA ACQUISITION/ANALYSIS

SAFETY DATA ACQUISITION/ANALYSIS

DESCRIPTION OF ELEMENT

Understanding safety data is an important step toward allocating important (and often scarce) resources to implement safety program elements. Safety data relative to transit provider operations can be used to determine safety trends in system operation. The data include information gathered from within the system on safety-related events such as passenger injuries or claims, employee injuries, accidents, incidents, and preventability. Driver reports (sometimes called logs) can be an important source of safety problems, such as dangerous stop locations, problems with vehicle equipment, safety problems with the route, and other issues. The data is useful in a formal hazard identification and resolution process to help identify hazards before they cause accidents. The data may also help improve system performance, not only in respect to safety, but also in overall delivery of service to the riding public. In addition, trend analyses of safety data can help determine the effectiveness of safety initiatives that have been implemented.

- A. One of the most important services the safety unit provides for the transit organization is the collection, maintenance, and distribution of safety data relative to system operation.
 - Includes information gathered from within the system on various operating events relative to safety.
- B. Analysis of this system specific data can be used to determine trends and patterns in system operation.
- C. Used as part of the Hazard Resolution Process, data collection and analysis can be used to identify hazards before they cause accidents.
 - This is done by techniques such as trend analysis and thus become a vital component of efforts to improve system performance, not only in respect to safety but also in overall delivery of service to the riding public.
- D. The responsibilities for providing, receiving, processing and analyzing data should be listed here and can be general or specific, based on the needs of the transit system.

SAFETY PLAN PURPOSE

A System Safety Plan has many beneficial purposes for your employees and passengers. A plan provides:

- A documented approach to accomplishing a system safety program.
- A means of providing safety policies and procedures to drivers, vehicle maintenance, office and personnel.
- A way to reduce accidents and injuries through preventative measures.

SAFETY OBJECTIVES

In the transit environment, when properly applied, system safety:

1. Ensures safety is addressed during system planning, design and construction
2. Provide analysis tools and methodologies to promote safe system operation through the identification of safety hazards and the implementation of technology, procedures, training, and safety devices to resolve these hazards

TRANSIT SYSTEM SAFETY PHILOSOPHY **NCDOT Safety Philosophy Statements**

A Safety Philosophy is part of the North Carolina Department of Transportation (NCDOT) mission. North Carolina public transit systems can uphold this mission by acknowledging and implementing the NCDOT safety philosophy statements shown below:

- ❖ All accidents and injuries can be prevented.
- ❖ Management/supervisors are responsible, and will be held accountable, for preventing injuries and occupational illnesses.
- ❖ Occupational safety and health is part of every employee's total job performance.
- ❖ Working safely is a condition of employment.
- ❖ All workplace hazards can be safeguarded.

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- ❖ Training employees to work safely is essential and is the responsibility of management/supervision.
- ❖ Preventing personal injuries and accidents is good business.

SAFETY GOALS

As a public transportation provider in North Carolina, transit systems should utilize and uphold statewide safety goals. These goals include:

- ❖ Instilling a safety attitude and a safe work place/customer service environment
- ❖ Establishing a commitment to safety
- ❖ Developing and maintaining a comprehensive, structured safety program
- ❖ Developing and maintaining safety standards and procedures
- ❖ Providing formalized safety training
- ❖ Reducing accident and injury rates
- ❖ Selecting equipment that promotes and enhances safety
- ❖ Safeguarding hazards
- ❖ Making necessary changes in the system to uphold safety
- ❖ Establishing an incentive/reward program that rewards safe employee practices
- ❖ Increasing employee safety awareness
- ❖ Applying new research and development in safety efforts
- ❖ Meet NCDOT/PTD minimum training standard
- ❖ Creates a proactive transit safety culture that supports employee safety and safe system operation through motivated compliance with agency rules and procedures and the appropriate use and operation of equipment

SAFETY RESPONSIBILITIES – SPECIFIC POSITIONS

Transportation Coordinator/Accountable Executive

- Provides oversight of training for employees and supervisory personnel directly related to avoiding a possible injury or illness.
- Responsible for submitting a copy of Accident/Incident Reports to NCDOT/PTD Safety & Training Unit.
- Provides oversight and evaluates effectiveness of the safety program.

Contract Owners

- Have a thorough knowledge of the System Safety Policy.
- Provides a safe work place.
- Locates and provides instruction and training to drivers so that they conduct their job in a safe manner.
- Enforces safety rules and regulations.
- Initiates immediate corrective action where unsafe conditions or practices are found.
- Properly notifies the Transportation Coordinator/Accountable Executive of all accidents and incidents.
- Develops goals established for the safety program, with progress toward those goals measured on a quarterly basis.
- Investigates accidents and incidents, and writes reports on actions taken to prevent recurrence of accidents, including actions taken against individual violators of safety rules and practices.
- Maintains records as necessary to comply with laws and objectives of the safety program. These records should include:
 - Copies of Report of Injury or Accident
 - Safety Meetings Reports

Employees

- Abides by the safety rules and regulations.
- Has regard for the safety of fellow workers and clients at all times.
- Reports any unsafe condition to the Contract Owner.

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- Contributes ideas and suggestions for improving the safety of conditions or procedures to the Contract Owner.
- Uses individual knowledge and influence to prevent accidents.
- Attends safety training and safety meetings.
- Reports accidents and injuries to the Contract Owner immediately.

It is the responsibility of each driver to abide by all rules and regulations and to comply with all laws pertaining to safety and health in the workplace. **It is the responsibility of each Contract Owner to provide explicit instructional and procedural safety training for each employee.** Safety becomes a shared responsibility between management and the employee, and working safely is a condition of employment.

All drivers are required to attend safety meetings. Safety meetings involve employees in the Safety Program and are very useful ways of training employees. Safety meetings are used to present information, discuss problems and new ideas and discuss recent accidents and injuries. Safety meetings shall include, but shall not be limited to, the following:

1. Practicing safe driving procedures and avoiding accidents or incidents.
2. Reporting promptly and in writing, to your supervisor, all injuries and illnesses associated with the jobs.
3. Working under the influence of alcohol or illegal drugs is specifically forbidden. Use of prescription drugs, which may affect your alertness or work abilities, shall be reported to the contract owner (49 CFR parts 40, 653, and 654).

RELATIONSHIP BETWEEN SYSTEM SAFETY AND SYSTEM OPERATIONS

Designated Safety Official (*Contract Owner*)

The Contract Owner is the individual who is directly responsible for implementing the System Safety Program. It is their basic responsibility to plan and conduct safe operations. **It is also their duty and responsibility to fully orient and instruct all employees in safe practices and procedures.** The Contract Owner is specifically charged with the following responsibilities for the System Safety Program:

- Have full knowledge of all standard and emergency operating procedures;
- Perform safety audits of operations;
- Ensure that employees make safety a primary concern;
- Actively investigate all incidents and accidents;
- Prohibit unsafe conduct and conditions;
- Conduct safety meetings which are a vital part of safety atmosphere;
- Listen and act upon any safety concerns raised by employees;

HAZARD IDENTIFICATION AND ANALYSIS METHODOLOGY

Hazard Assessment Matrix

One way to conduct hazard assessments is to use a “**Hazard Assessment Matrix**”. The Matrix condenses “hazard assessment” into a chart and prioritizes those hazards that are evaluated. Two hazard severity categories are used to designate the magnitude of the “worst case” potential effects of the hazard are as follows:

- **Category I – Critical**
Hazard can result in severe injuries or death to passengers, employees, or others who encounter the Transportation System and/or cause major property damage.
- **Category II – Marginal**
Hazard can result in minor injury or negligible property damage.

After hazards are assessed for their potential severity, they can be examined to determine the probability that they may lead to an accident. As an increase in knowledge about safety is established through the course of the System Safety Program, prior accident information will be factored into the probability analysis if it is appropriate to do so.

- A Frequent**
The hazard is likely to cause an accident on a recurrent basis.
- B Remote**
An accident is unlikely but possible during the life of the hazard.

HAZARD ASSESSMENT MATRIX		
Frequency of Occurrence	Hazard Categories	
	Critical I	Marginal II
A Frequent	I A	II A
B Remote	I B	II B

Hazard Risk Index	
I A	Unacceptable or Undesirable (Management Decision Necessary)
II A, I B	Acceptable with Management Review
II B	Acceptable without Management Review

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Hazard Analysis

Date of Hazard Analysis: _____

Hazard Risk Index

IA

II A, I B

II B

Criteria

Unacceptable or Undesirable

(Management Decision Necessary)

Acceptable with Management Review

Acceptable without Management Review

Prepared By: _____ Date: _____

POTENTIAL WORK SITE HAZARDS IDENTIFICATION

Policy

- A. The designated Supervisor at EACH Employee work site shall identify at least ANNUALLY any potential Occupational Safety or Health Hazards at that work site.
 - 1. Any time a new substance, process, procedure, or piece of equipment is introduced and presents a potential hazard or a hazard is identified during a Safety Inspection, an updated Identification must be completed IMMEDIATELY.
- B. A copy of the completed Hazards Identification shall be posted at the work site and must be reviewed with any new employee assigned to that work site BEFORE the new employee begins to work and will be recorded in the employee's training record.

A copy of the completed Hazards Identification must also be forwarded to the applicable Program Manager/Director and Safety Officer for review action and for file for follow-up inspections.

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HAZARDS IDENTIFICATION

Work Site Name _____ (Center/Office)

Location _____

Potential Hazards	Employee Action to be Followed
1.	
2.	
3.	
4.	
5.	

Completed by: _____ **Work Site Supervisor** _____ **Date**

REVIEW ACTION

- A. _____ No remediation action possible
- B. _____ Remediation to be done

Hazard	Action	Schedule	Responsibility
1.			
2.			
3.			
4.			
5.			

C. Comments: _____

By: _____ **Program Manager/Director** _____ **Date**

_____ **Safety Officer** _____ **Date**

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FOLLOW-UP ABATEMENT ACTION

Hazard	Abatement Action Completed	Date	Completed By
1.			
2.			
3.			

Submitted by: _____

Position

_____ Date

Reviewed by: _____

Position

_____ Date

_____ Safety Officer

_____ Date

Comments: _____

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BLOODBORNE PATHOGENS/INFECTION CONTROL OVERVIEW

The document was developed to provide an overview of the Bloodborne Pathogens/Exposure Control Plan. The completed plan is available for review. The Exposure Control Plan (ECP) will be reviewed annually or updated when changes to tasks, procedures, and positions occur.

All Transit employees shall be trained in how to deal with blood borne pathogens. Blood borne Pathogens Kits shall be kept in all vehicles. If any employee is contaminated they shall be given time off with pay to clean up and the vehicle shall be cleaned before it is allowed back in service.

If a bio-hazardous spill occurs as part of a vehicular accident, then first aid for injured passengers should be the first priority, along with notification of appropriate medical assistance personnel. Bio-hazardous spills may also occur from an on-vehicle injury without a vehicular accident. Again, first aid provision comes first. Additionally, a bio-hazardous spill may occur as a result of vomiting or loss of bladder control, in which case, first aid is normally not necessary. However, anytime the driver does administer first aid, latex gloves and other personal protective equipment should be used.

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Contaminated items should be carefully placed in the designated bio-hazard disposal bag.

Following first aid administration, where necessary, the vehicle must be cleared of the spill. The following steps should be followed:

1. Put on a new pair of latex gloves;
2. Contain the spill as best as possible with paper towels and/or solidifying powder
3. Clean up spill with paper towels, or if a solidifying powder is used, use a dustpan and brush.
4. Clean area of spill with the cleaning or decontamination solution and wipe with paper towels and/or fresh solidifying powder.
5. **Place all items used to clean spill into bio-hazardous waste disposal bag.**
6. If the exterior of the disposal bag has not been contaminated by the spill, then remove both Latex gloves and place them in the disposal bag, and seal the bag.
7. If the exterior of the bio-hazardous waste disposal bag has been contaminated by the spill, seal the bag and place inside another bag.
8. **Upon return to home base, place the plastic bag(s) into the designated disposal container.**
9. Management will have it disposed of by an appropriate medical hazard disposal organization for proper ultimate destruction.

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SAFETY MEETING REPORT
(MONTHLY, BI-MONTHLY OR QUARTERLY)

Date: _____

Address: _____

Meeting Leader: _____

Attendance should be documented.

Other Persons Present: _____

Formal Presentation (Name of presenter and topic): _____

Other Subjects Discussed: _____

Reports on Weekly Meetings: _____

Employees' Comments/Suggestions: _____

Contracted Owner's Signature _____

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on accident/incident reporting and safety training quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. In the case of any accident/incident, the Transportation Coordinator/Accountable Executive should be notified immediately. The contractor must submit police reports if applicable, and document the investigation completed to verify if the accident/incident could have been avoided. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

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DRUG AND ALCOHOL ABUSE PROGRAMS

DRUG AND ALCOHOL TESTING POLICY
Cumberland County Community Transportation Program
Adopted as of January 1, 2018

A. PURPOSE

- 1) The Cumberland County Community Transportation Program provides public transit and paratransit services for the residents of Cumberland County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Cumberland County Community Transportation Program declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Cumberland County Community Transportation Program and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Cumberland County Community Transportation Program will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

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Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

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Evidentiary Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

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Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

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Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

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Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H

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of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a **Cumberland County Community Transportation Program** supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
 - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:

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- i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Cumberland County Community Transportation Program, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Cumberland County Community Transportation Program employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Cumberland County Community Transportation Program management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Cumberland County Community Transportation Program authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with **Cumberland County Community Transportation Program**. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported

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to **Cumberland County Community Transportation Program**. If a legitimate explanation is found, the MRO will report the test result as negative.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. **Cumberland County Community Transportation Program** will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however **Cumberland County Community Transportation Program** will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
 - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to **Cumberland County Community Transportation**

Program that there was not an adequate medical explanation for the result;

- ii. The MRO reports to **Cumberland County Community Transportation Program** that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner

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than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) **Cumberland County Community Transportation Program** affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.

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- b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
- c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
- e. If a pre-employment test is canceled, **Cumberland County Community Transportation Program** will require the applicant to take and pass another pre-employment drug test.
- f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide **Cumberland County Community Transportation Program** with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. **Cumberland County Community Transportation Program** is required to ask all applicants (even if

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ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide **Cumberland County Community Transportation Program** proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All **Cumberland County Community Transportation Program** FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under **Cumberland County Community Transportation Program** authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 2) **Cumberland County Community Transportation Program** shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor

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making the observation. This written record shall be submitted to the **Cumberland County Community Transportation Program**

- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. **Cumberland County Community Transportation Program** shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the **Cumberland County Community Transportation Program**. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

- 1) **FATAL ACCIDENTS** – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) **NON-FATAL ACCIDENTS** - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
 - a. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
 - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident

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In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that **Cumberland County Community Transportation Program** is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), **Cumberland County Community Transportation Program** may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

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- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under **Cumberland County Community Transportation Program** authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under **Cumberland County Community Transportation Program** authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

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Cumberland County Community Transportation Program will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed

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of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.

- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
 - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
 - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
 - h. Fail to cooperate with any part of the testing process.
 - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
 - j. Possess or wear a prosthetic or other device used to tamper with the collection process.
 - k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
 - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
 - m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.

- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from **Cumberland County Community Transportation Program** employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of **Cumberland County Community Transportation Program** and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
 - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.

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- f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Cumberland County Community Transportation Program.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

Cumberland County Community Transportation Program is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the Cumberland County Community Transportation Program Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over **Cumberland County Community Transportation Program** or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Operational Policy was adopted by the Cumberland County Board of Commissioners.

Date _____

Month _____

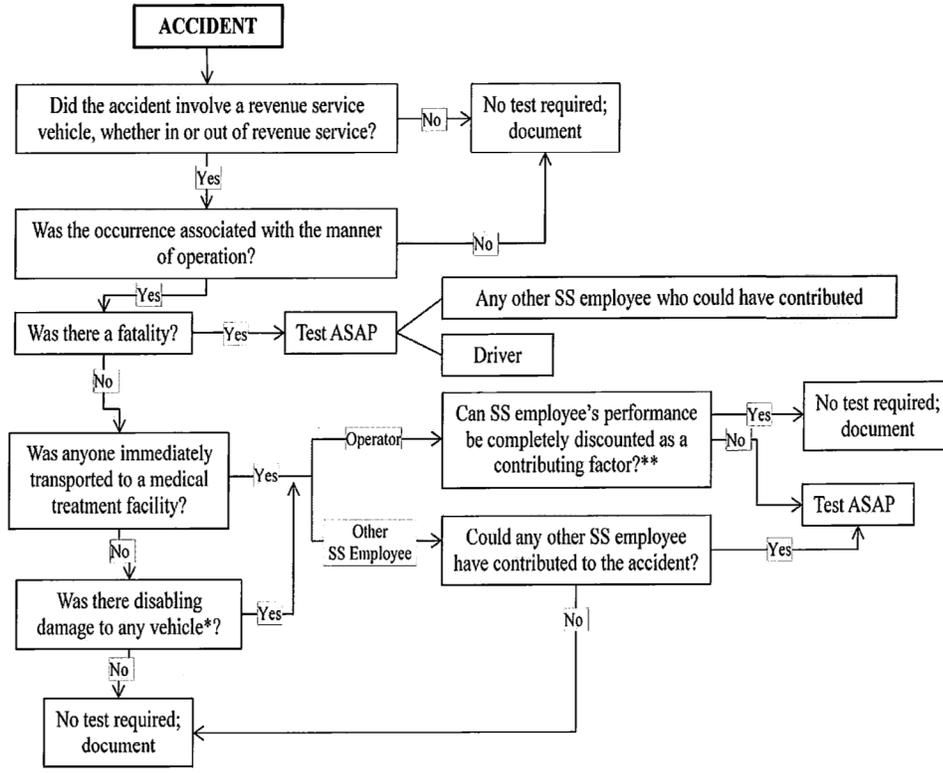
Year _____

System Manager (Signature) _____

Governing Board Chairman (Signature) _____

Attachment A Post Accident Decision Tree

Post Accident Decision Tree



* **Disabling Damage:** Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) **Inclusion:** Damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.

(2) **Exclusions:**

A. Damage that can be remedied temporarily at the scene of the accident without special tools or parts.

B. Tire replacement without other damage even if no spare tire is available.

C. Headlamp or tail light damage.

D. Damage to turn signals, horn, or windshield wiper, which makes the vehicle inoperable.

** **Contributing Factor:** The determination of whether or not a safety-sensitive employee's performance was a contributing factor should be the decision of the company official investigating the accident; not based on the police officer's accident fault determination. This decision should not be made hastily. The company official's determination must be based on the best available information at the time of the accident.

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Cumberland County Community Transportation Drug and Alcohol Program Manager

Name: Ifetayo Farrakhan

Title: Program Director

Address: 130 Gillespie St. Fayetteville, North Carolina 28301

Telephone Number: 910-678-7624

Medical Review Officer

Name: Dr. Stephen Kracht

Title: Medical Review Officer

Address: 814 Ward Parkway Suite 275, Kansas City, MO 64114

Telephone Number: 888-382-2281

Substance Abuse Professional

Name: John D.A Vaugh, Ph. D

Address: 804 Stamper Road, Fayetteville, North Carolina 28303

Telephone Number: 910-323-2815

Substance Abuse Professional

Name: Carolina Outreach, LLC. – Amanda Shepherd, LCAS

Address: 911 Hay Street, Fayetteville, North Carolina 28305

Telephone Number: 910-438-0939

HHS Certified Laboratory Primary Specimen

Name: Quest Diagnostic

Address: 10101 Renner Blvd, Lenexa, Kansas 66700

Telephone Number: 800-877-7484

HHS Certified Laboratory Split Specimen

Name: Quest Diagnostic

Address: 10101 Renner Blvd, Lenexa, Kansas 66700

Telephone Number: 800-877-7484

Attachment C Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
 - The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
 - Forty percent of family court cases are alcohol problem related.
 - Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
 - More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.
- The Annual Toll
- 24,000 people will die on the highway due to the legally impaired driver.
 - 12,000 more will die on the highway due to the alcohol-affected driver.
 - 15,800 will die in non-highway accidents.
 - 30,000 will die due to alcohol-caused liver disease.
 - 10,000 will die due to alcohol-induced brain disease or suicide.
 - Up to another 125,000 will die due to alcohol-related conditions or accidents.
- Workplace Issues
- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
 - Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
 - A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment D
Minimum Thresholds

	INITIAL TEST CUTOFF LEVELS (ng/ml)
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

	CONFIRMATORY TEST CUT/OFF LEVELS (ng/ml)
Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will administer the Drug and Alcohol testing program. Drivers may be sent for testing at any time during the year for random drug and alcohol testing. All drivers will receive pre-employment and post-accident testing.

MAINTENANCE

April 17, 2007

TO: Community Transportation Systems

FROM: NCDOT/PTD

SUBJECT: Maintenance Plan

Recipients must keep Federally-funded equipment and facilities in good operating order.

Recipients must have a written maintenance plan. The maintenance plan should identify the goals and objectives of a maintenance program, which may include vehicle life, frequency of road calls, maintenance costs compared to total operating costs, etc. The maintenance program should also establish the means by which such goals and objectives will be obtained.

At a minimum, the plan should designate the specific goals and objectives of the program for preventive maintenance inspections, servicing, washing, defect reporting, maintenance-related mechanical failures, warranty recovery, vehicle service life, and vehicle records. The program must address the particular maintenance cycles for each capital item.

Recipients must have records showing when periodic maintenance inspections have been conducted on vehicles and equipment. Include information showing that the periodic maintenance program meets at least minimum requirements of the manufacturer.

Maintenance of ADA elements may be incorporated in the regular maintenance plan or addressed separately. At a minimum, the grantee must demonstrate that such features as lifts, elevators, ramps, securement devices, signage, and communications equipment are maintained and operational. The recipient is required to develop a system of maintenance checks for lifts on non-rail vehicles to ensure proper operation. Additionally, a recipient is required to remove an accessible van with an inoperable lift from service before the next day, unless no spare vehicles are available to replace that vehicle. When a vehicle with an inoperable lift is operated, the vehicle must not be in service for more than five days.

Recipients must keep written maintenance plans and checklist systems, as well as maintenance records for accessible equipment.

Recipients are required to maintain systems for recording warranty claims and enforcement of such claims. Recipients should have written warranty recovery procedures. The warranty recovery system should include warranty records and annual summaries of warranty claims submitted.

Federally funded equipment needs to be maintained whether operated directly by a recipient or by a third-party contractor. When a recipient has contracted out a portion of its operation, a maintenance plan for Federally-funded equipment should be in existence and be treated similarly to a recipient-operated service. In those cases, the third-party contractor must have in place a system to monitor the maintenance of federally funded equipment.

PREVENTIVE MAINTENANCE STANDARDS

All vehicles, MOBILITY DEVICE lifts and associated equipment, system owned or operating under contract with the system, is placed on a comprehensive preventive maintenance program for the purpose of *increasing safety and reducing operational costs*.

The Preventive Maintenance Plan should consist of:

- Making preventive maintenance arrangements
- Conducting a Pre/Post-Trip Inspections
- Reporting common problems
- Utilizing manufacturers Preventive Maintenance Guidelines Manual
- Keeping all maintenance records for five (5) years after disposition

*Note: The Preventive Maintenance Program has been developed for the purpose of safety, reliability and vehicle use longevity. The guidelines are not designed to interfere with or violate the Manufacturer's Warranty Maintenance Schedule.

MAINTENANCE RECORDS

The contracted transportation company for the Cumberland County Community Transportation Program will retain all records pertaining to maintenance, service, warranty and other documents as required for vehicles and MOBILITY DEVICE lifts. The records should be maintained for at least five (5) years.

Maintenance Records Include:

- Documents showing vehicle identity
- Documents showing vehicle and MOBILITY DEVICE lift completed maintenance and inspection dates
- Documents showing mileage
- Documents showing maintenance contractors' names and addresses
- Vehicle Accident/Incident Reports
- Documents reporting and evaluating maintenance systems
- Documents showing completion of the driver's daily Pre/Post-Trip Inspection Checklists*
 - * maintain the previous (5) years (Ref: 49 CFR 18.42)

The following documents will be completed and kept on file at the Community Transportation Program Office:

- Documentation notifying NCDOT of a fatal accident by the close of business or the end of the working day
- Documentation notifying NCDOT within 24 hours of a fatal death that occurs within 30 days as a result of an accident
- Documents that report to NCDOT within 48 hours all accidents/incidents

ONBOARD SAFETY EQUIPMENT

The following items must be in all vehicles:

Seat Belts - An adjustable driver's restraining belt that complies with FMVSS 209 (Seat Belt Assemblies) and FMVSS 210 (Seat Belt Anchorages) regulations

Fire Extinguisher - Include a fully-charged dry chemical or carbon dioxide fire extinguisher that has at least a 1A:BC rating and bears the Underwriter's Laboratory, Inc. label. The extinguisher should be accessible and must be securely mounted in a visible place or a clearly marked compartment.

Red Reflector - Vehicles should be equipped with three (3) portable red reflector warning devices in compliance with North Carolina Statutes. The triangle case must be mounted to the vehicle.

Web Cutter – Must be visible and easily accessible by the vehicle driver.

Bloodborne Pathogen Kit – Kit includes disposable gloves for your hands, disinfectant spray for decontamination of any spill, paper towels for clean up, absorbent powder for clean up, approved bags & containers for proper disposal, dust pan, brush and tongs for handling sharps items, mouth and nose mask and disinfectant towelettes for immediate hand cleaning)

First Aid Kit – Kit should consist of the following items:

Bandage Compress	Sting, Kill Swabs
Gauze Pads	Instant Cold Pack
Triangular Bandages	Sterile Buffered Isotonic Eyewash Kit
Gauze Bandages	Adhesive Bandages
Triple Antibiotic Ointment	Adhesive Tape
CPR Micro-shield Rescue Breather & Gloves	Disposable Gloves
Rescue Blanket	Bum Spray
Alcohol Wipes	Scissors

Optional On-board Safety Response Equipment

- 5 Emergency Notification Cards
- 1 pry bar
- 1 reflective vest
- 1 flashlight and a set of extra batteries
- 1 set of jumper cables
- 1 spare tire plus appropriate jack and lug wrench
- 1 camera (with film that is replaced with new film every six months)

MOBILITY DEVICE LIFT MAINTENANCE SCHEDULE

Perform lift maintenance at scheduled intervals according to number of cycles or elapsed time, whichever comes first. Correct any potentially dangerous situations at once.

Every 2 weeks or 50 cycles	Grease:	Whale slots Fold slots (bridge plate ends), Safety barrier latch
Every 4 weeks or 100 cycles	Light oil:	Whale pins Safety barrier hinge Bridge plate hinge Platform fold bearings Horseshoe pivot pins
Every year or 1250 cycles	Change pump oil:	1 qt. transmission fluid type “A” (fill to ½ of breather cap with lift down and unfolded)
	Inspect and replace if needed:	Cotter pins Weldment lever Whale slots Horseshoe pivot Fold slots Platform fold bearings Power cable
	Decals:	Replace if missing or if not legible
	Mounting:	Check to see that lift is securely anchored to vehicle and that there are no loose bolts, broken welds, or stress fractures.
	Also:	Remove cover and inspect cylinder, chains, bearings, hoses, and wires for wear or damage. See that all bolts are tight.

PRE/POST-TRIP INSPECTION WORKSHEET

Date: _____

Vehicle: _____

Mileage: _____ Maintenance Due Date: _____ MOBILITY DEVICE Lift Cycles:

UNDERHOOD

- Oil level
- Oil added _____quarts
- Radiator level
- Battery level
- Windshield washer fluid level
- Engine/hoses/belts

SAFETY EQUIPMENT

- Fire extinguisher
- Web cutter
- Emergency Triangles
- First Aid Kit
- Back-up alarm
- Rear door buzzer (LTV only)
- Bloodborne Pathogen Kit

EXTERIOR

- Tires
- Turn signals
- Headlights
- Tail/brakes lights
- Windshield wipers
- Fresh body damage
- Cleanliness
- Cycle lift

INTERIOR

- Brakes
- Steering
- Transmission
- Mirrors
- Gauge/instruments
- Controls (equipment)
- Radio (two-way)
- Damage/cleanliness

ACCESSIBILITY EQUIPMENT

- Fully operable MOBILITY DEVICE lift
- MOBILITY DEVICE lift ramp
- Proper number of belts/securement devices
- Belts/securement devices in good condition

POST-TRIP INSPECTION: PERFORMED AT THE END OF THE TRIP/DAY... Check interior for damage, personal items and to assure vehicle is clean. Check exterior for damage which has occurred during your trip, windows and tires (flat, leak, damage). Record any problems detected while vehicle was in service. For example: fluid leaks, noise or operational issues with the engine or transmission. Also record any fluids which were added.

Notes: _____

Inspector Signature: _____

Management Comments: _____

Management Signature: _____

Preventive Maintenance Plan

PREVENTATIVE MAINTENANCE POLICY

Preventive maintenance is a term used to describe the performance of regularly scheduled maintenance procedures of contracted vehicles to prevent the possibility of malfunctions.

Contractors will maintain all vehicles and MOBILITY DEVICE lifts in the best possible operational condition. This will be accomplished by adhering to and/or exceeding the manufacturer's recommended minimum maintenance requirements.

MAINTENANCE SCHEDULE

Each vehicle must visibly display on each side of the vehicle, the name and phone number of the contractor.

Preventative Vehicle Maintenance Schedule

All vehicles will have a preventative maintenance service and inspection at established intervals. (See attachment 1, Vehicle Preventative Maintenance Service Schedule)

Wheel Chairlift Preventative Maintenance Schedule

All MOBILITY DEVICE lifts will have a preventative maintenance service and inspection at established intervals. (See attachment 2, MOBILITY DEVICE Lift Preventative Maintenance Service Schedule)

DAILY INSPECTION

Pre/Post-Trip inspections are crucial to the success of the Community Transportation Program Preventative Maintenance Program. Each driver will inspect his or her vehicle daily prior to moving the vehicle by completing the Pre-Trip Vehicle Inspection Form. The completed checklist must be submitted to the Contracted Owner at the end of the driver's shift so that necessary maintenance can be noted and scheduled accordingly. At the end of each driver's assigned shift, the driver must also complete a Post-trip Inspection Sheet, found on the back of the Pre-trip Inspection Sheet. Drivers must sign each Pre-trip and Post-trip checklist for each vehicle used that day. The Contracted Owner will review each Pre-trip and Post-Trip inspection sheets daily, schedule any required or necessary maintenance, and sign off on each sheet.

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on vehicle maintenance quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. Each vehicle should have a separate file which shall contain their maintenance records, pre and post trip inspection forms, and other information as it pertains to this program. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

SECURITY

Purpose

The overall purpose of the Cumberland County Community Transportation Program's Security Program is to optimize the level of protection afforded to the Cumberland County Community Transportation Program's vehicles, equipment, passengers, and contractors, and any other individuals who come into contact with the system.

The security of passengers and contractors is paramount to promoting the objectives of FTA, NCDOT and their partner organizations in developing a Security Program. The Cumberland County Community Transportation Program will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, contractors and equipment. To further this objective, the Cumberland County Community Transportation Program has developed security plans and procedures.

Goals

The Security Program provides the Cumberland County Community Transportation Program with a security and emergency preparedness capability that will:

1. Ensure the program's number one goal of the protection and safety of system contractors, passengers, vehicles and equipment is met.
2. Ensure that security and emergency preparedness are addressed during all phases of system operation, including the hiring and training of drivers; the procurement and maintenance of equipment; and the development of policies, rules, and procedures.
3. Promote safe system operation through the identification, evaluation and resolution of threats and vulnerabilities.
4. Create a culture that supports contractor safety, equipment protection and security and safe system operation through motivated compliance with rules, procedures, and the appropriate use and operation of equipment.

Objectives

Every threat cannot be identified and resolved, but the Cumberland County Community Transportation Program can take steps to be more aware, and to better protect passengers, contractors and equipment. To this end, our Security Program has five objectives:

1. Achieve a level of security performance that meets or exceeds our requirements.
2. Expand our training program for contractors to address security awareness and emergency management issues.
3. Enhance our coordination with NCDOT/PTD regarding security and emergency preparedness issues.

FTA'S TOP 20 SECURITY PROGRAM ACTION ITEMS FOR TRANSIT AGENCIES

The following Action items identify the most important elements that transit agencies should incorporate into their System Security Program Plans. These top twenty (20) items are based on good security practices identified through FTA's Security Assessments and Technical Assistance provided to the largest transit agencies. Specific information on these elements may be found in FTA's *Transit System Security Program Planning Guide*. FTA is working with transit agencies to encourage them to incorporate these practices into their programs.

Management and Accountability

1. Written security program and emergency management plans are established.
2. The security plan is updated to reflect anti-terrorist measures and any current conditions.
3. The security plan is an integrated system security program, including regional coordination with other agencies, security design criteria in procurements and organizational charts for incident command and management systems.
4. The security plan is signed, endorsed and approved by top management.
5. The security program is assigned to a senior level manager.
6. Security responsibilities are defined and delegated from management through to the front line employees.
7. All operations and maintenance supervisor, forepersons, and managers are held accountable for security issues under their control.

Security Problem Identification

8. A threat and vulnerability assessment resolution process is established and used.
9. Security sensitive intelligence information sharing is improved by joining InfracGuard, the FBI Regional Task Force and the Surface Transportation Intelligence Sharing & Analysis Center (SAC); security information is reported through the National Transit Database (NTD).

Employee Selection

10. Background investigations are conducted on all new front-line operations and maintenance employees (i.e., criminal history, motor vehicle records, and credit history).
11. Criteria for background investigations are established.

Training

12. Security orientation or awareness materials are provided to all front-line employees.
13. Ongoing training programs on safety, security and emergency procedures by work area are provided.
14. Public awareness materials are developed and distributed on a system wide basis.

Audits and Drills

15. Periodic audits of security policies and procedures are conducted.
16. Tabletop and functional drills are least once every six months and full-scale exercises, coordinated with regional emergency response providers, are performed at least annually.

Document Control

17. Access to documents of security critical systems and facilities are controlled.
18. Access to security sensitive documents is controlled.

Access Control

19. Background investigations are conducted on contractors or others who require access to security critical facilities, and ID badges are used for all visitors, employees and contractors to control access to key critical facilities.

Homeland Security

20. Protocols have been established to respond to the Office of Homeland Security Threat Advisory Levels.

WORKPLACE SECURITY ASSESSMENT FORM

Date: _____

Location: _____

Describe the physical layout of the establishment. Indicate its location to other businesses or residences in the area and access to the street. _____

Number/gender of employees on-site between 10 p.m. and 5 a.m. _____

Describe nature and frequency of client/customer/passenger/other contact: _____

Yes No

 Are cash transactions conducted with the public during working hours? If yes, how much cash is kept in the cash register or in another place accessible to a robber?

Yes No

 Is there safe or lock-box on the premises into which cash is deposited?

What is the security history of the establishment and environment? _____

What physical security measures are present? _____

Yes No

 Has security training been provided to employees? If so, has the training been effective?

Security Incident Recording Form

Date of Incident: _____

Time of Incident: _____ AM/PM

Location: _____

of Fatalities: _____ # of Injuries: _____ Property Damage Estimate: \$ _____

Type of Security Incidents: *Check all that apply.*

- | | | | | | |
|---------------|--------------------------|-------------|--------------------------|--------------------------------|--------------------------|
| Homicide | <input type="checkbox"/> | Burglary | <input type="checkbox"/> | Motor Vehicle Theft | <input type="checkbox"/> |
| Forcible Rape | <input type="checkbox"/> | Bombing | <input type="checkbox"/> | Chemical or Biological Release | <input type="checkbox"/> |
| Robbery | <input type="checkbox"/> | Arson | <input type="checkbox"/> | Aggravated Assault | <input type="checkbox"/> |
| Hijacking | <input type="checkbox"/> | Bomb Threat | <input type="checkbox"/> | Kidnapping | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | _____ | | | |

Description of Incident: *Attach law enforcement report(s) if available.*

Recorded By: _____ Date: _____

Title: _____ Phone #: _____

Emergency Plan

Notification of Emergency

When notice has been received that an event has occurred or the potential of an event occurring, which has or may produce casualties or injuries, the following information should be given to the Contracted Owner:

1. Name of person making notification and from what telephone number.
2. Location of emergency including address.
3. Estimated number of casualties / injuries.
4. Type of emergency
5. Time call received.
6. Estimated time of emergency event occurrence.

The Contracted Owner shall then notify the Transportation Coordinator/Accountable Executive.

BOMB THREAT CHECKLIST

Questions to Ask Caller:

1. When is the bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you (the caller) place the bomb?
7. Why?
8. What is your address?
9. What is your name?

Exact Wording of the Threat:

Sex of Caller: M or F **Race:** _____

Age: _____ **Length of Call:** _____

Number at which call is received:
read _____
maker _____

Time: _____ **Date:** _____

Report Call Immediately to:

Contact Number

Contact Name or Title

Contact Organization

Secondary Contact Info

Secondary Contact Info

Caller's Voice:

- | | |
|----------------|-----------------------|
| _____ Calm | _____ Nasal |
| _____ Angry | _____ Stutter |
| _____ Excited | _____ Lisp |
| _____ Slow | _____ Rasp |
| _____ Rapid | _____ Deep |
| _____ Soft | _____ Ragged |
| _____ Loud | _____ Clearing Throat |
| _____ Laughter | _____ Deep Breathing |
| _____ Crying | _____ Cracking Voice |
| _____ Normal | _____ Disguised |
| _____ Distinct | _____ Accent |
| _____ Slurred | _____ Familiar |

If voice is familiar, whom did it sound like?

Background Sounds:

- | | |
|------------------------|-------------------------|
| _____ Street noises | _____ Factory machinery |
| _____ Television | _____ Animal noises |
| _____ Voices | _____ Clear |
| _____ PA System | _____ Static |
| _____ Music | _____ Local |
| _____ House noises | _____ Long Distance |
| _____ Motor | _____ Booth |
| _____ Office Machinery | _____ Other |

Threat Language:

- | | |
|---------------------------------|----------------------------|
| _____ Well Spoken
(Educated) | _____ Incoherent
Taped |
| _____ Foul | _____ Message
by threat |
| _____ Irrational | |

Remarks: _____

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on security quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

This Operational Policy was adopted by the Cumberland County Board of Commissioners.

Date _____

Month _____

Year _____

System Manager (Signature) _____

Governing Board Chairman (Signature) _____



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RAWLS HOWARD, DIRECTOR OF PLANNING & INSPECTIONS

DATE: 10/29/2020

**SUBJECT: CUMBERLAND COUNTY COMMUNITY TRANSPORTATION 2020
TITLE VI PROGRAM PLAN**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): RAWLS HOWARD, DIRECTOR OF PLANNING & INSPECTIONS

BACKGROUND

The Community Transportation Program Title VI Program Plan has been developed and reviewed by NCDOT-IMD and the NCDOT Office of Civil Rights to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors to meet the NCDOT requirement as a grant recipient. The plan states that it is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

RECOMMENDATION / PROPOSED ACTION

Staff requests that the plan be forwarded as a Consent Agenda item at the November 16, 2020 Board of Commissioners' Meeting with the following recommendation:

Approve the Community Transportation Program Title VI Program Plan.

ATTACHMENTS:

Description

CTP 2020 TITLE VI PROGRAM PLAN

CTP 2020 TITLE VI Adoption Page

Type

Backup Material

Backup Material

Cumberland County Community Transportation



Adopted
November 16, 2020

Title VI Program Plan



TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the County of Cumberland Board of Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the County of Cumberland Board of Commissioners, have **reviewed and hereby adopt** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Cumberland County Community Transportation Program services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Chair, Board of Commissioners

DATE

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TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
THE CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM

In accordance with DOT Order 1050.2A, the Cumberland County Community Transportation Program assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, creed, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by Cumberland County Community Transportation Program . Further, Cumberland County Community Transportation Program hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within The Cumberland County Community Transportation Program and easy access to the Accountable Executive of The Cumberland County Community Transportation Program.
2. Issue a policy statement, signed by the Accountable Executive of The Cumberland County Community Transportation Program, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout The Cumberland County Community Transportation Program and to the general public and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of the Accountable Executive.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by The Cumberland County Community Transportation Program. Ensure that every contract awarded by The Cumberland County Community Transportation Program's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by The Cumberland County Community Transportation Program.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or The Cumberland County Community Transportation Program's subrecipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

THIS AGREEMENT is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

Authorized Signature
Date
Ifetayo Farrakhan/ Accountable Executive

1.0 INTRODUCTION

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, creed (religion), and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, subrecipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

The Cumberland County Community Transportation Program is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). The Cumberland County Community Transportation Program establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, “Nondiscrimination Assurance.” This document details the nondiscrimination program, policies, and practices administered by The Cumberland County Community Transportation Program and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

2.0 DESCRIPTION OF PROGRAMS AND SERVICES

2.1 PROGRAM(S) AND SERVICES ADMINISTERED

The Cumberland County Community Transportation Program provides public transportation options to its customers within the County of Cumberland, North Carolina. The goals and objectives of the project is to provide safe, dependable, accessible and affordable transportation through a demand response service for the un-met medical and non-medical needs of the elderly/disabled and general public of the rural and urban areas (as defined by the Census) within Cumberland County. The local community college as well as many of the job opportunities are located within the urbanized area. However, the residents live in part of the urbanized area which falls outside of the City’s bus service area. For residents to access these opportunities as defined in the local coordinated human service transportation plan our program is necessary.

Type of Service	Days of week	Times	Fare (if applicable)
5310 (Transportation for Elderly Persons and Persons with Disabilities)	Monday thru Friday	05:00 AM – 08:00 PM	\$2.50 PER TRIP
EDTAP	Monday thru Friday	05:00 AM – 08:00 PM	NO FARE
EMPLOYMENT	Monday thru Friday	05:00 AM – 08:00 PM	\$2.50 PER TRIP
RGP	Monday thru Friday	05:00 AM – 08:00 PM	\$2.50 PER TRIP
AAA MEDICAL	Monday thru Friday	05:00 AM – 08:00 PM	NO FARE
AAA GENERAL	Monday thru Friday	05:00 AM – 08:00 PM	NO FARE

2.2 FUNDING SOURCES / TABLES

For the purpose of federally-assisted programs, "federal assistance" shall include:

1. grants and loans of Federal funds.
2. the grant or donation of Federal property and interest in property.
3. the detail of Federal personnel.
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Each FTA Formula Grant received by our system during the past year, and whether the funds were received through NCDOT or directly from FTA, is checked below.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually
5311 (Formula Grants for Other than Urbanized Areas)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually
Other: ROAP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually

2.3 DECISION-MAKING PROCESS

The Cumberland County Community Transportation Program provides public transportation options to its customers within the County of Cumberland, North Carolina. The final decisions and program documents are presented to the TAB which is a locally formed advisory group based on the guidelines and requirements of NCDOT/PTD. The Cumberland County Board of Commissioners and the TAB is obligated to ensure that the policies and plans it approves and administers do not intentionally or unintentionally discriminate against any person. The Cumberland County Board of Commissioners and the TAB/Governing Board are presented with the Plans to approve prior to each submission to NCDOT. The Plans/program documents include an acknowledgment page for Board approval. A copy of the official Board resolution or meeting minutes will also be provided as evidence that the Plan has been adopted.

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16
County Board of Commissioners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7
	<input type="checkbox"/>	<input type="checkbox"/>	

2.4 TITLE VI COORDINATOR

The individual below has been designated as the Title VI Coordinator for The Cumberland County Community Transportation Program, and is empowered with sufficient authority and responsibility to implement the Title VI Nondiscrimination Program:

Name: Ifetayo Farrakhan
Official Title: Program Manager
Address: 130 Gillespie Street, Rm 217
Phone: 9110-678-7624
Email: ifarrakhan@co.cumberland.nc.us

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Training internal staff and officials on their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

2.5 CHANGE OF TITLE VI COORDINATOR OR ACCOUNTABLE EXECUTIVE

If Title VI Coordinator or Accountable Executive changes, this document and all other documents that name the Coordinator or Accountable Executive, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new Title VI Coordinator or Accountable Executive.

2.6 ORGANIZATIONAL CHART

The Cumberland County Community Transportation Program, currently operates with a staff of 18 which consist of the following job categories:

- Executive Director
- Operations Coordinator (AE) (1)
- Finance Coordinator
- Administrative Assistants (3)
- Lead Dispatcher
- Dispatchers (2)
- Scheduler
- Lead Driver

- Drivers (14)

An organizational chart showing the Title VI Coordinator/Accountable Executive place within The Cumberland County Community Transportation Program is located in **Appendix B**.

2.7 SUBRECIPIENTS

The Cumberland County Community Transportation Program does not have pass through funds to any other organizations and, therefore, does not have any subrecipients

3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of The Cumberland County Community Transportation Program, as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, creed (religion), age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.

Ifetayo Farrakhan, Title VI Coordinator (AE)

Date

Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of “programs and activities” to include all programs and activities of federal-aid recipients, subrecipients, and contractors, whether such programs and activities are federally-assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act”; 49 U.S.C. 5332, “Nondiscrimination (Public Transportation)”; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d

Implementation

- This statement will be signed by the Title VI Coordinator/Accountable Executive of The Cumberland County Community Transportation Program, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist’s desk, in meeting rooms, at transit stops, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

4.0 NOTICE OF NONDISCRIMINATION

- The Cumberland County Community Transportation Program operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with The Cumberland County Community Transportation Program.
- For more information on The Cumberland County Community Transportation Program's civil rights program, and the procedures to file a complaint, contact Ifetayo Farrakhan at 910-678-7624, (TDD/TTY 910-678-7659); email: ifarrakhan@co.cumberland.nc.us; or visit our administrative office at 130 Gillespie Street Rm 215, Fayetteville, NC 28301. For more information, visit <http://co.cumberland.nc.us/planning/ctp.aspx>.
- If information is needed in another language, contact 800-522-0453.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and inside/on our vehicles.
- Ads in newspapers and other publications shall include the following: "The Cumberland County Community Transportation Program operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on The Cumberland County Community Transportation Title VI program or how to file a discrimination complaint, please contact 910-678-7624; ifarrakhan@co.cumberland.nc.us."
- The statement will be posted or provided in languages other than English, when appropriate.

5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

We are committed to nondiscriminatory administration of our programs and services, organization wide. The Cumberland County Community Transportation Program will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

Annual Education and Acknowledgement Form

Title VI Nondiscrimination Policy

(Title VI and related nondiscrimination authorities)

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of The Cumberland County Community Transportation Program are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Ifetayo Farrakhan, Title VI Coordinator at 130 Gillespie Street, Fayetteville, NC 28301 – 910-678-7624.

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of The Cumberland County Community Transportation Program Agency's Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of The Cumberland County Community Transportation Program Agency's programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

Signature

Date

Implementation

- Periodically, but not more than once a year, employees and representatives will receive, review and certify commitment to the Title VI Program.
- New employees shall be informed of Title VI provisions and expectations to perform their duties, accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.
- Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program. Maintain documents of each review on file.
- Signed acknowledgement forms and records of internal assessments will remain on file for at least three years.

6.0 CONTRACT ADMINISTRATION

The Cumberland County Community Transportation Program ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of The Cumberland County Community Transportation Program to which they are contracted. The Cumberland County Community Transportation Program and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

6.1 CONTRACT LANGUAGE

I. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

- (a) withholding payments to the contractor under the contract until the contractor complies; and/or
- (b) cancelling, terminating, or suspending a contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

II. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been

acquired because of Federal or Federal-aid programs and projects);

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

*The Contractor has read and is familiar with the terms above:

Contractor's Initials

Date

Implementation

- The nondiscrimination language above (_____ initials) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (_____ initials) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

The Cumberland County Community Transportation Program, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, creed, limited English proficiency, low-income, or disability in consideration for an award.

Implementation

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by Cumberland County Community Transportation Program to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to The Cumberland County Community Transportation programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

FILING OF COMPLAINTS

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, creed (religion) or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **The Cumberland County Community Transportation Program**, 130 Gillespie Street, Fayetteville, NC 28301 910-678-7624 or by email at ifarrakhan@co.cumberland.nc.us
 - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
 - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
 5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."
 6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
			FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 49 U.S.C. 5332(b); FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
3. The **Log Year(s)** since the last submittal will be entered (e.g., 2015-2018, 2017-2018, FFY 2018, or 2018) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

The Cumberland County Community Transportation Program

DISCRIMINATION COMPLAINT FORM

Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with The Cumberland County Community Transportation Program, within 180 days after the discrimination occurred.																		
Last Name:		First Name:																
		<input type="checkbox"/> Male <input type="checkbox"/> Female																
Mailing Address:		City	State															
		Zip																
Home Telephone:	Work Telephone:	E-mail Address																
Identify the Category of Discrimination: <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> SEX <input type="checkbox"/> CREED (RELIGION) <input type="checkbox"/> DISABILITY <input type="checkbox"/> LIMITED ENGLISH PROFICIENCY <input type="checkbox"/> AGE																		
<i>*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.</i>																		
Identify the Race of the Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____																		
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.																		
Names of individuals responsible for the discriminatory action(s):																		
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).																		
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.																		
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).																		
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 15%;"><u>Name</u></th> <th style="text-align: left; width: 60%;"><u>Address</u></th> <th style="text-align: left; width: 25%;"><u>Telephone</u></th> </tr> </thead> <tbody> <tr> <td>1. _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2. _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>3. _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>4. _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>				<u>Name</u>	<u>Address</u>	<u>Telephone</u>	1. _____	_____	_____	2. _____	_____	_____	3. _____	_____	_____	4. _____	_____	_____
<u>Name</u>	<u>Address</u>	<u>Telephone</u>																
1. _____	_____	_____																
2. _____	_____	_____																
3. _____	_____	_____																
4. _____	_____	_____																

DISCRIMINATION COMPLAINT FORM

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

NC Department of Transportation _____
 Federal Transit Administration _____
 US Department of Transportation _____
 US Department of Justice _____
 Federal or State Court _____
 Other _____

Have you discussed the complaint with any Cumberland County Community Transportation Program representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

_____ COMPLAINANT'S SIGNATURE	_____ DATE
---	----------------------

MAIL COMPLAINT FORM TO:
 THE CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM
 130 GILLESPIE STREET
 FAYETTEVILLE, NC 28301
 EMAIL: IFARRAKHAN@CO.CUMBERLAND.NC.US
 910-678-7624

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FTA Date Referred: _____

INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

Cumberland Community Transportation Sample Investigative Report

I. COMPLAINANT(S) NAME (or attorney for the complainant(s) – name and address if applicable
Name, Address, Phone: 999-999-9999

II. RESPONDENT(S) (or attorney for the respondent(s) – name and address if applicable)
Name, Address, Phone: 999-999-9999

III. APPLICABLE LAW/REGULATION

[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53]

IV. COMPLAINT BASIS(ES)

[For example, Race, Color, National Origin, Creed (Religion), Sex, Age, Disability)]

V. ISSUES/ALLEGATIONS

[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, creed, sex, national origin, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.

Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

VI. BACKGROUND

[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]

VII. INVESTIGATIVE PROCEDURE

[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]

VIII. ISSUES / FINDINGS OF FACT

[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]

IX. CONCLUSION

[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]

X. RECOMMENDED ACTIONS

[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

APPENDIX

[Include in the Appendix any supplemental materials that support your findings and conclusion.]

8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

Race and Ethnicity	Number	Percent
Total Population	319,431	100
White	164,064	51.4
Black or African American	117,117	36.7
American Indian or Alaska Native	5,140	1.6
Asian	7,090	2.2
Native Hawaiian and Other Pacific Islander	1,225	0.4
Some other Race	9,943	3.1
Two or More Races	14,852	4.6
HISPANIC OR LATINO (of any race)	30,190	9.5
Mexican	10,073	3.2
Puerto Rican	11,214	3.5
Cuban	772	0.2
Other Hispanic or Latino	8,131	2.5

8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	319,431	154,328	165,103	100%	100%	100%
Under 5 years	26,539	13,408	13,131	8.3	8.7	8.0
Under 18 years	85,541	43,427	42,114	26.8	28.1	25.5
18 to 64 years	203,690	98,563	105,127	63.8	63.9	63.7
65 years and over	30,200	12,338	17,862	9.5	8.0	10.8
Median Age	31.0	29.3	32.9			

8.3 DISABILITY

The following table was completed using data from Census Table S1810, Disability Characteristics:

Disability Characteristics	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population	302,742	2,884	51,403	3,011	17.0%	-1
Population under 5 years	25,126	467	403	340	1.6%	1.4
Population 5 to 17 years	57,685	486	4,345	1,277	7.5%	2.2
Population 18 to 34 years	74,313	2,531	6,426	1,200	8.6%	1.6
Population 35 to 64 years	105,735	1,343	21,857	1,692	20.7%	1.6
Population 65 to 74 years	24,165	534	9,384	1,178	38.8%	4.7
Population 75 years and over	15,718	529	8,988	914	57.2	5.6
SEX						
Male	137,336	2,583	25,533	2,019	18.6%	1.5
Female	165,406	1,238	25,870	2,272	15.6%	1.4
RACE AND HISPANIC OR LATINO ORIGIN						
White	142,375	3,238	24,530	1,835	17.2%	1.3
Black or African American	117,074	3,324	21,490	2,356	18.4%	2
American Indian and Alaska Native	5,057	707	777	489	15.4%	9.2
Asian	8,792	714	1,056	557	12.0%	6.4
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	9,598	2,436	1,127	618	11.7%	5.7
Two or more races	18,647	3,182	2,240	735	12%	4.1
Hispanic or Latino	34,909	880	3,396	867	9.7%	2.5

8.4 POVERTY

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months:

Poverty Status Last 12 Months	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	317,943	3,181	57,598	5,127	18.1%	1.6
AGE						
Under 18	81,150	822	21,055	3,265	25.9%	4
18 to 64	196,910	3,117	31,265	2,934	153.9%	1.5
65 years and over	39,883	688	5,278	1,353	13.2%	3.4
SEX						
Male	150,975	2,757	23,078	2,474	15.3%	1.6
Female	166,968	1,133	34,520	3,950	20.7%	2.4
RACE AND HISPANIC OR LATINO ORIGIN						
White	153,904	3,638	19,075	3,292	12.4%	2.1
Black or African American	119,132	3,215	25,987	4,367	21.8%	3.4
American Indian and Alaska Native	5,048	727	1,059	446	21.0%	9.3
Asian	9,267	739	2,096	1,240	22.6%	13.1
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	9,878	2,519	3,311	1,624	29.8%	6.7
Two or more races	19,404	3,258	5,782	1,634	29.8%	6.7
Hispanic or Latino	37,693	735	7,049	2,194	18.7%	5.8
All individuals below:						
50 percent of poverty level	26,881	+/- 3,605	(X)	(X)	(X)	(X)
125 percent of poverty level	76,130	+/- 6,485	(X)	(X)	(X)	(X)
150 percent of poverty level	93,516	+/-7,142	(X)	(X)	(X)	(X)
185 percent of poverty level	120,029	+/-7,229	(X)	(X)	(X)	(X)
200 percent of poverty level	129,015	+/-7,792	(X)	(X)	(X)	(X)

8.5 HOUSEHOLD INCOME

The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2013 Inflation-Adjusted Dollars):

Income in the Past 12 Months	Households	
	Estimate	Margin of Error +/-
Total	128,135	+/-2,243
Less than \$10,000	9.0%	1.1
\$10,000 to \$14,999	5.1%	0.9
\$15,000 to \$24,999	10.8%	1.2
\$25,000 to \$34,999	11.7%	1.5
\$35,000 to \$49,999	17.9%	1.7
\$50,000 to \$74,999	17.6%	1.5
\$75,000 to \$99,999	11.2%	1.4
\$100,000 to \$149,999	11.3%	1.4
\$150,000 to \$199,999	3.2%	.06
\$200,000 or more	2.3%	.06
Median income (dollars)	46,292	1,707
Mean income (dollars)	61,315	2,542

8.6 LIMITED ENGLISH PROFICIENCY POPULATIONS

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	297,822	+/- 53	100%	(X)
Speak only English	263,962	+/- 1,231	88.6%	+/- %
Spanish or Spanish Creole:	20,343	+/- 783	6.8%	+/- %
Speak English "very well"	14,737	+/- 746	4.9%	+/- %
Speak English less than "very well"	5,606	+/- 556	1.9%	+/- %
German:	2,455	+/- 370	0.8%	+/- %
Speak English "very well"	2,074	+/- 326	0.7%	+/- %
Speak English less than "very well"	381	+/- 144	0.12%	+/- %
Korean:	1,932	+/- 288	0.65%	+/- %
Speak English "very well"	969	+/- 179	0.33%	+/- %
Speak English less than "very well"	963	+/- 231	0.32%	+/- %

8.7 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

Title VI Equity Analyses. In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Environmental Justice Analyses. As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities, or fares. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

10.0 PUBLIC INVOLVEMENT

10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how Cumberland County Community Transportation Program will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent, and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated policies and procedures, respectively. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

10.3 DISSEMINATION OF INFORMATION

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and subrecipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging

stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive, and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

Public Meetings

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner’s request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

10.5 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons refer to persons for whom English is not their primary language who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

In an effort to comply with DOT’s LEP policy guidance and Executive Order 13166, this section of our public participation plan outlines the steps we will take to ensure meaningful access to all benefits, services, information, and other important portions of our programs and activities by individuals who are LEP. Accordingly, a Four Factor Analysis was conducted to determine the specific language services appropriate to provide, to whom, and to determine if our communication with LEP persons is effective.

Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- (2) The frequency with which LEP individuals come in contact with the program.
- (3) The nature and importance of the program, activity, or service provided by the recipient to people’s lives; and
- (4) The resources available to the recipient and costs.

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the Cumberland Community Transportation Program.*

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	297,822	+/- 53	100%	(X)
Speak only English	263,962	+/- 1,231	88.6%	+/- %
Spanish or Spanish Creole:	20,343	+/- 783	6.8%	+/- %
Speak English "very well"	14,737	+/- 746	4.9%	+/- %
Speak English less than "very well"	5,606	+/- 556	1.9%	+/- %
German:	2,455	+/- 370	0.8%	+/- %
Speak English "very well"	2,074	+/- 326	0.7%	+/- %
Speak English less than "very well"	381	+/- 144	0.12%	+/- %
Korean:	1,932	+/- 288	0.65%	+/- %
Speak English "very well"	969	+/- 179	0.33%	+/- %
Speak English less than "very well"	963	+/- 231	0.32%	+/- %

Factor #2: *The frequency with which LEP individuals come in contact with the program.*

The frequency with which LEP individuals are likely to come in contact with the program who speak English less than very well as defined in the Census is documented on page 31. The data states that more than 1,000 Spanish or Spanish Creole citizens speak less than very well English. Reasonable attempts will be made to accommodate these citizens and any persons encountered who require written translation or oral interpretation services. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service.

Factor #3: *The nature and importance of the Cumberland Community Transportation Program to people's lives.*

The goals and objectives of the project is to provide safe, dependable, accessible and affordable transportation through a demand response service for the un-met non-medical needs of the elderly/disabled and general public of the urban areas (as defined by the Census) within Cumberland County. The local community college as well as many of the job opportunities are located in the urbanized area and part of this urbanized area falls outside of the City's service area. In order for these residents to access these opportunities as defined in the local coordinated human service transportation plan, 5310 funding is necessary. The LEP data states that more than 1,000 Spanish or Spanish Creole citizens speak less than very well English. Reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service.

Factor #4: *The resources available to the recipient and costs.*

The Cumberland Community Transportation Program will be administering the project as well as other DOT funded transportation to users of the system to have the opportunity to get to and from work, school or medical and other non-medical needs safely and at a low cost of \$2.50 per one way trip or no cost for some destinations. The frequency with which LEP individuals are likely to come in contact with the program who speak English less than very well as defined in the Census is documented on page 31. These individuals will receive reasonable efforts to provide translation or interpreting services to assist them and to ensure they receive the needed transportation service. Reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services.

LANGUAGE ASSISTANCE PLAN

As a result of the above factor analysis, a Language Assistance Plan (Plan) is required. Our Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). Reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan. When needed surveys will be translated into languages other than English. We will continue to provide our Notice to the Public in English and Spanish and provide when needed vital documents such as complaint sheets, policy statement for LEP when necessary.

Language Assistance Measures

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper in Spanish which is the language that meets the safe harbor threshold in Factor 1.
- Vital documents—such as brochures with service times — are translated into Spanish and are available in our facility.
- Making a concerted effort to inform LEP persons of available language assistance via public notices posted in the local paper, and relationship-building with organizations, and our website.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.

Specific Measures by Language Group –

- Spanish: Cumberland Community Transportation will provide the following: Brochures and flyers, etc. in Spanish which are available in our facility since that has been found to be the most dominate 2nd Language.
- Korean Brochures and flyers, etc. upon request.

10.6 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

The Cumberland County Community Transportation Program is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

<p>Race/Ethnicity:</p> <p><input type="checkbox"/> White</p> <p><input type="checkbox"/> Black/African American</p> <p><input type="checkbox"/> Asian</p> <p><input type="checkbox"/> American Indian/Alaskan Native</p> <p><input type="checkbox"/> Native Hawaiian/Pacific Islander</p> <p><input type="checkbox"/> Hispanic/Latino</p> <p><input type="checkbox"/> Other (please specify): _____</p>	<p>National Origin: (if born outside the U.S.)</p> <p><input type="checkbox"/> Mexican</p> <p><input type="checkbox"/> Central American: _____</p> <p><input type="checkbox"/> South American: _____</p> <p><input type="checkbox"/> Puerto Rican</p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Vietnamese</p> <p><input type="checkbox"/> Korean</p> <p><input type="checkbox"/> Other (please specify): _____</p>
<p>Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female</p>	<p>Age:</p> <p><input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64</p> <p><input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older</p> <p><input type="checkbox"/> 30-44</p>
<p>Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>I choose not to provide any of the information requested above: <input type="checkbox"/></p>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact The Cumberland County Community Transportation Program at 910-678-7624 or by email at ifarrakhan@co.cumberland.nc.us.

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

<p>Implementation</p> <ul style="list-style-type: none"> • Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years. • All new and existing members of appointed decision-making boards or committees will be required to complete this form for reporting purposes. • If a member, for whatever reason, selects “I choose not to provide any of the information requested above,” this will be accepted as a completed form. • If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member’s race and gender, based on the Coordinator’s best guess. • Data from these forms will be used to complete the Demographic Request Table. • Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

10.7 KEY COMMUNITY CONTACTS

Contact information for key community contacts can visit our county website at <http://co.cumberland.nc.us/planning/ctp.aspx> or contact the Title VI Coordinator.

10.8 SUMMARY OF OUTREACH EFFORTS MADE SINCE THE LAST TITLE VI PROGRAM SUBMISSION

The following format is used to document URTS outreach efforts in reports to NCDOT. All meetings and disseminations of information capture information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated
October	10:00 AM	Quarterly Meeting	TAB Board	Title VI Updates

11.0 STAFF TRAINING

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

12.0 NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Member names and full demographics for each committee are available, upon request.

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population								
Transit Advisory Board	4	11	7	8	0	0	0	0

Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

13.0 RECORD-KEEPING AND REPORTS

As a subrecipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and LEP). Updates will be submitted to NCDOT for review and approval and adopted by our Board when required.

In addition to items documented throughout this Plan, records, and reports due at the time of compliance reviews or investigations may include:

Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

Appendix A

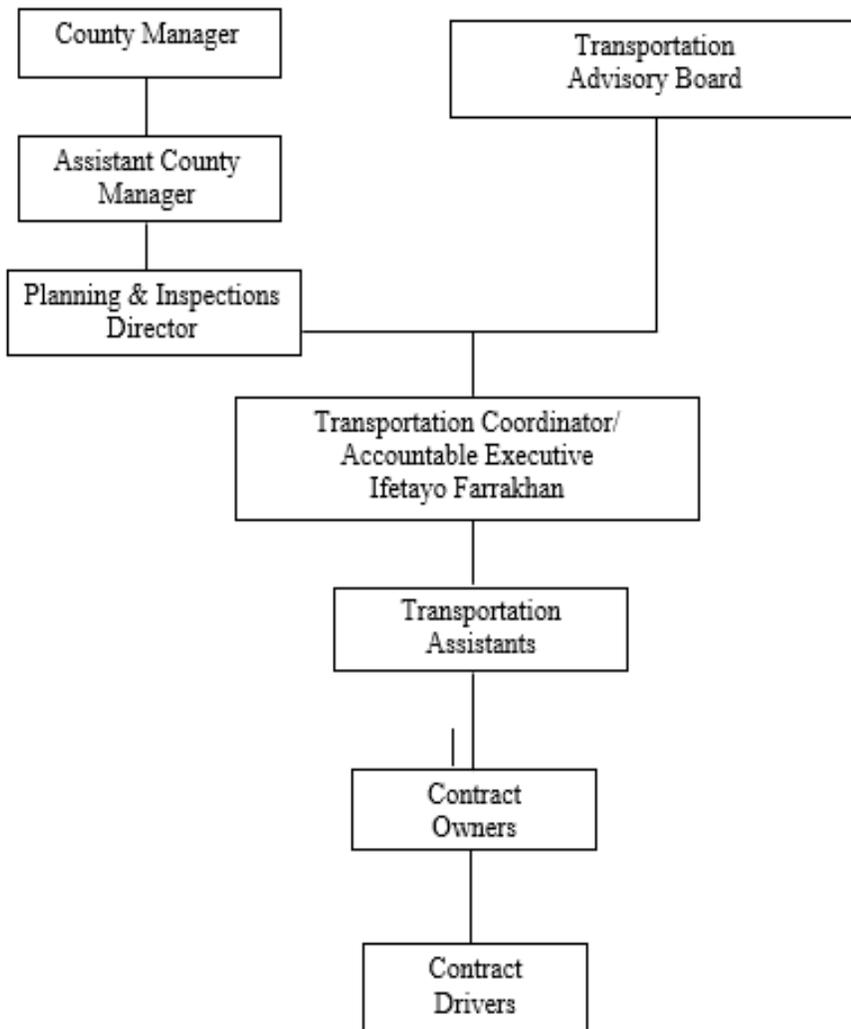
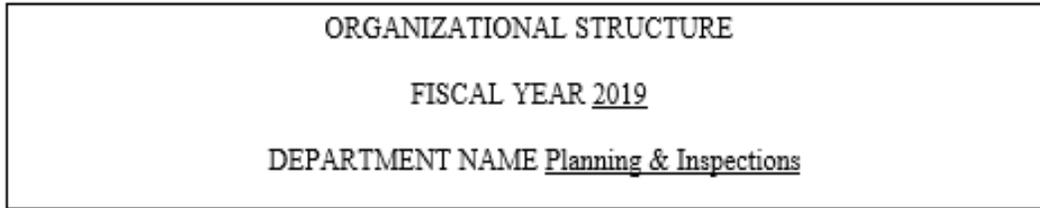
Applicable Nondiscrimination Authorities

During the implementation of this Title VI Program, The Cumberland County Community Transportation Program, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs.
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

Appendix B

Organizational Chart Cumberland County Community Transportation Program



Appendix C
NCDOT's Compliance Review Checklist for Transit

I. Program Administration (General Requirements)	
<i>Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.</i>	
Note: Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.	
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement (<i>signed</i>)	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties Name/Title:	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. If you pass through FTA funds to other organizations , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ No Subrecipients <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis if you have constructed or conducted planning for a facility , such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ No Facilities Planned or Constructed <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities	<input type="checkbox"/>

TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the County of Cumberland Board of Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the County of Cumberland Board of Commissioners, have **reviewed and hereby adopt** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Cumberland County Community Transportation Program services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Chair, Board of Commissioners

DATE



CUMBERLAND
★
COUNTY ★
NORTH CAROLINA

EMERGENCY SERVICES DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: GENE BOOTH, EMERGENCY SERVICES DIRECTOR

DATE: 10/21/2020

**SUBJECT: NORTH CAROLINA NON-CONGREGATE COVID-19 SHELTERING
MEMORANDUM OF AGREEMENT**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): GENE BOOTH, EMERGENCY SERVICES DIRECTOR

BACKGROUND

North Carolina Emergency Management (NCEM) has provided an opportunity to receive reimbursement for non-congregate sheltering for COVID-19 in the form of an optional “State Centric Program.” Cumberland County can continue to submit to FEMA for reimbursement if preferred. Cumberland County has provided non-congregate sheltering to at-risk and COVID-19 positive residents that do not have anywhere else to stay, as well as transportation to and from testing. Cumberland County began providing transportation services for this at-risk population on June 1, 2020. The start date for providing hotel rooms was June 16, 2020. If the MOA is signed, Cumberland County will stop submitting to FEMA for reimbursement and submit to NCEM.

The State-Centric model allows counties or other eligible organizations to request NC Emergency Management to provide expedited reimbursement for non-congregate shelter and eligible wrap-around services. Counties or other eligible organizations that request this option will remain responsible for setting up and managing their non-congregate sheltering program, including coordinating comprehensive wrap-around services (e.g., food, care for those with disabilities and or access and functional needs, medicine, cleaning/disinfecting, transportation, security, and laundry), as well as weekly reporting and verification of program costs.

RECOMMENDATION / PROPOSED ACTION

Cumberland County Emergency Services recommends that the Memorandum of Agreement (MOA) with North Carolina Emergency Management for expedited reimbursement for Non-Congregate COVID-19 Sheltering be moved forward for consideration as a Consent Agenda item at the November 16, 2020 Board of Commissioners' regular meeting.

ATTACHMENTS:

Description	Type
NC State Centric Guidance Document	Backup Material
NC State Centric MOA Template	Backup Material



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Executive Director

Guidance for Reimbursement of Non-Congregate Sheltering for COVID-19

Updated: August 7, 2020

Subsequent to President Trump's March 13, 2020, Nationwide Emergency Declaration for Coronavirus 2019 (COVID-19), the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) recognizes that non-congregate sheltering may be necessary in this Public Health Emergency to protect public health and save lives. North Carolina State Health Director, Dr. Elizabeth Tilson has directed the state, counties and any other jurisdictions to take appropriate measures to mitigate and respond to COVID-19 disease pandemic. These measures should include plans for non-congregate sheltering, which will provide temporary housing solutions to protect human life and minimize hospital surge. FEMA has approved a state-wide waiver for non-congregate sheltering. This approval extends for 30 days from the date of issuance (April 6, 2020) and will be re-assessed by FEMA every 30 days for as long as there is a public health need.

For reimbursement under Public Assistance Emergency Protective Measures, there are two options: (1) The jurisdictions/agencies can seek direct reimbursement from FEMA for the operations of non-congregate sheltering; Or (2) Through the State-Centric model, the jurisdictions/agencies can seek expedited reimbursement from NCEM, who will then seek reimbursement from FEMA. For both options, applicants that may be eligible for reimbursement include [Private Non-Profits](#), COC (Continuum of Care), Homeless Shelters, Indian Tribal Governments, and Local Governments. Jurisdictions/agencies submitting for reimbursement directly from FEMA must [register in FEMA Grants Portal](#), [submit a Request for Public Assistance](#) (RPA), and then submit a [Project Application](#).

Jurisdictions/agencies using the State-Centric model will not need to submit the same information to FEMA, but will need to [report](#) weekly and provide supporting documentation and proof of payment with invoices to NCEM, who will provide expedited reimbursement. Jurisdiction/agencies using the State-Centric model will remain responsible for setting up and managing their non-congregate sheltering program, including coordinating comprehensive wrap-around services (e.g., food, care for those with disabilities and or access and functional needs, medicine, cleaning/disinfecting, transportation, security, and laundry).

The State-Centric model will help counties and local organizations for whom waiting for FEMA reimbursement has been a barrier, to continue offering or begin offering non-congregate sheltering for their community or region. For more information on the State-Centric model please review the "State-Centric Non-Congregate Sheltering for COVID-19 FAQs" document.

MAILING ADDRESS:
4236 Mail Service Center
Raleigh, NC 27699-4236
www.ncdps.gov/ncecm



An Equal Opportunity Employer

OFFICE LOCATION:
1636 Gold Star Drive
Raleigh, NC 27607
Telephone: (919) 825-2500

FEMA approves non-congregate sheltering for individuals that meet the following criteria:

- First Responders and healthcare workers and do not require hospitalization but need to avoid direct contact with their families due to exposure to COVID-19;
- Test positive for COVID-19 and do not require hospitalization but need isolation (including those discharged from hospitals);
- Have been exposed to COVID-19 and do not require hospitalization but should be quarantined;
- Are at high risk for COVID-19 and need to undertake social distancing as a precautionary measure, as determined by public health officials. For high risk groups such as people over 65 or with certain underlying healthy conditions (respiratory, compromised immunities, chronic disease), this may include those whose living situation makes them unable to adhere to social distancing guidance.

FEMA will not reimburse for the sheltering of non-symptomatic individuals that are not among the foregoing categories. Wrap-around services will be reviewed for eligibility based on the type of shelter and the specific needs of those sheltered. Wrap-around services must be determined necessary to protect public health and safety in accordance with guidance provided by appropriate health officials. Wrap-around services include but are not limited to food, care for those with disabilities and or access and functional needs, medicine, cleaning/disinfecting, transportation, security, and laundry. Due to the current ambiguity of what are considered wrap-around services, please keep documentation and records of all services you believe are pertinent. Support services such as case management, and mental health counseling are not eligible at this time. However, it is important to still track these costs, in case there is a change.

FEMA does not mandate specific options for temporary facilities to be used for non-congregate sheltering. Options for non-congregate settings include but are not limited to hotels, motels, trailers, dormitories or other locations that meet the State Health Director's directive and are cost effective and practical. To be considered for reimbursement, Applicants must comply with the Federal procurement standards found at [2 C.F.R. §§ 200.317 – 200.326. FEMA's Procurement Under Grants Conducted Under Exigent or Emergency Circumstances Fact Sheet](#) (March 16, 2020), which provides additional guidance to include the requirement for a termination for convenience clause in its contracts for sheltering and related wrap-around services, such as food, security services, and care for those with disabilities or access and functional needs.

FEMA will not approve Public Assistance reimbursement that duplicates funding by another federal agency, including but not limited to the U.S. Department of Health and Human Services or Centers for Disease Control and Prevention. Eligible counties and organizations will need to maintain records to provide sufficient data and documentation to establish the eligibility of costs for which it is requesting Public Assistance reimbursement. Appropriate lengths of stay should be based on guidance from public health officials or CDC (e.g., when it is appropriate for someone to no longer be considered infected and therefore not require isolation anymore), or as the individual is able to move to alternative safe and stable sheltering solutions.

Documentation to establish eligibility **includes but is not limited to** the following information:

- Specific need for each individual sheltered (e.g., what eligibility category the individual falls into)
- Length of stay for each individual sheltered
- Age of each individual sheltered
- If applicable, number of meals provided for each individual sheltered
- If applicable, number of individuals with access or functional needs sheltered
- If applicable, number of household pets sheltered
- If applicable, number of assistance and service animals sheltered
- If applicable, type of shelter provided for animals as stand-alone, co-located, co-habitational
- Description of services provided to sheltered individuals
- Vendor contracts
- Invoices with proof of payment

If you are following the State-Centric model this information must be submitted with every invoice for verification to Brett Boykin-Roach at Brett.Boykin-Roach@ncdps.gov. Lack of sufficient supporting documentation may result in NCEM or FEMA determining that some or all of the costs are ineligible.

A report must be submitted every Friday by close of business. This information is sent to FEMA weekly. Please click [here](#) to access the report.

North Carolina Non-Congregate COVID-19 Sheltering Memorandum of Agreement

This agreement is made and entered into between the North Carolina Emergency Management (NCEM) and _____ [hereinafter “Organization”] to establish terms of agreement for the sheltering of displaced persons or persons needing isolated sheltering in response to the pandemic COVID-19.

Purpose/Background:

NCEM is working with local governments and organizations to provide non-congregate sheltering statewide for persons who have tested positive for COVID-19 or who have been exposed to COVID-19 and do not have a safe place to isolate or quarantine, as well as individuals who are high-risk and need a safe place to social distance. The non-congregate sheltering (NCS) program is a collaborative effort between the State, counties, and local partners to secure hotel and motel rooms (or other suitable shelter locations), as well as essential wrap around services, for individuals with no other safe place to quarantine, isolate, or social distance due to COVID-19. The purpose of this agreement is to set forth the terms by which NCEM and Organization will cooperate in the disaster recovery and sheltering of citizens for the COVID-19 event, and enhance cooperation, communication, coordination, and collaboration between any potential stakeholders that would aid in the goal of this agreement.

Whereas, N.C. Gen. Stat. §§ 166A-19.10, -19.11, -19.12 and – 19.30 provide the Governor, Secretary of Public Safety and Division of Emergency Management with additional authority to manage state resources during a declared state of emergency;

Whereas, it is in the best interest of the State of North Carolina and its residents to stop and slow the spread of the COVID-19 virus; and it is proven that adequate social distancing measures aid in that effort non-congregate sheltering facilities should be made accessible statewide.

The State is working on removing barriers and ensuring access for highly vulnerable and historically marginalized populations to safely isolate, quarantine, and social distance. These highly vulnerable populations would include, but are not limited to:

1. First Responders and healthcare workers who do not require hospitalization but need to avoid direct contact with their families due to exposure to COVID-19;
2. Those who test positive for COVID-19 who do not require hospitalization but need isolation (including those exiting from hospitals);

3. Those who have been exposed to COVID-19 who do not require hospitalization but whom warrant quarantine;
4. Other persons needing social distancing as a precautionary measure, as determined by public health officials, particularly for high risk groups such as people over 65 or with certain underlying healthy conditions (respiratory, compromised immunities, chronic disease), this may include those whose living situation makes them unable to adhere to social distancing guidance

NOW, THEREFORE, in consideration of the parties and their mutual promises, covenants and agreements hereinafter set forth, the parties agree as follows:

Terms:

- A. Organization will provide coordination assistance with NCEM officers, agencies and departments to ensure open communication and cooperation with NCEM; and disseminate information to sheltered individuals, and the community at large.
- B. Organization will report their sheltering counts, costs, and other data weekly, as currently required by close of business every Friday to the NCEM Program Administrator. If Friday is recognized as a Federal or State holiday, reporting data will be required on the nearest preceding work day. Organization will provide additional reporting or documentation, upon request as soon as reasonable.

Reporting data will include but is not limited to the following:

- Location of the Facilities in use;
 - Type(s) of location;
 - Maximum capacity;
 - Number currently sheltered;
 - Average cost per night;
 - Average length of stay.
- C. Organization will maintain documentation for all eligible clients and expenses, and make such documentation available upon request.
 - Specific need for each individual sheltered (e.g., what eligibility category is applicable to the individual);
 - Length of stay for each individual sheltered;
 - Age of each individual sheltered;
 - If applicable, number of meals provided for each individual sheltered;
 - If applicable, number of individuals with access or functional needs sheltered;
 - If applicable, number of household pets sheltered;
 - If applicable, number of assistance and service animals sheltered;
 - If applicable, type of shelter provided for animals as stand-alone, co-located, co-habitational;
 - Description of services provided to sheltered individuals.

- D. When Organization pays any applicable Vendors, Organization will retain a copy of the payment method and will make available to NCEM the verification of payment within 30 days of payment being made.
- E. Organization will identify a non-congregate sheltering site at a hotel/motel, trailer, dormitory, or other FEMA-approved setting and set up a contractual relationship with site that dictates terms and rates. Every effort should be made that the rates not exceed the allowable state rate for rooms.
- F. Organization will assist NCEM in pandemic response and recovery by facilitating the temporary use of Organization equipment and supplies, insofar as governmental regulations, resources, and priorities allow and are requested.
- G. Organization will coordinate with NCEM for any additional assistance or resources necessary to facilitate the limited goal of this agreement in the sheltering of North Carolinians.
- H. Organization will provide or contract with vendors to provide eligible wrap-around services including food provisions/meals, laundry services, security, medicine, cleaning/disinfecting, transportation, mental health or other access needs.

Transportation for this Agreement shall be understood as the movement of persons to and from the shelter location from medical facilities or living locations, as well as to and from medical appointments.

Security should be present at the shelter location at all times.

Organization agrees to facilitate the following wrap around services and bill, at cost, the expenses incurred to NCEM: (check all that apply)

- Food
- Laundry
- Security
- Medicine
- Cleaning/Disinfecting
- Transportation
- Care for those with disabilities and/or access and functional needs

- I. NCEM agrees that it will finance the cost of sheltering individuals in the jurisdiction controlled by the Organization and certain preapproved wrap around services.

- J. Organization must provide timely invoices at least bi-weekly basis to NCEM. Organization should be able to operate without receiving payment for those invoices for a period of at least thirty (30) business days after receipt.
- K. All billing and payment procedures will be clearly defined by the State-Centric Non-Congregate Sheltering for COVID-19 FAQs and should be strictly adhered to.
- L. NCEM agrees that it will reimburse Organization for any bona fide expenditure of personnel required to maintain the facility, including overtime costs, upon production of verified receipts or time sheets. NCEM will not pay or reimburse Organization for any operational or administrative fees associated with use of the Facility pursuant to this Memorandum of Agreement. NCEM shall not be responsible for costs or expenditures by Organizations not directly related to sheltering activities or wrap around services conducted pursuant to this Memorandum of Agreement.
- M. NCEM agrees that it shall exercise reasonable care in the conduct of its activities and the use of Organization' property and further agrees to replace or reimburse Organization for any items, materials, equipment or supplies that may be used in the conduct of sheltering activities within the Organization jurisdiction.
- N. NCEM agrees that it will be responsible for replacing, restoring, or repairing damage caused by the use of any building, facilities or equipment belonging to Organization as a direct result of sheltering activities conducted pursuant to this Memorandum of Agreement. NCEM shall not be responsible in any way for any damages or losses to the Facility or Organization resulting in negligence of an individual or not directly resulting from sheltering activities conducted pursuant to this Memorandum of Agreement.
- O. NCEM shall provide any and all releases of information to the press and media. Requests for interviews or information submitted to Organization shall be promptly directed to the NCEM's Public Information Officer.

Issue Elevation:

Any disputes arising out of this agreement shall be resolved in the most informal way possible for the mutual interest of all parties. Claims should be submitted to the other entity in writing for prompt resolution. Entities shall negotiate in good faith and use all reasonable efforts to resolve disputes.

Authorities:

By agreeing to the terms and conditions set forth in this Memorandum of Agreement, Organization's officers, employees, and agents are considered emergency management workers for purposes of N.C. Gen. Stat. § 166A-19.60 to the extent that Organization, its officers, employees, and agents act in good faith,

without willful misconduct or gross negligence, and under the direction and control of Government pursuant to this Memorandum of Agreement. Government assumes no liability for any wrongful acts of Organization, its officers, employees, and agents arising out of performing any activities pursuant to this Memorandum of Agreement.

Nothing in this Memorandum of Agreement shall be construed to or is intended to conflict with current laws or regulations of the United States of America, the State of North Carolina, or Government. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this Memorandum of Agreement shall remain in full force and effect.

This Memorandum of Agreement shall be governed by the laws of the State of North Carolina as well as all contract provisions listed in Attachments A: 2 C.F.R Part 200 Contract Provisions and Attachment B: State Compliance Provisions.

Amendments:

This Memorandum of Agreement may be amended when such an amendment is agreed to in writing by all Parties. The amendment will be effective on the date a copy of the amended MEMORANDUM OF AGREEMENT has been signed by all of the Parties.

Duration/Termination:

This Memorandum of Agreement shall become effective on **upon signing by both parties**. If either party determines that the terms of the Memorandum of Agreement will not or cannot be carried out, that entity shall immediately consult with the other entity to develop an amendment to this Agreement. If within fourteen (14) days an amendment cannot be reached, any entity may terminate the Memorandum of Agreement upon written notification to the other Party(ies).

This Memorandum of Agreement shall remain in effect for only as long as the Non-Congregate Sheltering activities continue to be approved by the Federal Government, the State of Emergency Declaration by the Governor is still in effect or for one (1) year, whichever comes first. Prior to such time, Parties may consult to reconsider the terms of this Memorandum of Agreement and extend it for another term. Any extension should be made or captured in writing. Either party, upon ten (10) days written notice to the other party, may terminate this agreement. The terms of this agreement, can be modified with the consent of both parties, and must be made in writing.

----- The Remainder of this Page is Left Intentionally Blank -----

AND NOW, this _____ day of _____ 20____, the parties hereby acknowledge the foregoing as the terms and conditions of this Agreement.

NCEM

ORGANIZATION

Authorized Signature, **[Insert Title]**

_____ Name
Name Authorized Signature, **[Insert Title]**

Date

Date

----- The Remainder of this Page is Left Intentionally Blank -----

Attachment A: 2 C.F.R Part 200 Contract Provisions

Program Monitoring. Property Owner agrees to assist and cooperate with the Federal grantor agency and NCEM or their duly designated representatives in the monitoring of the project or projects to which this facility usage agreement relates, and to provide in form and manner approved by NCEM such monitoring reports, progress reports, and the like as may be required and to provide such reports at the times specified.

Termination for Cause. If through any cause, Property Owner shall fail to fulfill in a timely or proper manner any obligations under this Agreement, or if Property Owner shall violate any of the covenants, agreements, or stipulations of the Contract, NCEM shall thereupon have the right to terminate this Agreement by giving written notice to Property Owner of such termination and specifying the effective date of such termination. Unless a shorter time is determined by NCEM to be necessary, NCEM shall effect termination according to the following procedure:

- a. Notice to Cure. NCEM shall give written notice of the conditions of default, setting for the ground or grounds upon which such default is declared ("Notice to Cure"). The Property Owner shall have ten (10) days from receipt of the Notice to Cure or any longer period that is set forth in the Notice to Cure to cure the default.
- b. Notice of Termination. If the conditions set forth in the Notice to Cure are not cured within the period set forth in the Notice to Cure, NCEM may terminate the Agreement, in whole or in part. NCEM shall give the Property Owner written notice of such termination ("Notice of Termination"), specifying the applicable provision(s) under which the Agreement is terminated and the effective date of the termination.
- c. In such event, all finished or unfinished documents, data, studies, and reports prepared by Property Owner entitle Property Owner's receipt of just and equitable compensation for any satisfactory work completed on such documents. Notwithstanding the above, Property Owner shall not be relieved of liability to NCEM for damage sustained to NCEM by virtue of any breach of this Agreement by Property Owner. NCEM may withhold any payments to Property Owner for the purpose of set off until such time as the exact amount of damages due NCEM from Property Owner is determined.

Termination for Convenience. The Agreement may be suspended and/or terminated without liability to the State and NCEM is under no obligation to make any payments to the Property Owner. The performance of work under this Contract may be terminated by the State in accordance with this clause in whole, or from time to time in part, whenever the State shall determine that such termination is in the best interest of the State. The State will pay all reasonable costs associated with this Contract that the Contractor has incurred up to the date of termination, and all reasonable costs associated with termination of the Contract; provided, however, the Contractor shall not be reimbursed for any anticipatory profits that have not been earned up to the date of termination.

Equal Employment Opportunity. During the performance of this Agreement, the Property Owner agrees as follows:

- a. The Property Owner will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Property Owner will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Property Owner agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

- b. The Property Owner will, in all solicitations or advertisements for employees placed by or on behalf of the Property Owner, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c. The Property Owner will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Property Owner's legal duty to furnish information.
- d. The Property Owner will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Property Owner's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. The Property Owner will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f. The Property Owner will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g. In the event of the Property Owner's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Property Owner may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- h. The Property Owner will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor. The Property Owner will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a Property Owner becomes involved in, or is threatened with, litigation with a subcontractor as a result of such direction by the administering agency, the Property Owner may request the United States to enter into such litigation to protect the interests of the United States.

The Property Owner further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the Property Owner so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The Property Owner agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of any vendors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The Property Owner further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Vendor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Vendors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings

Anti-Discrimination. Property Owner will comply with the following clauses: Titles VI and VII of the Civil Rights Act of 1964 (PL 88-352), and the regulations issued pursuant thereto (prohibiting discrimination on the basis race, color, national origin and ensuring that individuals are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age); Title IX of the Education Amendments of 1972 (codified as amended at 20 U.S.C. § 1681 et seq.) (prohibiting discrimination on the basis of sex); Titles I, II, III, IV, and V of the Americans with Disability Act of 1990 (prohibiting discrimination on the basis of disability); Section 504 of the Rehabilitation Act of 1973 (codified as amended at 29 U.S.C. § 794) (prohibiting discrimination on the basis of handicap); the Age Discrimination Act of 1975 (codified as amended at 42 U.S.C. § 6101 et seq.) (prohibiting age discrimination); Executive Order 11063 as amended by Executive Order 2259; and Section 109 of the Housing and Community Development Act of 1974, as amended.

Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708).

Compliance with the Contract Work Hours and Safety Standards Act.

- a. Overtime requirements. No Vendor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

- b. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in 29 CFR §5.5(b)(1) the Property Owner and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such Property Owner and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in 29 CFR §5.5(b)(1), in the sum of \$26 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in 29 CFR §5.5(b)(1).
- c. Withholding for unpaid wages and liquidated damages. NCNCEM shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Vendor or subcontractor under any such contract or any other Federal contract with the same prime Vendor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime Vendor, such sums as may be determined to be necessary to satisfy any liabilities of such Vendor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in 29 CFR §5.5(b)(2).
- d. Subcontracts. The Vendor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of 29 CFR §5.5 and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime Vendor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in 29 CFR §5.5(b)(2) through (4).

CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

Clean Air Act

The Property Owner agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

The Property Owner agrees to report each violation to NCEM and the Activating Entity and understands and agrees that NCEM and the Activating Entity will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

The Property Owner agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Federal Water Pollution Control Act

The Property Owner agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

The Property Owner agrees to report each violation to NCEM and the Activating Entity and understands and agrees that NCEM and the Activating Entity will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

The Property Owner agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Debarment and Suspension

- a. This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such, the Property Owner is required to verify that none of the Property Owner 's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- b. The Property Owner must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
- c. This certification is a material representation of fact relied upon by NCEM and any Activating Entity. If it is later determined that the Property Owner did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to NCEM and any Activating Entity, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
- d. The Property Owner agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Property Owner or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) (as Amended)

Property Owner s who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding agency.

Required Certification. If applicable, Property Owner s must sign and submit to the NCEM the certification. See final page.

Procurement of Recovered Materials

- a. In the performance of this contract, the Property Owner shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired—
 - Competitively within a timeframe providing for compliance with the contract performance schedule;
 - Meeting contract performance requirements; or
 - At a reasonable price.
- b. Information about this requirement, along with the list of EPA designated items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.
- c. The Property Owner also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act."

Women and Minority Owned Businesses. 2 C.F.R. § 200.321 requires that all necessary affirmative steps are taken by the State and Property Owner to assure that minority and women’s businesses are used when possible, and N.C. Gen. Stat. 143-128.2 establishes a ten percent (10%) goal for participation by minority and women owned businesses in total value of work performed for the State.

Access to Records. The following access to records requirements apply to this contract:

- a. The Property Owner agrees to provide NCEM, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives, and the Activating Entity access to any books, documents, papers, and records of the Property Owner which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.
- b. The Property Owner agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- c. The Property Owner agrees to provide the FEMA Administrator or his authorized representative access to construction or other work sites pertaining to the work being completed under the contract.
- d. In compliance with the Disaster Recovery Act of 2018, NCEM, the Activating Entity, and the Property Owner acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.
- e. Property Owner agrees to allow the departments and agencies of the State of North Carolina, FEMA, the Comptroller General of the United States, and any of their duly authorized representatives access to any books, documents, papers, and records of Property Owner which are directly pertinent to the contract for the purpose of making audits, examinations, excerpts, and transcriptions

Records Retention. All records required to be kept on the project shall be maintained for at least five (5) years after final payments and until all other pending matters under the grant for this project have been closed. However, if any audit, litigation or other action arising out of or related in any way to this project is commenced before the end of the five (5) year period, the records shall be retained for one (1) year after all issues arising out of the action are finally resolved or until the end of the five (5) year period, whichever is later.

Energy Efficiency. All participants in the projects funded hereby shall recognize mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (PL 94-163).

Personnel. Property Owner represents that it has, or will secure at its own expense, all personnel required in performing the work under this Contract. Such personnel shall not be employees of or have any contractual relationship with State, NCEM, or Activating Entity. All of the work required hereunder will be performed by Property Owner or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and local law to perform such work. No person who is serving a sentence in penal or correctional institution shall be employed to work under this Contract.

Program Fraud and False or Fraudulent Statements or Related Acts. Property Owner acknowledges that 31 U.S.C. Chapter 38 (Administrative Remedies for False Claims and Statements) applies to its actions pertaining to the Contract.

No Obligation by Federal Government. The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, Property Owner, or any other party pertaining to any matter resulting from the contract.

Compliance with Federal Law, Regulations, and Executive Orders. This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The Property Owner will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

DHS, Seal, Logo, and Flags. The Property Owner shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.

If applicable, contractors must sign and submit to the non-federal entity the following certification.

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements (To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Date

Name and Title of Contractor's Authorized Official

Date

Attachment B: State Compliance Provisions

1. **Non-Governmental Entities:** Non-governmental entities (not-for-profit and for-profit entities) must adhere to N.C. Gen. Stat §143C-6-22.
2. **Compliance:** The ORGANIZATION shall be wholly responsible for the supervision of its employees and assistants. The ORGANIZATION shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this Agreement, including those of federal, state, and local agencies having jurisdiction and/or authority.

The ORGANIZATION acknowledges and agrees that, in its conduct under this Contract and in connection with any and all expenditures of grant funds made by it, it shall comply with the cost principles enunciated in the Code of Federal Regulations, 2 CFR Part 200. The ORGANIZATION further acknowledges and agrees that, if it grants any of the grant funds awarded hereunder to one or more sub-recipients or sub-sub-recipients, the ORGANIZATION shall, by contract, ensure that said cost principles are made applicable to and binding upon any and all such sub-recipients, sub-sub-recipients, etc. in their handling, use and expenditure of the funds awarded to the ORGANIZATION hereunder.

3. **Historically Underutilized Businesses:** If ORGANIZATION is a private, nonprofit corporation other than an institution of higher education or a hospital that receives an appropriation of five hundred thousand dollars (\$500,000) or more during a fiscal year from the General Assembly, it shall comply with North Carolina General Statute 143-48 and report to the North Carolina Department of Administration annually on what percentage of its contract purchases of goods and services, through term contracts and open-market contracts, were from minority-owned businesses, what percentage from female-owned businesses, what percentage from disabled-owned businesses, what percentage from disabled business enterprises and what percentage from nonprofit work centers for the blind and the severely disabled. Reporting on contract purchases of goods and services will be submitted to the North Carolina Department of Administration's Office for Historically Underutilized Businesses (HUB) using the NC Interactive Purchasing System's HUB reporting system. Contact the HUB Office at 919-807-2330 or huboffice.doa@doa.nc.gov for instructions and to gain access to the NC Interactive Purchasing System's HUB reporting system.
4. **Sanctions for Non-Compliance.** The applicant ORGANIZATION agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the NCEM may take any or all of the following actions:
 - (a) Cancel, terminate, or suspend this contract in whole or in part;
 - (b) Withhold funding to the ORGANIZATION until satisfactory compliance has been attained by the ORGANIZATION;

(c) Refrain from extending any further funding to the ORGANIZATION under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the ORGANIZATION;

(d) Refer the case for appropriate legal proceedings.

5. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the ORGANIZATION. The amount of funding from the NCEM shall not exceed the estimated funds budgeted in the approved contract. The ORGANIZATION shall initiate and prosecute to completion all actions necessary to enable the ORGANIZATION to provide its share of the project costs at or prior to the conclusion of the project. All unexpended grant funds shall be remitted to the NCEM within thirty (30) days of the project completion date. The ORGANIZATION must have an adequate accounting system to identify costs chargeable to the project. The ORGANIZATION agrees that funds paid through this Agreement shall be accounted for in a separate fund and accounting structure within the ORGANIZATION's central accounting and grant management system. The ORGANIZATION agrees to manage all accounts payable disbursements, check register disbursements and related transactions in a detailed manner that supports fully transparent accounting of all financial transactions associated with this funding allocations described above. If eligible, the ORGANIZATION and all subrecipients shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Agreement, pursuant to N.C.G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their quarterly project status reports.
6. **Project Directors and Notices.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the ORGANIZATION or the ORGANIZATION's governing body. Any notice required or permitted under this Agreement shall be delivered to the ORGANIZATION's Project Director or NCEM Authorizing Official. Notice may be given to the ORGANIZATION's Project Director or NCEM Authorizing Official by mail, first-class postage prepaid, or by facsimile transmittal or by electronic mail with the original to follow by first-class mail. Either party may change the name, address, telephone number, fax number or email address of its Project Director or NCEM Authorizing Official by giving timely written notice to the other party.
7. **Records Access and Retention.** The ORGANIZATION shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its persons, books, records, accounts, other sources of information, and its facilities as may be determined by the NCEM, or the State to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the ORGANIZATION shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the NCEM or until all audit exceptions have been resolved, for such inspection and audit or until litigation has concluded, whichever is longer. Pursuant to N.C. Gen. Stat. §147-64.7, the NCEM, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the ORGANIZATION insofar as they relate to transactions with any board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.

8. **E-Verify requirements.** If this contract is subject to N.C. Gen. Stat. §143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes.
9. **Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each ORGANIZATION, prior to contracting with the State certify, and the undersigned ORGANIZATION Authorizing Official on behalf of the Agency does hereby certify, to the following:
 - (a) that the ORGANIZATION is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
 - (b) that the ORGANIZATION shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
 - (c) that the undersigned ORGANIZATION Authorizing Official is authorized by the ORGANIZATION to make this Certification.
10. **Regulation:** The funds awarded under this Agreement must be used in compliance with all applicable state and federal laws governing their use including but may not be limited to, N.C. Gen. Stat. 143C-6-21, 143C-6-22, 143C-6-23, and 09 NCAC 03M (Notice of Certain Reporting and Audit Requirements), Chapter 166 of the North Carolina General Statutes at N.C. Gen. Stat. 166A-1 et. seq., The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. §5121 et. seq., 44 CFR Parts 7, 9, 10, 13, 14, 17, 18, 25, 60, 206, 209, 220, 221, 2 CFR 200, Appendix II to Part 200 “Contract Provisions for Non-Federal Entity Contracts Under Federal Awards”, and applicable HUD regulations, policies, and guidance if CDBG-DR funds are used under this Contract. By accepting this payment, the below official agrees to use these funds in a manner consistent with state laws and regulations.
11. **Taxes:** The ORGANIZATION shall be responsible for all taxes. The ORGANIZATION shall complete, execute, notarize and return the “State Grant Certification – No Overdue Tax Debts” form. The ORGANIZATION shall complete and return the “Substitute W-9 Form Request for Taxpayer Identification Number” form. The ORGANIZATION agrees that failure to provide NCEM with a correct taxpayer identification number authorizes NCEM to withhold any amount due and payable under this Agreement.
12. **Antitrust Laws:** This Agreement is entered into in compliance with all State and Federal antitrust laws.
13. **Conflict of Interest:** Notarized Policy addressing conflicts of interest: The ORGANIZATION shall file with NCEM a copy of the ORGANIZATION’S policy addressing conflicts of interest that may arise involving NCEM’S management employees and the members of its board of directors or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as ORGANIZATION’S employees or members of its board or other governing body, from ORGANIZATION’S disbursing of State funds and shall include actions to be taken by ORGANIZATION or the individual, or both to avoid conflicts of interest and the

appearance of impropriety. Additionally, the ORGANIZATION certifies that, as of the date it executes this Contract, no such individuals have such a conflict of interest or will directly or indirectly benefit, except in the capacities described above, from the grant or project. Throughout the duration of this Contract, the ORGANIZATION has the duty to promptly inform NCEM of any such conflict of interest or direct or indirect benefit of which it becomes aware. The policy shall be filed before NCEM may disburse the grant funds.



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DUANE T. HOLDER, DEPUTY COUNTY MANAGER

DATE: 11/4/2020

SUBJECT: COMMUNITY-BASED VIRTUAL LEARNING CENTER SELECTION

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): DUANE T. HOLDER, DEPUTY COUNTY MANAGER

BACKGROUND

During the September 10, 2020 Agenda Session, the Board approved the utilization of \$250,000 County funding to assist with the provision of community-based Virtual Learning Centers for students in rural and/or underserved areas of the County. Staff issued a Request for Proposals (RFP) on October 9, 2020 with an original due date of October 19, 2020. Based on prospective applicant questions and subsequent responses, the RFP due date was extended to October 21, 2020.

Attached is a summary of the proposal evaluations. Based on the evaluation, staff recommend the County to enter into agreements with the following programs for the operation of community-based Virtual Learning Centers:

- Town of Hope Mills
- YMCA
- First Baptist Church
- Changing Our Lives Today, Inc
- Crosskids Afterschool
- Marvin United Methodist Church
- New Testament Learning Center
- Soul Harvest Church
- Town of Godwin

RECOMMENDATION / PROPOSED ACTION

Staff requests that the Board approve this item to be forwarded to the November 16, 2020 regular Board meeting Consent Agenda with the following motion:

Approve staff to enter into contractual agreements with the recommended organizations as a result of the evaluation of proposals submitted in response to the Community-Based Virtual Learning Center Request for Proposals.

ATTACHMENTS:

Description	Type
Community-Based Virtual Learning Center Proposal Evaluation Summary	Backup Material

CUMBERLAND COUNTY
COMMUNITY-BASED VIRTUAL LEARNING CENTER REQUEST FOR PROPOSALS (RFP)
EVALUATION SUMMARY

No.	Name of Agency/Organization	Location(s)	Score (100 max.)	Notes
1	Town of Hope Mills	Gary M. Dove Memorial Building, Brower Park, 5763 Rockfish Road, Hope Mills, NC 28348	79	Structured afterschool since 2007, \$10.76/day per child, focused on children without internet, space, childcare, detailed COVID mitigation, and provides transportation
2	YMCA	Hope Mills YMCA, 3910 Ellison St, Hope Mills NC Fayetteville YMCA, 2717 Ft Bragg Rd Fayetteville NC	79	National organization, \$22/day per child, highly trained staff, detailed programming and COVID mitigation efforts
3	First Baptist Church	302 Moore Street, Fayetteville, NC	73	Experience providing afterschool and summer camp, \$200/child for 7 months, detailed program description and virtual accommodation, targeting rural/underserved but no transportation
4	Changing Our Lives Today (COLT)	2940 Breezewood Avenue, Fayetteville, NC 28303	69	Licensed behavioral health staff, trained professionals, specializes in EC children, COVID training, \$12.50/day per child, temp checks, program details
5	Crosskids Afterschool	306 McArthur Road, Fayetteville, NC 28311 (current) 6781 Camden Road, Fayetteville, NC 28306 (proposed)	68	Currently providing VLC, willing to expand to 2nd location, detailed program description, highly trained staff, \$33/day per child
6	Marvin United Methodist Church	6740 NC Highway 87 South, Fayetteville, NC 28306	63	Has conducted VBS and week-long camps, volunteers working in the program, CCS to provide 1-2 employees as well, 18-20 students, rural-focus, no transportation, no detailed activities, \$5,000 proposal (through June 30, 2021)
7	New Testament Learning Center	2206 Progress Street, Fayetteville, NC 28306	61	Conducted youth summer camp, tutoring and team building, experience in technology, staff consists of volunteers and licensed and retired teachers, \$26.67/day per child
8	Soul Harvest Church	135 North Main Street, Spring Lake, NC 28390	59	Currently providing VBS and summer meals thru CCS, mostly volunteers, some are substitute teachers and TA's, rural and underserved students but no transportation, no detailed program or activities provided in proposal,
9	Town of Godwin	Godwin Community Center, 4924 Markham St, Godwin, NC 28344	58	Town willing to establish remote learning at Community Building, utilizing 2-4 volunteers and CCS staff, COVID mitigation measures, high-speed and wifi accommodations, agreement with CCS for lunch/snacks
10	Wisdom Keys Educational Center	3458 Bullard Street, Hope Mills, NC 28348	50	Proposed restart of closed program, no detail on staff qualifications, \$3.28/day per child
11	Inspire Special Education & Advocacy Program	9128 Colliers Chapel Church Road, Linden, NC 28356	25	Program model is 100% virtual and does not satisfy the Virtual Learning Center requested model



CUMBERLAND
COUNTY
NORTH CAROLINA

SOIL AND WATER

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DONNA H. FOSTER, CUMBERLAND COUNTY SOIL & WATER CONSERVATION OFFICE, ADMIN. PROG. OFFICER

DATE: 9/17/2020

SUBJECT: MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE AND THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - DIVISION OF SOIL AND WATER CONSERVATION AND THE CUMBERLAND SOIL AND WATER CONSERVATION DISTRICT AND CUMBERLAND COUNTY

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): TRACY JACKSON, ASSISTANT COUNTY MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY

BACKGROUND

Periodically the agencies that provide funding and support to the Cumberland County Soil and Water Conservation District revise and update agreements in an effort to assure that responsibilities and services provided by the partner agencies are clearly defined and understood. This time period, our Soil and Water Conservation Board has the option to utilize a 2018 template or the new 2020 Memorandum of Agreement (MOA). The District Board has elected to utilize the 2020 MOA (attached). There are no costs to the County, and the intent of the agreement remains unchanged.

A copy of the 2018 MOA is attached for reference.

RECOMMENDATION / PROPOSED ACTION

Staff requests this item be forwarded to the November 16, 2020 Board of Commissioners' Meeting as a Consent Agenda Item with the following recommendation.

Approval of the 2020 Memorandum of Agreement.

ATTACHMENTS:

Description

Memorandum of Agreement (MOA)

2018 Agreement

Type

Backup Material

Backup Material



United States Department of Agriculture

Natural Resources
Conservation Service

North Carolina
State Office

4407 Bland Road
Suite 117
Raleigh, NC 27609
Voice 919-873-2100
Fax 844-325-6833

Name C.WAYNE COLLIER, JR
Title BOARD OF SUPERVISORS CHAIRMAN
Organization CUMBERLAND SOIL & WATER CONSERVATION DISTRICT
Street Address 301 EAST MOUNTAIN DR, ROOM 229
City, State, Zip FAYETTEVILLE NC 28306

Dear CHAIRMAN COLLIER :

The Natural Resources Conservation Service (NRCS) and North Carolina (NC) Soil and Water Conservation Districts (Districts) share a rich history of working together to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources. NC Districts serve as the link between federal and state agency resources with the local farmers, ranchers, and forest stewards. We operate by a Memorandum of Agreement (MOA) which serves as a written understanding of an agreement between all parties.

The majority of MOAs in NC expired in 2017. NRCS started the MOA renewal process in early 2018 by disseminating a new MOA template to the Districts through NRCS local staff. Since then some circumstance have changed which brings us to our current status. NRCS received concerns from some Districts that the previous 2018 template did not provide enough flexibility to fit the varied operating relationships that exist among partners across the nation. As a result, NRCS has produced a 2020 edition of the MOA template to be more inclusive of the partnerships. The 2020 MOA template is attached.

In NC, prior to NRCS announcing it was working on a revised template, many Districts had already submitted their MOA based on the 2018 template for approval by the Division and NRCS. The North Carolina conservation partnership intends to allow Districts to use either the 2018 or 2020 MOA template.

If your District has already submitted the signed 2018 MOA to NRCS, we ask that you use the enclosed MOA Template Election Form (Attachment A) to confirm how your District intends to proceed with the following options:

1. Execute and move forward with the previously signed (2018) version of the MOA, without executing the newly approved version for 2020.
2. Obtain necessary signatures and submit the 2020 version of the MOA

Please sign and date the completed form and return it to your local supervisory soil conservationist (SSC). If you choose Option 1, NRCS will sign the existing agreement and forward a copy for your records.

Otherwise, Districts should proceed with obtaining the necessary signatures on their preferred MOA (either the 2018 or 2020 version) and submit the completed MOA for Division and NRCS signature.

The Natural Resources Conservation Service
is an agency of the Department of Agriculture's
Farm Production and Conservation (FPAC).

An Equal Opportunity Provider, Employer, and Lender

We understand that this has been a cumbersome process, but our intent is for Districts to be able to execute an agreement that best meets their needs and intent. Obviously, we would like to get these MOAs in place as soon as possible. As a target, we would request an execution of either choice of MOAs be completed by September 30, 2020. If this deadline is not feasible, please notify your NRCS SSC. Please feel free at any time to reach out to NRCS if there are any questions.

Timothy A Beard

Timothy A. Beard
State Conservationist

Bryan S. Evans

Bryan S. Evans
Executive Director
NC Association Soil & Water Conservation District

Vernon Cox

Vernon Cox
Director, Division of Soil & Water Conservation
NC Department of Agriculture and Consumer Services

Attachments:

- Attachment A: MOA Template Election Form
- Attachment B: MOA Approved 2020

Attachment A: MOA Template Election Form

Districts that have previously submitted an MOA based on the 2018 template are asked to complete this form and forward to their NRCS Supervisory Soil Conservationist (SSC).

The CUMBERLAND Soil and Water Conservation District hereby acknowledges having been given an option to either proceed to execute the previously submitted MOA using the 2018 template or to withdraw its previously submitted MOA and execute a new MOA using the 2020 MOA template. The District hereby declares its intent is to (initial the District's choice):

_____ 1. Execute and move forward with the previously signed (2018) version of the MOA without executing the newly approved version for 2020.

_____ YES 2. Obtain necessary signatures and submit the 2020 version the MOA.

We will consult with Natural Resources and Conservation Service (NRCS) local supervisory soil conservationist (SSC) if there are any questions.

C. WAYNE COLLIER, JR., CHAIRMAN CUMBERLAND SWCD

Print Name

 9-11-2020
Sign and date

Attachment B

MEMORANDUM OF AGREEMENT BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service
AND THE
North Carolina Department of Agriculture and Consumer Services – Division of Soil and Water
Conservation
AND THE
CUMBERLAND Soil and Water Conservation District
AND THE
County of CUMBERLAND, North Carolina

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the North Carolina Department of Agriculture and Consumer Services – Division of Soil and Water Conservation (hereafter referred to as the Division), the CUMBERLAND Conservation District (hereafter referred to as the District), and the County of CUMBERLAND, North Carolina (hereafter referred to as the County).

The NRCS and CUMBERLAND Conservation District (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

II. AUTHORITIES, STATUTES, LAWS

NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

The Division is authorized to enter into this agreement by the North Carolina General Statutes §139-4 and §106-840 - §106-844.

The District authority is defined in Soil Conservation Districts Law, General Statutes of North Carolina §139-1 - §139-47.

The County is authorized to enter into this agreement by North Carolina General Statute §153A-11 and §160A-461 - §160A-464

III. BACKGROUND

The NRCS and CUMBERLAND Conservation District share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

The first Conservation District, Brown Creek Soil and Water Conservation District in Anson County, North Carolina, was established in 1937 to provide local leadership in natural resources management. Conservation Districts serve as the link between federal and state agency resources with the local farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area planning and implementation assistance to units of government. They are a focal point for coordinating and delivering technical assistance and funding to their respective communities.

IV. STATEMENT OF MUTUAL BENEFIT

In conjunction with the NRCS, the CUMBERLAND Conservation District coordinates and implements locally led conservation plans because of their connections to Federal, State, Tribal, and local governments; private resources; and the public. The Parties agree to facilitate cooperation, collaboration, and agreement between agencies, landowners, and others stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district.

In addition, the Parties recognize the importance of working together to broaden strategic assessment and planning authority under the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this Section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit either part to activities beyond the scope of their respective mission and statutory authorities.

A. Locally-Led, Voluntary Conservation

The Parties agree that locally-led, voluntary conservation must be driven by natural resource conservation needs, rather than by programs. Its primary focus is to identify natural resource concerns, along with related economic and social concerns. Locally-led conservation consists of a series of activities and phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results:

The District will:

- Assist NRCS and the North Carolina Soil and Water Conservation Commission (SWCC) in promoting federal, state, and local conservation programs by participating in outreach and community education activities.
- Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county commissioners, and other key stakeholders apprised of conservation activities within the district.

- Assemble and chair the local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C, to encourage stakeholder participation to assist the District to assess and prioritize conservation needs.
 - Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved communities.
 - Open and advertise local working group meetings to the public.
 - Develop the agenda and associated materials/information for local working groups.
 - Develop and file local working group meeting records within 30 calendar days of the meetings at the local NRCS office.
 - Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS and SWCC policy (Title 440, Conservation Programs Manual).
- Develop the conservation needs assessment through broad-based community participation and in accordance with NRCS and SWCC policy and procedures. This will provide a comprehensive evaluation of the district's natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.
- Recommend local natural resource priorities and criteria for NRCS and SWCC conservation activities and programs based on the conservation needs assessment and public input.
- Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year. These documents must incorporate local and community inputs.
- Identify NRCS, SWCC, and other program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- Review and sign to acknowledge all conservation plans within the District.
- Update NRCS on activities of local and state advisory committees and community groups attended by District board members and staff.
- Cooperate and collaborate across Districts, as appropriate.

NRCS will:

- Support outreach activities and ensure the District is kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the District.
- Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
 - Designate a representative to participate in District meetings and events, including local working group meetings.
 - Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- Respond to requests from the District for technical guidance and assistance.
- Partner with local and Tribal agricultural, conservation, agency, and community groups where possible, to further District natural resource conservation goals and objectives.
- Provide an annual summary of NRCS accomplishments to the District.
- Present all conservation plans within the District to the District Board of Supervisors for signed acknowledgement.

B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

The District will:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS and SWCC policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA and SWCC technologies and applications, as appropriate.
- Encourage and support acquisition of conservation practice job approval authority for its personnel based on employee knowledge, skill and ability level, and within applicable laws and guidelines.
- Participate in local, state, and national opportunities for policy, program, and project development.
- Develop a plan for training its employees and encourage them to attend available training sessions to maintain their knowledge, skills, and abilities related to conservation planning and practice Inventory & Evaluation, design, layout, checkout, and certification.

NRCS will:

- Develop, update, and disseminate technical standards, policies, and procedures.
- Seek input and comment from communities on natural resource conservation policies and issues.
- Inform the District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Evaluate non-NRCS employees and assign USDA/NRCS job approval authority in accordance with NRCS policy and consistent with State laws.
- Provide USDA/NRCS engineering job approval, as based on job class and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Create and promote opportunities for the District board members and staff to participate in policy, program, and project development.
- Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of mission objectives of NRCS and the District. As such, the principle emphasis will be on the delivery of field-based conservation technical assistance.

C. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance.

See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

V. PERSONNEL AND FISCAL MANAGEMENT

The parties recognize that natural resources conservation programs are delivered through an intergovernmental system, in which federal, state, and local governments work together.

The parties will work together to provide staffing and fiscal resources commensurate with workload, priorities, allocated funding, and expertise necessary to deliver a balanced and diversified conservation delivery framework.

Staffing will be a mix of employees provided by federal, state, county, and district resources. There are certain authorities delegated to specific staff as follows:

The Department Head Will:

The parties jointly agree that the Administrative Program Officer will serve as the CUMBERLAND Soil and Water Conservation District Department Head. The Department Head will represent the District and its employees at county meetings, conferences, and appropriate functions.

Personnel Management

The management of personnel will be as follows:

- a) Hiring and dismissal of district employees will be in accordance with county personnel policies or district policy when employees are not employed by the county.
- b) The management of NRCS personnel is the responsibility of NRCS.
- c) Hiring, supervision, development, evaluation, and dismissal of county employees will be done in accordance with applicable law and county personnel policies.
- d) The management of county employees is the responsibility of the CUMBERLAND District Board of Supervisors. In the interest of facilitating these responsibilities, the Supervisory Soil Conservationist (SSC) is delegated the authority for:
 - 1) Technical supervision
 - a. The Supervisory Soil Conservationist is assigned the role of Technical Supervisor for USDA Certified Planner Designation (CPD) and Job Approval Authority (JAA). As a condition of assigning USDA/NRCS CPD and JAA or for ecological sciences and engineering practices to District employees, NRCS must periodically review the technical work of these employees to assure adherence to planning and design standards and policy. NRCS Area Office personnel will also periodically review the technical work of both NRCS and District employees in the office with USDA/NRCS JAA.
 - 2) Assist in delivery of employee technical training and development.
- e) The Department Head will make recommendations to the CUMBERLAND District Board of Supervisors regarding the following in accordance with county government policy:
 - 1) Recruitment and hiring of district employees
 - 2) Employee performance evaluation, including awards, disciplinary actions, and separation.
 - 3) Leave coordination and approval.
 - 4) Certification of Time and Attendance Reports.
 - 5) Determination and approval of training requiring expenditure of district funds.
 - 6) For counties with technicians cost shared through the state's cost share programs, responsibility for documenting 1040 hours for each funded position spent per year on non-point source pollution control issues by office staff.

In the event that a county employee feels aggrieved, their recourse is according to county government personnel policy. The parties agree to work cooperatively to resolve employee grievances.

Fiscal Management

The parties will work together to maximize available resources and actively seek funding to accomplish natural resource priorities and programs.

Each party is responsible for its own fiscal resources to include equipment, supplies, and accounts.

The Department Head will actively assist the district with the following:

- 1) Development of operating budgets.
- 2) Tracking of expenditures for maintaining funding accountability.
- 3) Making recommendations regarding expenditure of funds and purchases.

VI. GENERAL PROVISIONS

A. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

B. Amendments

This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Either of the parties may terminate this MOA with a 60-day written notice to the other.

This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. The local-level MOA reflects locally developed detailed working arrangements, to include NRCS's and Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

C. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Office spaces and equipment/supplies
- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

- This MOA is not intended to, and does not create any right, benefit, or trust responsibility; substantive or procedural, enforceable at law or equity, by any party against the agencies, officers, or any person or organization that is party to this agreement.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

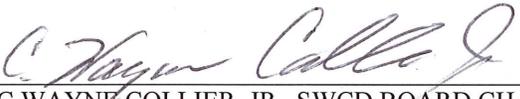
All activities conducted under this MOA shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

VII. SIGNATURES

USDA Natural Resources Conservation Service

CUMBERLAND Soil and Water Conservation District

TIMOTHY A. BEARD, STATE CONSERVATIONIST



C WAYNE COLLIER, JR., SWCD BOARD CHAIR

DATE:

8-19-2020

DATE:

NCDA&CS - NC Division of Soil and Water Conservation

County of CUMBERLAND, NC

VERNON COX, DIRECTOR

AMY H. CANNON, COUNTY MANAGER

DATE:

DATE:

MEMORANDUM OF UNDERSTANDING

**Between the
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
And the
NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES – DIVISION OF SOIL AND WATER
CONSERVATION
And the
CUMBERLAND SOIL AND WATER CONSERVATION DISTRICT
And
CUMBERLAND COUNTY, NORTH CAROLINA**

**For their Cooperation In the
Conservation of Natural Resources**

BACKGROUND STATEMENT AND PURPOSE

THIS AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), the North Carolina Department of Agriculture and Consumer Services – Division of Soil and Water Conservation (DSWC) an agency of the State of North Carolina, the Cumberland Soil and Water Conservation District (SWCD), and Cumberland County collectively referred to as the parties, to clearly define the roles and responsibilities of the parties.

The purpose of this agreement is to supplement the Cooperative Working Agreement between the USDA – Natural Resources Conservation Service, North Carolina Department of Agriculture and Consumer Services, North Carolina Soil and Water Conservation Commission, and Cumberland Soil and Water Conservation District. This operational agreement documents those areas of common interest of the federal, state, and local partnership in natural resources conservation.

The parties mutually agree to provide leadership in natural resources conservation. The parties pledge to work together by advancing and practicing teamwork, including input in the decision-making process; communicating, coordinating, and cooperating; promoting mutual respect, and sharing leadership, ownership, credit, and responsibility.

AUTHORITIES, STATUTES, LAWS

NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

DSWC is authorized to enter into this agreement by the North Carolina General Statutes §139-4 and §143B-294 - §143B-297.

The District authority is defined in Soil Conservation Districts Law, General Statutes of North Carolina §139-1 - §139-47.

The County is authorized to enter into this agreement by North Carolina General Statute §153A-11 and §160A-464.

ROLES AND RESPONSIBILITIES:

CONSERVATION PROGRAM IMPLEMENTATION

The parties recognize the natural resources conservation program as a unique blend of voluntary conservation initiatives and federal, state, and local mandates. Together these address a variety of natural resource, environmental, and educational issues. The parties agree to jointly commit their program authorities and financial and human resources to cooperatively implement a unified natural resource conservation program in areas of mutual concern. The implementation of all programs will be done in accordance with program policy and procedures developed for that specific program – whether federal, state, or local.

Inventories and Data Sharing: The parties agree to identify, define, and coordinate the collection and use of natural resource and other data needed to support the delivery of federal, state, and local conservation program benefits. The parties will cooperate in maintaining data to assure that it supports the mutual needs of the parties for conservation planning, implementation and evaluation. The parties further agree that gathered data will be mutually shared and used in support of conservation delivery framework as needed to facilitate implementation of the programs shown in *Attachment A*. The use and disclosure of information will be consistent with the guidelines provided in the Records, Facilities, and Equipment section of this agreement. Both NRCS and SWCD employees in the office will maintain adequate knowledge of available conservation programs to provide basic customer service including, but not limited to:

1. Interviewing the customer to determine goals and objectives
2. Gathering on farm data to support development of a conservation plan
3. Develop a conservation plan following the NRCS 9-steps of conservation planning process.
4. Districts that are co-located with NRCS shall utilize the latest USDA-NRCS tools for completing conservation planning processes and reporting (i.e., CDSI)
5. Providing basic information about program requirements and signup periods
6. Helping a customer complete a program application

Setting Conservation Program Priorities: The parties agree to implement the conservation program based on mutually developed priorities while recognizing individual responsibilities for federal, state, or local mandates. The parties further to agree to annually re-evaluate established priorities and adjust as warranted. SWCD Board has the responsibility to organize local working groups (LWG) to assess resource conditions and establish local priorities. As well, LWG will develop a single SWCD/NRCS partnership plan of work each fiscal year (July 01 – June 30). Each party will prioritize workload as follows, NRCS employees will first address workload associated with federal conservation programs, NRCS priorities, and required NRCS administrative procedures. As time is available, NRCS employees will assist with the North

Carolina State and local programs listed in Attachment A and other District priorities. Likewise, State and District staff will first address workload associated with the State and local programs listed in Attachment A, District priorities, and required District administrative procedures. As time is available, District staff will assist with federal conservation programs and other NRCS priorities.

Local Working Groups: Local working groups (LWGs) are subcommittees of the State Technical Committee and provide recommendations to USDA on local and state natural resource priorities and criteria for conservation activities and programs.

LWGs are responsible for:

- (1) Ensure that a conservation needs assessment is developed using community stakeholder input.
- (2) Utilize the conservation needs assessment to help identify program funding needs and conservation practices.
- (3) Identify priority resource concerns and identify, as appropriate, high-priority areas needing assistance.
- (4) Recommend USDA conservation program application and funding criteria, eligible practices (including limits on practice payments or units), and payment rates.
- (5) Participate in multicounty coordination where program funding and priority area proposals cross county boundaries.
- (6) Assist NRCS and the NRCS conservationist with public outreach and information efforts and identify educational and producers' training needs.
- (7) Recommend State and national program policy to the State Technical Committee based on resource data.
- (8) Utilize the conservation needs assessment to identify priority resource concerns that can be addressed by USDA programs.
- (9) Forward recommendations to the NRCS designated conservationist or Farm Service Agency (FSA) County Executive Director, as appropriate.
- (10) Adhere to standard operating procedures identified in Title 440, Conservation Programs Manual (CPM), Part 501, Subpart B, Section 501.14.

LWG membership should be diverse and focus on agricultural interests and natural resource issues existing in the local community. Membership should include agricultural producers representing the variety of crops, livestock, and poultry raised within the local area; owners of nonindustrial private forest land, as appropriate; representatives of agricultural and environmental organizations; and representatives of governmental agencies carrying out agricultural and natural resource conservation programs and activities. Membership of the local working group may include but is not limited to Federal, State, county, Tribal, or local government representatives.

For the LWGs, Conservation Districts shall:

- (i) Develop the conservation needs assessment as outlined in 440-CPM, Part 500, Subpart A.
- (ii) Assemble the local working group.
- (iii) Set the agenda.
- (iv) Conduct the local working group meetings.
- (v) Transmit the local working group's priority area and funding requests to the NRCS designated conservationist or the State Technical Committee, as appropriate.

It is the NRCS designated conservationist's responsibility to participate in the local working group and to—

- (i) Encourage and assist other USDA agencies to participate in the locally led conservation and working group efforts, as feasible.
- (ii) Assist with identifying members for the local working group.
- (iii) Help identify program priorities and resources available.
- (iv) Assist in the development of program priority area proposals.
- (v) Comply with the National Environmental Policy Act, nondiscrimination statement, and other environmental, civil rights, and cultural resource requirements.
- (vi) Support and advise the local working group concerning technical issues, program policies and procedures, and other matters relating to conservation program delivery.
- (vii) Ensure that populations are—
 - Provided the opportunity to comment before decisions are rendered.
 - Allowed to share the benefits of, not excluded from, and not affected in a disproportionately high and adverse manner by Government programs and activities affecting human health or the environment.
- (viii) Analyze performance indicators and reports.
- (ix) Report the conservation programs' impacts on resources.
- (x) Perform the responsibilities of the conservation district where a conservation district is not present or chooses not to fulfill the responsibilities outlined in 440-CPM, Part 501, Subpart A, Section 501.6A.
- (xi) Give strong consideration to the local working group's recommendations on NRCS programs, initiatives, and activities.
- (xii) Ensure that recommendations, when adopted, address natural resource concerns.

Programs to be implemented: The parties agree to use federal, state, and local programs in a complimentary fashion to address local priorities and concerns. *Attachment A* includes an example of programs that will be utilized to address priorities and concerns. Employees from agencies will work across program lines to assure efficient and effective customer service.

Marketing: The parties agree to conduct a common effort to inform public of program opportunities and benefits. This information will be disseminated to the appropriate media, to promote district activities and programs. See *Attachment A* for a marketing profile and a summary of media outlets.

TECHNICAL ADEQUACY

The parties agree to utilize the NRCS Field Office Technical Guide or Soil and Water Conservation Commission adopted standards as the minimum technical standards for conservation program implementation in areas of mutual concern. The parties may utilize more stringent standards when necessary to comply with locally enacted laws or ordinances. The NRCS will be the lead agency in the development, and maintenance of the Field Office Technical Guide. As well, the NRCS will be the lead agency for all processes associated with Job Approval Authority (JAA) for NRCS conservation practice standards and Conservation Planner Designation (CPD). When program contracts are developed, the District and NRCS employees in the office will provide conservation planning assistance that meets the 9-steps of conservation planning process and applicable policies as described in the 180-GM-Part 409, its supplements and the National Planning Procedures Handbook. At a minimum, the conservation plan will address resource concerns within the client area of interest and objectives. The NRCS recognizes

JAA and the conservation planning process are a dependent, integral part of the conservation delivery in North Carolina. Both parties agree that no practices will be planned, designed or “checked out” based only on JAA parameters. The installation of the practices must be supported by a conservation plan signed by at a minimum a certified conservation planner.

The parties agree that their respective employees will provide technical assistance based on assigned conservation practice JAA which is based on acquired experience, knowledge, skills, and demonstrated ability and within applicable laws, regulations, and guidelines. Conservation practice JAA will be determined and documented according to NRCS National Engineering Manual, Part 501, NRCS Ecological Sciences JAA (190-GM, Part 417) and in accordance with the NC NRCS policy and procedures regarding JAA as described in the NC JAA Handbook (180-GM Part 681). JAA for DSWC conservation practices will be supervised, determined and documented by the N.C. Soil and Water Conservation Commission pursuant to NCAC 15A 06F.0105(c)(3). Each technical employee in the office will acquire the necessary skills to qualify for JAA for the routinely used engineering and non-engineering conservation practices prevalent in the county. Both District and NRCS employees will attend available training sessions to maintain their knowledge, skills, and abilities related to conservation planning and practice Inventory & Evaluation, design, layout, checkout, and certification.

PERSONNEL AND FISCAL MANAGEMENT

The parties recognize that natural resources conservation programs are delivered through an intergovernmental system, in which federal, state, and local governments work together.

The parties will provide their own staffing and fiscal resources commensurate with workload, priorities, allocated funding, and expertise necessary to deliver a balanced and diversified conservation delivery framework. There are certain authorities delegated to specific staff as follows:

Department Head

The parties jointly agree that the Administrative Program Officer, Cumberland Soil and Water Conservation District, will serve as the Department Head. The Department Head will represent the District and its employees at county meetings, conferences, and appropriate functions.

Personnel Management

The management of personnel will be as follows:

- a) Hiring and dismissal of district employees will be in accordance with county personnel policies.
- b) The management of NRCS personnel is the responsibility of NRCS.
- c) Hiring, supervision, development, evaluation, and dismissal of district employees will be done in accordance with applicable law and county personnel policies.
- d) The management of district employees is the responsibility of the Cumberland District Board of Supervisors. In the interest of facilitating these responsibilities, the Supervisory

Soil Conservationist (SSC) and Soil and Water Conservationist, Cumberland County are delegated the authority for:

- 1) Technical supervision
 - a. As a condition of assigning CPD or JAA for ecological sciences and engineering practices to District employees, NRCS must periodically review the technical work of these employees to assure adherence to planning and design standards and policy. The SSC is assigned the role of Technical Supervisor. NRCS Area Office personnel will also periodically review the technical work of both NRCS and District employees in the office.
 - 2) Delivery of employee technical training and development.
- e) The Department Head will make recommendations to the Cumberland District Board of Supervisors regarding the following in accordance with county government policy:
- 1) Recruitment and hiring of district employees.
 - 2) Employee performance evaluation, including awards, disciplinary actions, and separation.
 - 3) Leave coordination and approval.
 - 4) Certification of Time and Attendance Reports.
 - 5) Determination and approval of training requiring expenditure of district funds.
 - 6) For counties with technicians cost shared through the state's cost share programs, responsibility for documenting 2080 hours for each funded position spent per year on non-point source pollution control issues by office staff.

In the event that a county employee feels aggrieved, their recourse is according to county government personnel policy.

Fiscal Management

The parties will work together to maximize available resources and actively seek funding to accomplish natural resource priorities and programs in accordance with county government fiscal policies as adopted by the Board of County Commissioners.

Each party is responsible for its own fiscal resources to include equipment, supplies, and accounts.

The Department Head and District Administrative Assistant will actively assist the district with the following:

- 1) Development of operating budgets.
- 2) Tracking of expenditures for maintaining funding accountability.
- 3) Making recommendations regarding expenditure of funds and purchases.

TECHNICAL AND ADMINISTRATIVE CONTACTS

NRCS	Technical
Name:	Mark A. Ferguson
Title:	Assistant State Conservationist – Field Operations
Address:	589 Raccoon Rd., Suite 246, Waynesville, NC 28786
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E-Mail:	mark.ferguson@nc.usda.gov

NRCS	Administrative
Name:	Jeremy Wood
Title:	Management Analyst
Address:	4407 Bland Rd., Suite 117, Raleigh, NC 27609
Phone No.	919-873-2193
Fax No.	844-325-6833
E-Mail:	jeremy.wood@nc.usda.gov

SWCD	Technical
Name:	Mitchell B. Miller
Title:	Soil and Water Conservationist
Address:	Agriculture Center, 301 East Mountain Drive, Room 229, Fayetteville, NC 28306
Phone No.	910-484-8479 x 3
Fax No.	844-325-6821
E-Mail:	Mitchell.miller@nc.nacdnet.net

SWCD	Technical
Name:	Click here to enter text.
Title:	Click here to enter text.
Address:	Click here to enter text.
Phone No.	Click here to enter text.
Fax No.	Click here to enter text.
E-Mail:	Click here to enter text.

SWCD	Administrative
Name:	Donna H. Foster
Title:	Administrative Program Officer
Address:	Agriculture Center, 301 East Mountain Drive, Room 229, Fayetteville, NC 28306
Phone No.	910-484-8479 x 3
Fax No.	844-325-6821
E-Mail:	dfoster@co.cumberland.nc.us

RECORDS

The parties will agree on the maintenance, update, and disposition of relevant records. Access to records will be governed by the Section 1619 of the Food, Conservation, and Energy Act of 2008, the Federal Freedom of Information Act (FOIA) and/or the North Carolina Public Records Law depending on whether the record is a federal record or a state/local record. Each party accepts responsibility for any security breach caused by their employee(s). District personnel with access to federal records, either electronic or hard copies, will complete the required annual security training, conducted through NRCS.

All parties agree to protect personally identifiable and/or confidential information from customers and employees by securing this information in locked file cabinets. When the information is being used and not in a locked cabinet, the employees will keep it with them personally (folder, memory storage device) to avoid improper disclosure of information or loss of data. Personally identifiable and/or confidential information will only be used for authorized purposes.

FEE FOR SERVICES

From time to time, the Cumberland Soil and Water Conservation District may:

- Sell material (i.e. native species plants and rain barrels)
- Solicit sponsorship for special events, or community/educational workshops
- Perform general fundraising

ACCOUNTABILITY

The parties agree to cooperatively develop and utilize natural resource databases to measure effectiveness in program delivery and customer satisfaction. The District will provide a copy of its Annual Report by September 1 and Plan of Operations by July 31 to other signatories of this agreement. The District will also provide a copy of their Long Range Plan which, at no time, will be in excess of five years old.

SCOPE OF AGREEMENT

This agreement covers the basic operating understanding between all parties. Authority to carry out specific projects or activities, transfer of funds, or acquisition of services or property, will be established under separate agreement. The parties agree that contracts, memorandums of understanding, and/or additional agreements may be entered into, as needed, to facilitate the implementation of natural resources conservation programs within the conservation districts.

TORT LIABILITY

The parties will each assume responsibility for the actions of their officials or employees acting within the scope of their employment to the extent provided by federal and state laws and local ordinances.

CIVIL RIGHTS

The parties recognize the benefit and importance of delivering conservation programs equitably to all customers, having a diverse staff to assist this customer base, and having diversity within the district board. The parties agree to work cooperatively to achieve diversity in all aspects of the conservation program through effective outreach and marketing.

The parties will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Americans With Disabilities Act of 1990, and in accordance with the regulations of the USDA Secretary of Agriculture (7CFR-15, Subparts A & B) which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency thereof.

REVIEW/ MODIFICATION/TERMINATION

This agreement will be reviewed annually and, unless amended, shall be in effect for a period not to exceed five (5) years from the date of final signature. The agreement can be modified or terminated at any time by mutual consent of all parties or can be terminated by any party giving 60 days written notice to the other parties.

UNITED STATES DEPARTMENT OF
AGRICULTURE
NATURAL RESOURCES
CONSERVATION SERVICE

By: 
Timothy A. Beard, State Conservationist

Date: 9/22/2020

CUMBERLAND SOIL AND WATER
CONSERVATION DISTRICT

By: 
Reuben Cashwell, Chairperson

Date: 4/12/19

NCDA&CS – DIVISION OF SOIL AND
WATER CONSERVATION

By: 
Vernon Cox, Director

Date: 6/6/2019

CUMBERLAND COUNTY

By: 
Amy Cannon, County Manager

Date: 5/21/19

Attachment A

The following is a detailed list of Resource Inventories, Programs, and Marketing Media used to address local conservation priorities and concerns. The parties agree to utilize these in a complimentary manner, thus maximizing the delivery of conservation benefits to the customers and clients. This list is subject to informal changes or updates.

RESOURCE INVENTORY & DATA SHARING

Natural Resource Inventory (FSA, NCACSP, 0.200)
River Basin Study Reports
Natural Heritage Inventory of Onslow County
Click here to enter text. County GIS
Click here to enter text. SWCD Long Range Plane
Soil Survey of Click here to enter text.
County Inventory and Flood Insurance Rate
Historical Aerial Photos

NC Agriculture Cost Share Program (NCACSP)
Environmental Quality Incentives Program (EQIP)
Forest Land Enhancement Program (FLEP)
Wildlife Habitat Incentives Program (WHIP)
NRCS Toolkit
Maps (USGS Topographical, National Wetland
Maps)
Grassland Reserve Program (GRP)

PROGRAMS

Federally Initiated Programs

Conservation Technical Assistance (CTA)
National Cooperative Soil Survey (NCSS)
Small Watershed Program (PL-566)
River basin Surveys & Investigations (RB-09)
Resource Conservation & Development (RC&D)
Emergency Watershed Program (EWP)
Environmental Quality Incentives Program (EQIP)
Agricultural Conservation Easement Program
Conservation Stewardship Program (CSP)
Agricultural Conservation Easement Program (ACEP)
Other Farm Bill authorized conservation programs

Forest Land Enhancement Program (FLEP)
Wetland Reserve Program (WRP)
Wildlife Habitat Incentives Program (WHIP)
Conservation Reserve Program (CRP/CREP)
Emergency Conservation Program (ECP)
NC Partners for Wildlife
Farmland Protection
319 Funds
Grassland Reserve Program (GRP)

North Carolina Initiated State Programs

NC Agriculture Cost Share Program (NCACSP) -
DSWC
Erosion and Sedimentation Control – Urban Areas
Site Plan Reviews – Non-Ag. Developments
Confined Animal Permits – NCDENR
Farmland Protection
NC – Wetland Restoration Program (NC-WRP)
NC Agriculture Water Resource Assistance Program
(AgWRAP) – DSWC

Comm. Conservation Assistance Program (CCAP)
Clean Water Management Trust Fund (CWMTF)
Wildlife Biology Technical Assistance – NCWRC
Wildlife Restoration Committee
State non-discharge rules (0.100, 0.2H200 & 0.2T)
Forest Development Plan – (FDP) – NCFS
North Carolina Environmental Education Plan
North Carolina Big Sweep

Locally Initiated Programs

Farmland Preservation
Site Plan Reviews – Non-Ag. Developments
Awards and Recognition Program

Open Spaces Institute Advisory Board
Erosion & Sedimentation Control – Urban Areas
Environmental Education

MARKETING MEDIA

- Newsletters (SWCD, FSA, CES, County Web.)
- Private & Public Schools
- Church Newsletters
- Local Broadcasting (TV, Radio, Cable)
- Regional Chamber of Commerce
- Community College
- 4-H Groups
- Social Media (Facebook)



CUMBERLAND
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ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

DATE: 10/20/2020

**SUBJECT: ELECTRICAL SWITCHGEAR REPLACEMENT AT THE E. MAURICE
BRASWELL COURTHOUSE**

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

BACKGROUND

During the Courthouse Generator Project, it was discovered that the main electrical switchgear for the Courthouse needs to be replaced. The switchgear is original to the facility and is nearly forty years old. The equipment is obsolete and replacement parts are difficult to obtain. Any available replacement parts are refurbished and could be unreliable. The electrical subcontractor informed staff that the switchgear is a potential point of failure that could force the facility to be closed for an extended period if it were to fail. If a catastrophic failure occurred in the existing switchgear, it is likely that temporary power would have to be provided while new switchgear is manufactured and installed. The lead time on manufacturing this equipment is 16 – 20 weeks. If this were to occur, it would involve unexpected costs, excessive downtime, and it would limit options for the new switchgear since fabrication would have to be expedited. With the switchgear replacement, a larger electrical panel can be installed that will allow additional electrical load to be placed on the generators. Ideally, this work could be completed over a holiday weekend depending on the timing of design, bidding, and approval. This will ultimately dictate when the project can be scheduled.

The project will need to be designed then bid for manufacturing and installation. The estimated cost for engineering, procurement, and fabrication of the switchgear is \$270,000. Funding for this project has been identified in the Capital Improvement Fund.

RECOMMENDATION / PROPOSED ACTION

Staff approval of the proposed project and recommends the proposed action be placed on the November 16, 2020 regular meeting of the Board of Commissioners as a consent agenda item.



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ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

DATE: 10/21/2020

**SUBJECT: EXTENSION OF JANITORIAL CONTRACT WITH 360 BRANDS AND
ASSOCIATED BUDGET ORDINANCE AMENDMENT #B211176**

Requested by: AMY. H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

BACKGROUND

360 Brands (d.b.a. 360 Clean) started providing janitorial services at the E. Maurice Braswell Courthouse July 1, 2019 after being selected in an RFP process. The total amount of the contract for FY20 was not to exceed \$164,270.52 (\$13,689.21 per month). The contract was approved by the Board of Commissioners for a six month extension through December 31, 2020 at an increased rate of \$15,750 per month.

Staff believes that 360 Clean has improved its performance to a satisfactory level over time, and it would be problematic to potentially switch janitorial providers during the height of the COVID-19 pandemic. Staff proposes to extend the contract for janitorial services with 360 Clean for an additional twelve months through December 31, 2021 at a price not to exceed \$15,750 per month. Attached is a copy of the proposed contract extension.

RECOMMENDATION / PROPOSED ACTION

Staff recommends that the proposed actions be placed on the November 16, 2020 Board of Commissioners' agenda as a consent agenda item:

- 1) Approve the contract extension with 360 Brands (d.b.a., 360 Clean)
- 2) Approve Budget Ordinance Amendment #B211176 in the amount of \$94,500.

ATTACHMENTS:

Description	Type
Original Contract w 360Brands	Backup Material
Proposed Contract Amendment w 360 Brands	Backup Material

STATE OF NORTH CAROLINA

AMENDMENT TO
SERVICE CONTRACT

COUNTY OF CUMBERLAND

THIS AMENDMENT to the Service Contract dated July 1, 2019 by and between 360Brands, Inc., d/b/a 360 Clean ("CONTRACTOR") and County of Cumberland ("COUNTY")

WHEREAS, the CONTRACTOR and the COUNTY wish to amend the service contract with 360Brands, Inc.

NOW, THEREFORE, the CONTRACTOR and the COUNTY agree to amend the service contract as follows:

1. Effective July 1, 2020 the COUNTY and the CONTRACTOR mutually agree to extend the aforementioned contract through December 31, 2020.
2. The COUNTY and the CONTRACTOR mutually agree to the following changes:

PRICE: The County and CONTRACTOR agree to increase the not to be exceeded amount to \$258,770.52. (The current amount is \$164,270.52 + 6 new months at a cost per month of \$15,750 will be an additional \$94,500).

PAYMENT: The COUNTY shall pay the CONTRACTOR \$13,689.21 per month, for the month of May and June, starting July 1, 2020 the COUNTY shall pay the new amount of \$15,750 per month. CONTRACTOR shall bill the COUNTY at least ten days prior to, and as a condition, of payment.

3. Except as specifically amended herein, all other terms and provisions of the service contract shall remain in full force and effect.

IN AGREEMENT hereto, the parties intending to be bound hereby have authorized the affixing of their signatures and seals by their duly authorized officers on their behalf and as their respective acts.

This the 18th day of June 2020.

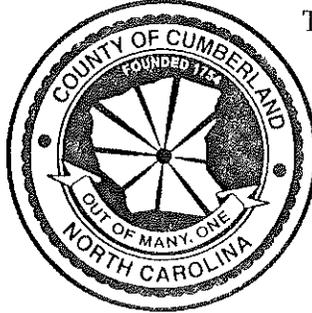
360 Brands, Inc. (dba 360 Clean)
Contract #
Amount: \$258,770.52

ATTEST

WITNESS

BY: Bert Ball COO
05-21-2020

BY: Larry McCadden
TITLE: Support Services Manager
05-21-2020



ATTEST

WITNESS

BY: Candice N. White

COUNTY OF CUMBERLAND

W. Marshal Faircloth
W. Marshal Faircloth, Chairman

This instrument has been pre-audited in the
Manner required by the Local Government
Budget and Fiscal Control Act.

Approved for Legal Sufficiency:

BY: [Signature]
Finance Director

BY: [Signature]
County Attorney's Office

2020 012

RECEIVED
6-24-20

✓ Pending Com
in Munis.
Emailed Donna
7-24-20 AB
~~may have to
re-appro first~~

Contract Amendment Check List
for
Contract Number: 2020012

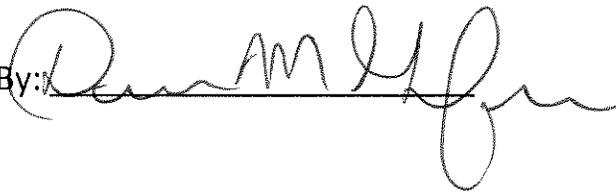
1. Purchase Order Change Order has been created but not released.	✓ 224
2. Contract Change Order has been entered in Munis and released into workflow	✓
3. All required signatures have been obtained, <u>except for Legal and Finance. Any position (Title) who signed the original contract must also sign the contract amendment.</u>	✓
4. There are (3) signed originals	✓
5. There is either a Total Amount or Not to Exceed amount listed in the contract language or if the amount is not changing, whatever is being amended is clearly stated	✓
6. There is a completed Request to for Legal Review form attached	✓
7. There is enough space for Legal and pre-audit signatures or a signature page is attached	✓
8. There are tabs identifying all signature pages	✓

Req? FY21?

All boxes should be checked prior to submitting a contract to Finance.

Any of the above items or actions that are missing will cause the contract to be rejected and delayed.

Completed By:



Emailed Donna
again on 7-30
for Com entry. - Rcv'd
8-10-20
8-13-20 Pending w9
Rcv'd 8-14-20

REQUEST FOR LEGAL AND FINANCE REVIEW OF CONTRACT

The undersigned requests legal review of the contract between Cumberland County and 360Brands Inc.

The undersigned certifies as follows (At least one must be selected OR an explanation provided):
 Bid tabulation or actual proposal copies must be attached in Munis to Contract Entry or attached to hard copies, if applicable.

Does this purchase qualify for federal reimbursement (ex. FEMA reimbursement or federal grant)? No If Yes, have federal procurement guidelines been followed? _____

This contract was obtained through the following process:

Services & Purchases

___ Solicitation of quotes (1,000 – 29,999.99)

Purchases (Items, Apparatus, Materials)

___ Informal bids (30,000 – 89,999.99)

___ Formal bids (90,000 and above)

Services

X Informal RFP (30,000 and above)

Construction

___ Informal bid (30,000 – 499,999.99) Attach Proof of General Contractors License. Or if not required, explain below.

___ Formal bid (500,000 and above) Attach Proof of General Contractors License. Or if not required, explain below.

Engineering/Consulting/Architect

___ RFQ (Any amount)

- Does this contract with this vendor also include construction work? NO If so, was an RFQ the only bid process followed? _____ Please Explain:

Boxes are for Purchasing Office Only
Put NA or cross through where not applicable

Completed By (Initial): AB

SAM CHECKED: tm IRAN LIST CHECKED tm
 DOA CHECKED: tm REQUISITION BUDGET CODE CHECKED
 (Does the Contract Qualify as C.O.? NO, Is the Req. Coded to C.O.? _____, If Yes, Org. Budget or Budget Revision Verified? _____)

- Proper procurement process verified _____
- Quotes, bid tabulation or proposal copies attached in Munis to Contract Entry or attached to hard copies _____
- Board approval verified _____
- Required Signatures Verified Effective Date Verified
- Memo for approval of meal/food purchase attached _____
 - Meal/Food amounts in line with GSA _____

Construction Only:
 Are all referenced attachments included with hard copy? _____
 If required, is the general contractor license attached? _____
 Is performance payment bond required? _____ If so, is a copy included with hard copy? _____

Internal Note: _____

Contract Amendments Only

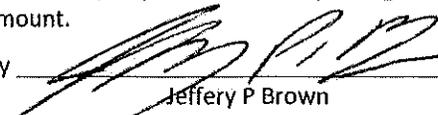
- Change in line with original bid process and work

If none of the above, provide justification/explanation: _____

1. Date contract was approved by BOC (Put NA if Not Applicable) n/a.
2. All statutory requirements applicable to the process were followed.
3. All applicable Cumberland County purchasing and contracting requirements were followed.
4. All applicable documentation required by the Cumberland County Finance Office submitted.

If legal review is not required, indicate the reason below.

- () 5. The only other party to this contract is a department or agency of the government of the United States or the State of North Carolina.
- () 6. This contract requires the expenditure of not more than \$5,000 in any fiscal year.
- (X) 7. The county and this contractor or vendor have had this same contract in place for the current and past fiscal years without any dispute and the only change to the existing contract is extending the term and/or increasing the contract amount.

Certified by  for the following department of
Jeffery P Brown

STATE OF NORTH CAROLINA

AMENDMENT TO
SERVICE CONTRACT

COUNTY OF CUMBERLAND

THIS AMENDMENT to the Service Contract dated July 1, 2019 by and between 360Brands, Inc., d/b/a 360 Clean (“CONTRACTOR”) and County of Cumberland (“COUNTY”)

WHEREAS, the CONTRACTOR and the COUNTY wish to amend the service contract with 360Brands, Inc.

NOW, THEREFORE, the CONTRACTOR and the COUNTY agree to amend the service contract as follows:

1. Effective January 1, 2021 the COUNTY and the CONTRACTOR mutually agree to extend the amended contract that was executed on June 18, 2020 of aforementioned contract through December 31, 2021.
2. The COUNTY and the CONTRACTOR mutually agree to the following:

PRICE: The County and CONTRACTOR agree that the services will continue through the end of December 31, 2021 at the current monthly rate of \$15,750.

PAYMENT: The COUNTY shall continue to pay the CONTRACTOR \$15,750 per month. CONTRACTOR shall bill the COUNTY at least ten days prior to, and as a condition, of payment.

3. Except as specifically amended herein, all other terms and provisions of the service contract shall remain in full force and effect.

IN AGREEMENT hereto, the parties intending to be bound hereby have authorized the affixing of their signatures and seals by their duly authorized officers on their behalf and as their respective acts.

This the 16th day of November 2020.

ATTEST

360Brands, Inc. (dba 360 Clean)

WITNESS

BY: _____

BY: _____

TITLE: _____

ATTEST

COUNTY OF CUMBERLAND

WITNESS

BY: _____

W. Marshall Faircloth, Chairman

This instrument has been pre-audited in the
Manner required by the Local Government
Budget and Fiscal Control Act.

Approved for Legal Sufficiency:

BY: _____
Finance Director

BY: _____
County Attorney's Office



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NORTH CAROLINA

ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

DATE: 10/22/2020

**SUBJECT: WORKFORCE DEVELOPMENT FINISH LINE GRANT AWARD FOR
ADMINISTRATION AND OPERATIONS AND ASSOCIATED BUDGET
ORDINANCE AMENDMENT #B210914**

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

BACKGROUND

The North Carolina Department of Commerce - Division of Workforce Solutions has notified the Cumberland County Workforce Development Department (CCWFD) that it will be awarded \$50,000 to manage the operations of the Finish Line Grant (FLG) Program. The FLG program provides eligible students with funding for emergent needs while pursuing educational goals at Fayetteville Technical Community College (FTCC) and CCWFD. This funding will assist in the administration and monitoring of the program by hiring a temporary employee to perform these programmatic duties. This funding is to be utilized prior to the end of June 30, 2021.

RECOMMENDATION / PROPOSED ACTION

Staff recommends that the proposed actions be placed on the November 16, 2020 Board of Commissioners' agenda as a consent agenda item:

- 1) Accept the Finish Line Grant award for administration and operations.

2) Approve Budget Ordinance Amendment #B210914 in the amount of \$50,000.

ATTACHMENTS:

Description

FLG Award Announcement

Type

Backup Material



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

JESSICA ENGLERT
Assistant Secretary

TRANSMITTED VIA EMAIL

October 12, 2020

Mr. Tracy Jackson, Interim Director
Cumberland Workforce Development Board
414 Ray Avenue
Fayetteville, NC 28301

Subject: Finish Line Grants Operations Funds

Dear Mr. Jackson:

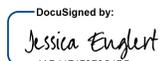
The North Carolina Department of Commerce, Division of Workforce Solutions is pleased to award Cumberland Workforce Development Board \$50,000 in Finish Line Grants operations funds for the partnership with Fayetteville Technical Community College. Operations funds are to be used for the administration of the Finish Line Grants program.

You will receive a Notice of Funding Availability (NFA) within the next week. These funds will expire June 30, 2021.

If you have questions concerning this award, please contact Agreta Limerick at agreta.limerick@nccommerce.com or at 919-814-0312.

I look forward to our continued work as we serve the citizens of North Carolina.

Sincerely,

DocuSigned by:

4AD41F179F3C4DB
Jessica Englert
Assistant Secretary

cc: Mark Edmonds, Chief Operating Officer
Chet Mottershead, Director of Field Operations
Agreta Limerick, Director of Policy, Planning, and Accountability
Monica Miller, Finish Line Grants Coordinator



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ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

DATE: 10/26/2020

**SUBJECT: QUALIFICATION-BASED SELECTION LISTS FOR PROFESSIONAL
SERVICES RELATED TO ENGINEERING AND INFRASTRUCTURE
PROJECTS**

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

BACKGROUND

North Carolina General Statute 143-64.31 requires local governments to select firms to provide architectural, engineering and surveying services on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee other than unit price information. Based on the number of Capital Improvement Plan (CIP) projects Engineering & Infrastructure undertakes each year that necessitate professional services, the most efficient way obtain professional services is to establish a list of qualified firms that can provide specialized consulting based upon the discipline needed to successfully initiate and complete any given project. The primary benefit of this approach is that it can reduce the amount of time required to issue a Request for Qualifications (RFQ) and review multiple vendor submissions for each project. The County can still reserve the right to issue a separate RFQ for a specific project when it is determined to be in the County's best interest.

The Engineering & Infrastructure Department issued a RFQ for Professional Services and reviewed/scored the responses. The RFQ was for architectural services and various disciplines of engineering and surveying. Attached you will find a list of qualified firms sorted into areas of expertise and competency. The list shall be effective for a period of three years with an option to extend for two additional one-year periods not to exceed five total years.

RECOMMENDATION / PROPOSED ACTION

Staff recommends approval of the attached lists and request this be moved forward for consideration at the November 16, 2020 regular meeting as a Consent Agenda item.

ATTACHMENTS:

Description

Type

FY21 QSB Summary

Backup Material

**Fiscal Year 2021 Qualifications Selection Based Results
for Professional Services**

Vendor	Construction Management
1-The Wooten Company	61.29
2-McGill Associates	60.53
3-AMT	57.87
4-Draper Aden	57.54
5-Freese and Nicols	56.95

Vendor	Electrical Engineering
1-The Wooten Company	60.43
2-McKim & Creed	56.98
3-Cromwell	56.25
4-McGill Associates	54.86
5-Stanford White	53.19

Vendor	Elevator Modernization
1-The Wooten Company	57.43
2-Cromwell	52.35
3-PDC	38.79

Vendor	Fire Protection Engineering
1-The Wooten Company	60.43
2-Cromwell	55.85
3-McKim & Creed	54.62
4-McGill Associates	54.39
5-Stanford White	51.63

Vendor	Geotechnical Engineering
1-Froehling and Robertson	64.85
2-Draper Aden	56.94
3-Withers-Ravenel	56.79
4-SM&E	51.78
5-Mosher Engineering	51.74

Vendor	Landscape Architectural
1-McGill Associates	59.99
2-McKim & Creed	56.98
3-McAdams	56.82
4-Withers-Ravenel	56.79
5-Cromwell	55.07

Vendor	Mechanical Engineering
1-The Wooten Company	60.43
2-McGill Associates	59.01
3-McKim & Creed	56.98
4-Cromwell	55.45
5-Stanford White	52.49

Vendor	Plumbing Engineering
1-The Wooten Company	60.43
2-McGill Associates	58.91
3-McKim & Creed	56.98
4-Cromwell	56.25
5-Stanford White	54.29

Vendor	Surveying
1-MK&R	62.6
2-The Wooten Company	60.43
3-McGill Associates	59.63
4-Draper Aden	58.34
5-So Deep Sam	58.27



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NORTH CAROLINA

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 10/29/2020

**SUBJECT: LEGAL REQUIREMENTS FOR APPOINTMENT OF MEMBERS TO
THE TOURISM DEVELOPMENT AUTHORITY**

Requested by: BOARD OF COMMISSIONERS

Presenter(s): COUNTY ATTORNEY

BACKGROUND

The Board has asked for guidance on the legal requirements for the representatives of hotels that must be appointed to the Tourism Development Authority. The requirements are set out in Section 7-323.4 of the County Code and mirror the local act that authorized the Board to establish the Tourism Development Authority. The relevant portion of Section 7-323.4 reads as follows:

The authority shall be governed by a board of directors composed of the following members:

- (1) Two representatives nominated by hotels and motels within the county which have in excess of 100 rooms subject to this occupancy tax and appointed by the board of commissioners.
- (2) Two representatives nominated by hotels and motels within the county which have fewer than 100 rooms subject to this occupancy tax and appointed by the board of commissioners.

The literal language of this statute and ordinance cannot be followed because the language does not establish how the hotels and motels can make these nominations. Historically, the nominations have been made by the TDA Board, and that Board has three other members that are not affiliated with hotels or motels. The TDA

Board has attempted to nominate persons who have some ownership interest in hotels or motels with the stated numbers of rooms. The legal requirement is only that two representatives be nominated by each of the groups of the hotels and motels. When words are not defined by a statute, the courts apply the dictionary definition to them. The Merriam-Webster definition of representative as a noun is (1) one that represents another or others and (2) a typical example of a group, class, or quality. The language of the statute does not state that the representatives be representative of the group of hotels and motels that nominate them. It simply states that they be nominated by the hotels and motels. By this language, the hotels and motels can nominate anyone as their representative. Because the mechanism for the hotels and motels to make this nomination is not established, the TDA board can nominate anyone as the representatives of these groups of hotels and motels. Because the statute does not give the authority for nomination to the TDA board, the Board of Commissioners can elect whether to follow the TDA Board's nominations in making these appointments.

RECOMMENDATION / PROPOSED ACTION

No action needed.



CUMBERLAND
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NORTH CAROLINA

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 11/6/2020

**SUBJECT: REQUEST OF THE TOWN OF WADE TO RELINQUISH ITS
JURISDICTION TO THE COUNTY FOR MINIMUM HOUSING CODE
ENFORCEMENT**

Requested by: BOARD OF COMMISSIONERS

Presenter(s): COUNTY ATTORNEY

BACKGROUND

On October 13, 2020, the Town of Wade Board of Commissioners adopted a formal resolution to subject the jurisdiction of the Town of Wade to the County's Minimum Housing Code and to request the Board of Commissioners to accept the jurisdiction of the Town of Wade for this purpose and apply and enforce the County's Minimum Housing Code within the town's jurisdiction. A copy of the Resolution is attached.

The Town of Wade and the County have the authority to undertake this transfer of jurisdiction and application of the County's Minimum Housing Code pursuant to N.C.G.S. § 160D-202. Chapter 160D is new and is in effect now, but it allows the existing local Minimum Housing Ordinances to also remain in effect until July 1, 2021. (Session Law 20-25, Section 51.(a) and (b)) Staff is currently working on revisions to the County's Minimum Housing Code. The process by which the County may accept the jurisdiction of a town and apply the County's ordinance requires that both governing boards adopt formal resolutions and the County will have to amend its Ordinance to include the town's jurisdiction. The Ordinance amendment will require a public hearing.

RECOMMENDATION / PROPOSED ACTION

At its regular meeting September 21, 2010, the Board voted to accept the request from the Town of Wade once it was formally made. The first step in this process is for the Board to adopt a formal resolution as set out below:

Cumberland County Board of Commissioners
Resolution to Accept the Jurisdiction of the Town of Wade for the
Application and Enforcement of the County’s Minimum Housing Code

Whereas, N.C.G.S. § 160D-202 authorizes a town to relinquish its jurisdiction to a county for the application and enforcement of the county’s Minimum Housing Code and authorizes a county to accept such jurisdiction to apply and enforce its Minimum Housing Code; and

Whereas, on October 13, 2020, the Town of Wade Board of Commissioners adopted a resolution relinquishing its jurisdiction to the County of Cumberland for the purpose of applying and enforcing the County’s Minimum Housing Code, being Article IV, Chapter 4, *Cumberland County Code*, with a copy of the Town’s resolution being attached hereto.

Now therefore, be it resolved that the Cumberland County Board of Commissioners do accept the jurisdiction of the Town of Wade for the application and enforcement of the County’s Minimum Housing Code, being Article IV, Chapter 4, *Cumberland County Code*.

Be it further resolved that the County’s Minimum Housing Code, being Article IV, Chapter 4, *Cumberland County Code*, shall be amended to include the jurisdiction of any town within Cumberland County which requests to relinquish its jurisdiction to the County for this purpose and for which the Cumberland County Board of Commissioners accepts such jurisdiction.

Be it further resolved that the effective date of the application of the County’s Minimum Housing Code within the jurisdiction of the Town of Wade shall be the date the amendment expanding the jurisdiction of the Cumberland County Minimum Housing Code is adopted by the Board of Commissioners after public hearing.

Adopted December _____, 2020.

Cumberland County Board of Commissioners
By:

Chair

ATTACHMENTS:

Description
Resolution

Type
Backup Material

RESOLUTION NO. 2020-10

RESOLUTION SUBJECTING THE TOWN OF WADE TO THE MINIMUM HOUSING STANDARDS OF CUMBERLAND COUNTY

WHEREAS, the Town of Wade Board of Commissioners desires to voluntarily subject the Town of Wade to the specific provisions of the Cumberland County Code, Article IV, Minimum Housing Code: and

WHEREAS, the Town of Wade Board of Commissioners desires to subject the Town of Wade to the jurisdiction of the Cumberland County's Code Enforcement division of the Department of Planning and Inspections; and

WHEREAS, the Town of Wade Board of Commissioners desires to comply with N.C.G.S. § 160D-202 *et seq.* pursuant to which a county may, on request of a city council, exercise any or all of the powers contained in N.C.G.S § 160D-1201 local government body may enact minimum housing standards and provide for the enforcement thereof.

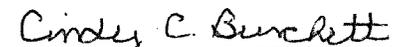
NOW, THEREFORE, BE IT RESOLVED that the Town of Wade Board of Commissioners approves and adopts this Resolution to approve the application of Article IV, Minimum Housing Code of the Cumberland County Code within the corporate limits of the Town of Wade, pursuant to N.C.G.S. § 160D-1201 *et seq.*; and further requests the Cumberland County Board of Commissioners to accept the jurisdiction of the Town of Wade for this purpose and apply and enforce the Cumberland County Code, Article IV, Minimum Housing Code, within the jurisdiction of the Town of Wade.

Adopted and effective this 13th day of October, 2020.

TOWN OF WADE

ATTEST:


Joseph Dixon, Mayor


Cindy C. Burchett, Town Clerk



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FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 11/3/2020

**SUBJECT: SOUTHERN HEALTH PARTNERS, INC. QUARTERLY STATISTICS
REPORT ON INMATE HEALTH CARE**

Requested by: BOARD OF COUNTY COMMISSIONERS

Presenter(s): NA

BACKGROUND

Through a contract with the Board of County Commissioners, Southern Health Partners, Inc. has been providing services to the inmates at the Cumberland County Detention Center since July, 2017.

The most recently updated quarterly statistical report of inmate healthcare as reported by Southern Health Partners, Inc. is provided in the attachment.

RECOMMENDATION / PROPOSED ACTION

For information only. No action needed.

ATTACHMENTS:

Description

SHP FY2021 1st Qtr Statistics

Type

Backup Material

Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care
July 1, 2017 - September 30, 2020

Provided for the Cumberland County Board of Commissioners

Data Set	Description	Fiscal Year 2018				Fiscal Year 2019				Fiscal Year 2020				Fiscal Year 2021				Average over all Quarters
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
1	# of Hospital Admissions	7	5	6	9	6	4	4	3	3	4	2	3	2				4
2	# Sent to Emergency Room	20	16	20	29	18	16	11	8	10	16	6	9	6				14
3	# Outside Medical Visits (includes any specialty)	27	32	42	27	44	27	28	40	41	19	24	12	15				29
4	# of In-House X-Ray Services	38	50	82	88	78	54	69	95	75	78	105	45	195				81
5	# Seen On-Site By Mental Health	792	1188	461	461	1220	1403	1324	963	1043	859	1034	691	528				921
6	# Seen by Physician and/or Physician Providers	132	154	222	291	354	288	299	319	256	300	267	196	251				256
7	# Seen by Dentist (includes on-site & off-site)	56	77	66	63	53	42	56	69	63	51	48	54	54				58
8	# of Receiving Screens done by Medical Staff	340	0	0	0	0	2021	3500	2946	2924	2923	2836	1479	1959				1610
9	# Seen by Medical Staff for Sick Call	2029	2986	3612	3298	3512	3672	3739	3598	3507	4304	3513	3045	3553				3413
10	# of History and Physicals Performed	377	858	1163	1487	1365	1353	1296	1243	1721	1476	1418	925	1011				1207
11	# of Rapid Plasma Reagin's performed (STD testing/syphilis)	331	399	549	513	538	489	486	440	342	415	312	0	0				370
12	# of Other Sexually Transmitted Diseases	6	13	13	16	12	6	18	14	7	13	6	8	5				11
13	# of Medical Refusals by Inmate	77	345	803	451	504	358	409	502	602	774	603	385	564				491
14	# of Inmate Blood Sugar Checks	2239	2145	1728	1554	2508	2100	4265	3455	3362	3993	4105	2651	1818				2763
15	# of Inmate Blood Pressure Checks	625	763	741	962	1193	1508	1705	2105	2510	2006	1776	1012	1036				1380
16	# of TB Screens and/or PPD Tests	274	858	1163	1487	1365	1353	1296	1250	1305	1476	1418	925	1011				1168
17	# of Staph/MRSA Patients In-house	48	14	7	0	0	1	0	15	7	1	2	1	0				7
18	# of Pregnant Females	9	11	16	18	22	19	18	12	9	14	15	5	9				14
19	# of HIV Patients In-House	19	38	33	20	16	11	25	26	25	14	17	12	17				21
20	# of Inmates Placed on Suicide Watch	95	113	115	109	94	141	133	305	861	169	260	504	765				282
21	# of Inmate Deaths	1	0	0	3	0	0	0	0	2	1	0	0	1				1
22	# of Inmates on Detox Protocols	94	81	65	145	80	200	175	208	214	177	150	49	111				135
23	# of Diabetic Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	41	19	30				30
24	# of Asthma Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	33	12	21				22
25	# of Meds Administered	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data				na
26	# of Medication Aversion Therapy Patients (Suboxone for Opioid Use Disorder)	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	9	17	6				11
Average Daily Population per Quarter:		775	740	763	746	751	725	697	649	680	714	674	537	501				689

ADDITIONAL INFORMATION ON OUTLIERS AS COMPARED TO AVERAGES:

Gray highlighted cells show outliers as compared to quarterly averages. Per contact at SHP, those quarters' data were inaccurately counted and reported.

Line 11 STD tests have not been conducted as external company has not been into the Detention Center due to COVID-19.

Line 20 Suicide watch count includes all detox patients until cleared by SHP.



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COMMUNITY DEVELOPMENT

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DEE TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: 11/2/2020

SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY (CDBG-DR) UPDATE

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): COMMUNITY DEVELOPMENT STAFF

BACKGROUND

Cumberland County, in partnership with the North Carolina Office of Recovery & Resiliency (NCORR), is implementing a Community Recovery Infrastructure activity funded through the Community Development Block Grant Disaster Recovery Program. The attached report is an update on the status of the activity (Robin's Meadow Permanent Supportive Housing) undertaken by Cumberland County.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for informational purposes only.

ATTACHMENTS:

Description	Type
Cumberland County Disaster Recovery Programs Update	Backup Material

CUMBERLAND COUNTY DISASTER RECOVERY PROGRAMS UPDATE
FOR THE NOVEMBER 12, 2020
BOARD OF COMMISSIONERS' AGENDA SESSION

Status as of October 31, 2020:

Milestones/Activities:

- NCORR executed SRA with County December 17, 2019;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure – received project specific award letter January 23, 2020;
- DRA-17 & HMGP Projects – County completed acquisition and demolition of 10 properties;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure - A/E Services – The Wooten Company is providing construction administration services and completing the construction document phase. The firm had submitted documents to City of Fayetteville Technical Review Committee and Engineering Review Committee to complete the final review process; and
- A letter (dated July 28, 2020) was sent to NCORR requesting additional CDBG-DR funds in the amount of \$1,000,000 to cover construction and supportive services. A follow-up was made with NCORR regarding the status of the request and Community Development had to submit a revised letter (dated October 21, 2020) to clarify the amount requested.
- The Wooten Company submitted a revised project schedule. Therefore, Community Development submitted a request to NCORR to extend the deadline to obligate funds to March 9, 2021.

Current Staffing:

- State POC: John Ebbighausen – Director of Disaster Recovery Programs, NC Office of Recovery & Resiliency (NCORR); Mary Glasscock; Infrastructure Manager (NCORR)
- Cumberland County:
 - Sylvia McLean, P.T. Community Development (CD) Consultant



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FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 11/2/2020

SUBJECT: FINANCIAL REPORT

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): NA

BACKGROUND

The financial report is included which shows results of the general fund for the first quarter of fiscal year 2021. Results of fiscal year 2020 will be added upon completion of the audit. Additional detail has been provided on a separate page explaining any percentages that may appear inconsistent with year-to-date budget expectations.

RECOMMENDATION / PROPOSED ACTION

For information and discussion purposes only.

ATTACHMENTS:

Description

Monthly Financial Report

Type

Backup Material

**County of Cumberland
General Fund Revenues**

REVENUES	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF September 30, 2020	PERCENT OF BUDGET TO DATE	*
Ad Valorem Taxes					
Current Year	\$ 165,908,675	\$ 165,908,675	\$ 6,251,502	3.8%	(1)
Prior Years	897,000	897,000	596,771	66.5%	
Motor Vehicles	19,955,512	19,955,512	3,862,904	19.4%	(2)
Penalties and Interest	712,000	712,000	64,152	9.0%	
Other	1,025,000	1,025,000	236,950	23.1%	
Total Ad Valorem Taxes	<u>188,498,187</u>	<u>188,498,187</u>	<u>11,012,279</u>	<u>5.8%</u>	
Other Taxes					
Sales	41,542,711	41,542,711	-	0.0%	(3)
Real Estate Transfer	1,450,000	1,450,000	441,991	30.5%	
Other	959,000	959,000	114,356	11.9%	
Total Other Taxes	<u>43,951,711</u>	<u>43,951,711</u>	<u>556,347</u>	<u>1.3%</u>	
Unrestricted & Restricted Intergovernmental Revenues	68,389,413	71,385,434	10,216,387	14.3%	(4)
Charges for Services	13,072,456	13,072,456	2,145,674	16.4%	(5)
Other Sources (includes Transfers In)	1,710,608	1,802,837	166,629	9.2%	
Lease Land CFVMC	4,012,056	4,012,056	3,912,050	97.5%	
Total Other	<u>5,722,664</u>	<u>5,814,893</u>	<u>4,078,679</u>	<u>70.1%</u>	
Total Revenue	<u>\$ 319,634,431</u>	<u>\$ 322,722,681</u>	<u>\$ 28,009,366</u>	<u>8.7%</u>	
Fund Balance Appropriation	8,663,701	11,983,311	-	0.0%	
Total Funding Sources	<u>\$ 328,298,132</u>	<u>\$ 334,705,992</u>	<u>\$ 28,009,366</u>	<u>8.4%</u>	

County of Cumberland
General Fund Expenditures

DEPARTMENTS	YTD ACTUAL				PERCENT OF BUDGET TO DATE	**
	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	(unaudited) AS OF September 30, 2020			
Governing Body	\$ 674,975	\$ 693,619	\$ 198,437		28.6%	
Administration	1,814,947	1,835,664	326,479		17.8%	
Public Affairs/Education	885,902	898,331	116,689		13.0% (1)	
Human Resources	1,009,875	1,028,519	197,235		19.2%	
Print, Mail, and Design	756,378	764,664	225,536		29.5%	
Court Facilities	156,220	156,220	11,154		7.1% (2)	
Facilities Maintenance	1,202,491	1,419,688	392,066		27.6%	
Landscaping & Grounds	702,394	727,182	170,039		23.4%	
Carpentry	228,058	234,273	48,060		20.5%	
Facilities Management	1,523,436	1,560,725	312,863		20.0%	
Public Buildings Janitorial	870,951	946,344	227,013		24.0%	
Central Maintenance	672,722	687,223	134,601		19.6%	
Information Services	5,323,420	6,063,608	1,553,428		25.6%	
Board of Elections	1,673,589	1,705,162	422,967		24.8%	
Finance	1,418,140	1,449,215	292,612		20.2%	
Legal	807,290	936,155	102,089		10.9% (3)	
Register of Deeds	2,526,950	3,015,363	495,092		16.4%	
Tax	6,271,825	6,466,523	1,173,166		18.1%	
General Government Other	7,003,558	5,231,283	633,667		12.1% (4)	
Sheriff	53,395,158	54,638,886	10,673,234		19.5%	
Emergency Services	4,310,596	4,501,597	1,017,394		22.6%	
Criminal Justice Pretrial	588,662	603,163	122,903		20.4%	
Youth Diversion	35,671	35,671	6,182		17.3%	
Animal Services	3,484,642	3,673,241	749,632		20.4%	
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,213,209	1,213,209	181,101		14.9% (5)	
Health	24,301,667	25,527,897	5,035,657		19.7%	
Mental Health	5,519,255	5,524,489	76,449		1.4% (6)	
Social Services	63,278,940	63,894,542	11,287,667		17.7%	
Veteran Services	452,713	465,142	97,455		21.0%	

County of Cumberland
General Fund Expenditures

DEPARTMENTS	FY20-21	FY20-21	YTD ACTUAL	PERCENT OF	**
	ADOPTED BUDGET	REVISED BUDGET	(unaudited) AS OF September 30, 2020	BUDGET TO DATE	
Child Support	5,595,639	5,593,567	1,035,042	18.5%	
Spring Lake Resource Administration	34,542	34,542	4,455	12.9%	(7)
Library	10,036,208	10,507,407	2,139,478	20.4%	
Culture Recreation Other (Some of the Community Funding)	260,569	260,569	-	0.0%	(8)
Planning	3,271,297	3,341,732	619,119	18.5%	
Engineering	585,162	597,591	99,382	16.6%	
Cooperative Extension	799,384	809,742	136,218	16.8%	
Location Services	257,796	264,011	44,995	17.0%	
Soil Conservation	151,537	1,656,512	35,679	2.2%	(9)
Public Utilities	87,602	89,674	20,556	22.9%	
Economic Physical Development Other	20,000	20,000	20,000	100.0%	
Industrial Park	2,212	3,408	418	12.3%	(10)
Economic Incentive	461,947	709,947	28,749	4.0%	(11)
Water and Sewer	250,000	400,189	16,943	4.2%	(12)
Education	94,411,029	94,411,029	23,208,407	24.6%	
Other Uses:					
Transfers Out	19,969,574	20,108,474	10,963	0.1%	(13)
TOTAL	\$ 328,298,132	\$ 334,705,992	\$ 63,701,272	19.0%	

Expenditures by Category	FY20-21	FY20-21	YTD ACTUAL	PERCENT OF	
	ADOPTED BUDGET	REVISED BUDGET	(unaudited) AS OF September 30, 2020	BUDGET TO DATE	
Personnel Expenditures	\$ 149,112,328	\$ 149,271,778	\$ 29,382,192	19.7%	
Operating Expenditures	158,589,325	164,810,279	34,243,285	20.8%	
Capital Outlay	626,905	515,461	64,832	12.6%	(14)
Transfers To Other Funds	19,969,574	20,108,474	10,963	0.1%	(13)
TOTAL	\$ 328,298,132	\$ 334,705,992	\$ 63,701,272	19.0%	

COUNTY OF CUMBERLAND

Fiscal Year 2021 - September Year-to-Date Actuals (Report Run Date: October 26, 2020)

Additional Detail

General Fund Revenues

*

- (1) **Current Year Ad Valorem 3.8%** - The bulk of revenues are typically recorded between November - January.
- (2) **Motor Vehicles 19.4%** - YTD Actual reflects 2 months of collections.
- (3) **Sales Tax 0.0%** - There is a three month lag. Collections for the fiscal year are first recorded in October.
- (4) **Unrestricted/Restricted Intergovernmental 14.3%** - There is typically a one to two month lag in receipt of this funding.
- (5) **Charges for Services 16.4%** - The largest component of charges for services is revenue from the Board of Ed for security at 19% of budget. Only 6% of that revenue has been billed/collected to date.

General Fund Expenditures

**

- (1) **Public Affairs/Education 13.0%** - Personnel costs are low as a result of vacancies in the department.
- (2) **Court Facilities 7.1%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
- (3) **Legal - 10.9%** - Personnel costs are low as a result of multiple vacancies in the department.
- (4) **General Government Other 12.1%** - The revised budget includes expenditures allocating and additional \$899k of CARES Act funding to be utilized in this fiscal year.
- (5) **Public Safety Other 14.9%** - Outside agency invoices are typically paid at the beginning of the second quarter.
- (6) **Mental Health 1.4%** - The first quarterly payment to Alliance Health for \$1,200,000 was paid in October this fiscal year.
- (7) **Spring Lake Resource Administration 12.9%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
- (8) **Culture Recreation Other 0.0%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
- (9) **Soil Conservation 2.2%** - Approximately \$1.5M in USDA Grant funds were budgeted recently and are unexpended.
- (10) **Industrial Park 12.3%** - A re-appropriation in the amount of \$1,196 was approved by the BOCC on 9/8/20 but not yet utilized.
- (11) **Economic Incentive 4.0%** - Economic incentives are paid when the company complies.
- (12) **Water and Sewer 4.2%** - A re-appropriation in the amount of \$150,189 was approved by the BOCC on 9/8/20 but not yet utilized.
- (13) **Transfers Out 0.1%** - Transfers are often prepared toward the end of the fiscal year.
- (14) **Capital Outlay 12.6%** - Most of these capital items are typically purchased in the second and third quarters of the fiscal year.



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

**MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

DATE: 11/5/2020

SUBJECT: PROJECT REPORTS

Requested by: AMY H. CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL AND COMMUNITY SAFETY**

BACKGROUND

Please find attached the monthly project update report for your review.

RECOMMENDATION / PROPOSED ACTION

No action is requested. This is for information only.

ATTACHMENTS:

Description	Type
November 2020 Project Report	Backup Material

MONTHLY PROGRESS REPORT

Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
Department of Social Services Chiller and Cooling Tower Replacement Project	\$820,655.00	Project complete.	4/4/2020	120 days
Judge E. Maurice Braswell Courthouse Generator	\$3,076,097.00	Final walkthrough completed; punchlist items remaining.	10/23/2019	179 days
LEC Elevator Modernization Project	\$1,362,557.00	Work on elevators 1 and 3 are complete except for some interior floor work. Work on elevator 2 is underway. A change order has been requested to add security cameras and key-card access to the elevators.	4/6/2020	179 days
Department of Social Services Elevator Modernization Project (Phase 1)	\$95,000.00	Waiting on final inspections and completion of fire proofing in mechanical room.	5/20/2020	60 days
Crown Coliseum Cooling Tower Replacement	\$649,000.00	Start was scheduled but it was discovered that additional parts are needed. Additional parts on order.	5/18/2020	93 days
Crown Coliseum Parking Lot Improvement Project (Areas 1, 2, & 3)	\$653,976.60	Change order approved; Contractor coordinating work with BMW Showcase dates, Nov 19-23. Paving completed in Area 1; milling completed in Area 2; repairs to concrete sidewalk underway.	Not Started	120 days
Crown Coliseum ADA Bathroom and Ticket Booth Renovations	\$541,217.00	Project is under construction; contractor plans to be finished by the end of November; slight delay with countertop materials.	9/14/2020	180 days



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RISK MANAGEMENT

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JULIE A. CRAWFORD, BENEFITS COORDINATOR

DATE: 10/26/2020

SUBJECT: HEALTH INSURANCE UPDATE

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): N/A

BACKGROUND

As of July 1, 2019, retirees who are 65 and older became covered by a County funded fully insured plan through AmWINS. All other covered members remained insured by the County's self-funded plan through BCBS. The information provided below and within the graphs has been updated to include the monthly premium amount paid to fund the fully insured plan and the actual monthly claims amounts for all other covered members. Combining these amounts for FY20 and beyond is necessary to ensure a complete picture when comparing the claims results to prior years.

Total health insurance claims plus the fully insured premium amount for FY21 are up 16.25% for the month of September as compared to the same month in FY20. To provide some perspective, below is the three-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for fiscal years 2020 and 2021. Additionally, graphs are provided in the attachment to aid in the analysis.

Year to date claims and premium payment through September	\$4,521,779
Less year to date stop loss credits	(\$0.00)
Net year to date claims and premium payment through September	\$4,521,779

Average monthly claims and fully insured premium (before stop loss) per fiscal year September:

FY17 \$1,474,044
FY18 \$1,447,991
FY19 \$1,508,543
FY20 \$1,399,015
FY21 \$1,507,260

RECOMMENDATION / PROPOSED ACTION

For information only – no action needed.

ATTACHMENTS:

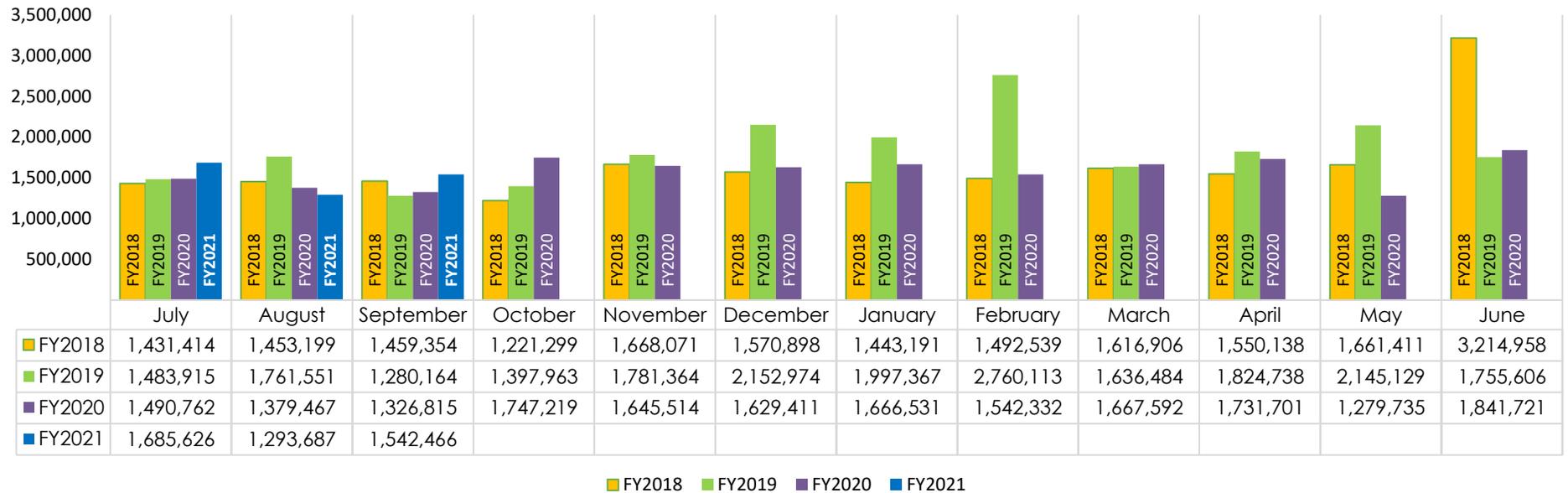
Description

Health Insurance Graphs

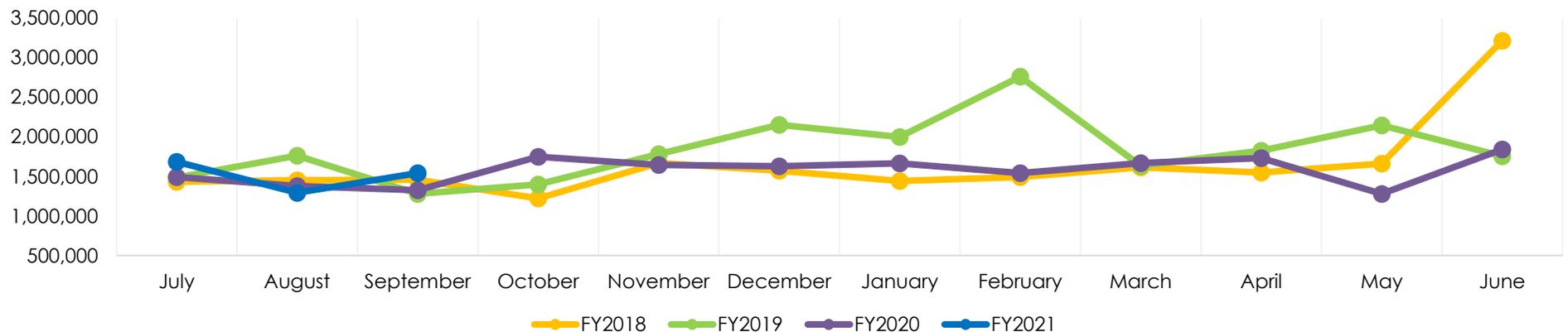
Type

Backup Material

Monthly Insurance Claims FY18-FY19 Claims & Fully Insured Premium FY20-FY21



Monthly Insurance Claims FY18 - FY19 Claims & Fully Insured Premium FY20 - FY21





CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR THE AGENDA OF THE NOVEMBER 12, 2020
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM:

DATE:

SUBJECT: MEETINGS

Requested by:

Presenter(s):

BACKGROUND

December 10, 2020 (Thursday) 1:00 P.M.
January 12, 2021 (Tuesday) 1:00 P.M.