

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
TUESDAY, NOVEMBER 9, 2021 – 1:00 PM  
117 DICK STREET, 5TH FLOOR, ROOM 564  
AGENDA SESSION REGULAR MEETING MINUTES

PRESENT: Commissioner Glenn Adams, Vice Chairman  
Commissioner Michael Boose  
Commissioner Jeannette Council  
Commissioner Jimmy Keefe  
Commissioner Toni Stewart  
Amy Cannon, County Manager  
Tracy Jackson, Assistant County Manager  
Sally Shutt, Assistant County Manager  
Rick Moorefield, County Attorney  
Vicki Evans, Finance Director  
Rawls Howard, Planning and Inspections Director  
Jermaine Walker, County Engineer  
Tye Vaught, Management Analyst  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

ABSENT: Commissioner Charles Evans, Chairman  
Commissioner Larry Lancaster

Commissioner Adams called the meeting to order and stated Commissioners Evans and Lancaster were unable to be present due to scheduling conflicts.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Stewart provided the invocation followed by the Pledge of Allegiance to the American flag.

1. APPROVAL OF AGENDA

MOTION: Commissioner Council moved to approve the agenda.  
SECOND: Commissioner Boose  
VOTE: UNANIMOUS (5-0)

2. APPROVAL OF MINUTES

A. October 14, 2021, Agenda Session Regular Meeting Minutes

MOTION: Commissioner Council moved to approve the October 14, 2021, Agenda Session regular meeting minutes.  
SECOND: Commissioner Stewart  
VOTE: UNANIMOUS (5-0)

3. PRESENTATIONS

A. Crown Complex Capital Planning Model Review by DEC Associates Inc.

BACKGROUND

The Market and Financial Feasibility Study of the Crown Complex Multi-Purpose Facility was presented by external consultant, CSL, to the public on September 15, 2021. On October 18, 2021 the Board of Commissioners approved engaging the County's financial advisor, DEC Associates, Inc. to move forward in reviewing the financial assumptions, project costs, and to update the capital planning model. That review has been conducted and the Crown Complex capital planning model has been updated.

Doug Carter, President and Managing Director of DEC Associates Inc. will be presenting an update of the Crown Complex financial model which now incorporates the financial components of the proposed multi-purpose event center.

RECOMMENDATION / PROPOSED ACTION  
For Information Only

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Amy Cannon, County Manager, presented the background information recorded above and introduced President and Managing Director of DEC Associates, Inc. Doug Carter and his associate Andrew Carter. Mr. D. Carter stated the county has been well-accomplished as a planner. and provided a brief recap of the county’s Community Investment Fund made up of the General Capital Model and the Crown Complex Planning Model. Mr. D. Carter stated the models are living and change every year and are updated annually for actual dollars; assumptions are also updated annually. Mr. D. Carter introduced the update to the Crown Complex Planning Model by reviewing the slide below.

Introduction

Recap of Capital Planning Accomplishments by the County

	Importance of Financial Planning	What Is Produced
Key Takeaways	<p>Cumberland a Long-Term Planner:</p> <ul style="list-style-type: none"><li>› Capital Improvement Plan for many years</li><li>› Institution of Capital Investment Fund (CIF) in 2018</li><li>› CIF is an avenue for long-term capital planning and allocating specific funds to capital investment</li><li>› Board review of the CIF annually</li><li>› Crown Complex capital facility and operating cost/needs contained in separate financial model</li><li>› General Government financial model self contained</li><li>› Living document</li></ul>	<p>Measurable Outcomes:</p> <ul style="list-style-type: none"><li>› Improved efficiency in identifying and prioritizing capital needs</li><li>› Sets aside funds for capital only by use of CIF</li><li>› Strongly perceived by rating agencies, LGC and investors</li><li>› Follow highest benchmarks for well managed entities:<ul style="list-style-type: none"><li>› Define and manage debt affordability</li><li>› Provide for capital investments consistent with growth and program needs</li><li>› Ensure that blend of operating and capital are not mismatched</li></ul></li></ul>

Commissioner Adams inquired about the status of the county’s bond rating. Mr. D. Carter stated it is currently one notch below the highest bond rating given. Mr. D. Carter guided the Board through the Model Overview below.

Crown Complex Model Overview



Capital/Debt Affordability and Operating Cost Elements

Healthy Position	<p>Major components of Model Projections:</p> <ul style="list-style-type: none"><li>› Dedicated revenues – Occupancy Taxes, Food and Beverage Taxes, new Event Center revenues</li><li>› Expenditures - existing Crown Complex operating and debt, new Event Center operating and new debt service</li><li>› New Event Center cost estimated at high end of range \$80 million (may not include land &amp; parking) and debt funded</li><li>› Includes future pay-go capital maintenance costs for the Crown Complex and Event Center</li><li>› Assumptions for revenues and expenditures prudently estimated and new Event Center from study</li><li>› Private fund-raising sources not included – potential for citizen and corporate donations</li><li>› Positive fund balance results</li></ul> <p>No General Fund Contributions Needed for Current Model Projected Results</p>
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Mr. D. Carter stated there are no General Fund dollars in this model to make it operate so it is an enterprise in that it operates on its own revenue and its own expenditures and has its own fund equity position. Mr. D. Carter stated the hope is for a profit out of the operation, but the model will sustain itself. Mr. D. Carter stated although no private fund-raising sources are included in the model, any private funding that can come to the table will only improve the status of this model.

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Mr. A. Carter took the Board through a review of the Crown Complex financial model below.

Current Model												
County of Cumberland, North Carolina Crown Complex Financial Model				 CUMBERLAND COUNTY NORTH CAROLINA		Growth Assumptions		Tuesday, October 19, 2021				
						Investment 0.00%		Version 7				
								(New Multi-Purpose Event Center Study)				
Total in this Plan: \$ 86,371,700											0.25	
Total Already Issued: \$ 6,371,700												
Total Left to Issue: \$ 80,000,000												
Revenues Expenditures												
Ded. Capital Investment Fund (\$)												
Capital Fund Used (\$)												
FB Coverage												
Study Identified Operating Income												
FY Ending	Hotel/Motel & Food/Bev Tax Revenue	Transfers In	Total Revenue	Currently Issued Debt Service	2024 \$80M Event Center LOBs	Crown & New Event Center Operations	Pay-Go Projects & Transfers	Total Expenses (\$)				
June-20	\$ 8,529,441	\$ -	\$ 8,529,441	\$ 3,546,462	\$ -	\$ 2,980,763	\$ 2,698,210	\$ 9,225,435	\$ 13,153,049	\$ 695,994	3.71	\$ -
June-21	\$ 9,409,742	\$ -	\$ 9,409,742	\$ 4,449,270	\$ -	\$ 2,972,691	\$ 1,782,633	\$ 9,204,594	\$ 13,358,197	\$ -	3.00	\$ -
June-22	\$ 8,907,196	\$ -	\$ 8,907,196	\$ 4,358,515	\$ -	\$ 3,179,973	\$ 4,053,353	\$ 11,591,841	\$ 10,673,552	\$ 2,684,645	2.45	\$ -
June-23	\$ 9,126,719	\$ -	\$ 9,126,719	\$ 4,266,206	\$ -	\$ 3,169,215	\$ 6,827,373	\$ 14,262,795	\$ 5,537,477	\$ 5,136,075	1.30	\$ -
June-24	\$ 9,352,025	\$ -	\$ 9,352,025	\$ 4,174,314	\$ -	\$ 3,178,125	\$ 1,549,395	\$ 8,901,834	\$ 5,987,668	\$ -	1.43	\$ -
June-25	\$ 11,678,276	\$ -	\$ 11,678,276	\$ 2,891,393	\$ 3,200,000	\$ 5,013,152	\$ 271,476	\$ 11,376,022	\$ 6,289,923	\$ -	1.03	\$ 269,156
June-26	\$ 12,231,844	\$ -	\$ 12,231,844	\$ 934,228	\$ 5,245,000	\$ 5,120,297	\$ 1,173,621	\$ 12,473,146	\$ 6,048,621	\$ 241,302	0.98	\$ 487,686
June-27	\$ 12,809,273	\$ -	\$ 12,809,273	\$ 915,679	\$ 5,248,200	\$ 5,231,969	\$ 1,775,829	\$ 13,171,678	\$ 5,686,216	\$ 362,405	0.92	\$ 719,569
June-28	\$ 13,141,669	\$ -	\$ 13,141,669	\$ -	\$ 5,248,000	\$ 5,302,762	\$ 1,878,104	\$ 12,428,866	\$ 6,399,018	\$ -	1.22	\$ 741,157
June-29	\$ 13,483,144	\$ -	\$ 13,483,144	\$ -	\$ 5,249,400	\$ 5,375,679	\$ 1,980,447	\$ 12,605,526	\$ 7,276,636	\$ -	1.39	\$ 763,391
June-30	\$ 13,833,952	\$ -	\$ 13,833,952	\$ -	\$ 5,247,200	\$ 5,450,782	\$ 2,082,861	\$ 12,780,843	\$ 8,329,745	\$ -	1.59	\$ 786,293
June-31	\$ 14,194,354	\$ -	\$ 14,194,354	\$ -	\$ 5,246,400	\$ 5,528,139	\$ 2,585,347	\$ 13,359,886	\$ 9,164,213	\$ -	1.75	\$ 809,882
June-32	\$ 14,564,616	\$ -	\$ 14,564,616	\$ -	\$ 5,246,800	\$ 5,607,817	\$ 2,587,907	\$ 13,442,524	\$ 10,286,305	\$ -	1.96	\$ 834,178
June-33	\$ 14,945,014	\$ -	\$ 14,945,014	\$ -	\$ 5,248,200	\$ 5,689,885	\$ 2,590,544	\$ 13,528,629	\$ 11,702,689	\$ -	2.23	\$ 859,204
June-34	\$ 15,335,831	\$ -	\$ 15,335,831	\$ -	\$ 5,245,400	\$ 5,774,415	\$ 2,593,260	\$ 13,613,076	\$ 13,425,444	\$ -	2.56	\$ 884,980
June-35	\$ 15,737,357	\$ -	\$ 15,737,357	\$ -	\$ 5,248,400	\$ 5,861,481	\$ 2,596,058	\$ 13,705,940	\$ 15,456,861	\$ -	2.95	\$ 911,529

Mr. D. Carter stated the issuance of this debt is estimated at 4% which is well ahead of where interest rates are now. Mr. D. Carter stated when coupled with the expense side, which is primarily the interest rate, and with some prudence on the revenue side, it all contributes to a greater dedicated fund balance than reflected in this model, assuming everything stays within the capital costs. Questions followed

4. CONSIDERATION OF AGENDA ITEMS

A. Update to the Register of Deeds New Vault Doorway Project and Bid Results

BACKGROUND

On June 21, 2021, the Board of Commissioners approved the Budget Ordinance Amendment #B210338 for \$50K. The budget ordinance amendment was a shared cost to fund the construction of a vault doorway for the Register of Deeds. The doorway would provide a secondary egress and allow public and attorney access to the records vault without having to utilize the main Register of Deeds entrance.

Guidance from the Board was to move forward with planning and design with 50% of total project costs to be funded from the County’s CIP fund not to exceed \$50K.

Originally, the project bid period opened on October 4, 2021 and closed on October 14, 2021 with submission of one bid which was later disqualified. The project was re-bid on October 22, 2021 and closed on October 29, 2021 with M&E Construction submitting the only bid for this project.

The planning and design costs are \$12K and the overall project costs are \$125,028. Complying with the original guidance the project now has a shortfall of \$37,028.00.

RECOMMENDATION / PROPOSED ACTION

Staff is seeking guidance as to the Board of Commissioner’s desire to move forward with the project by increasing the not-to-exceed amount and contributing additional funding of \$37,028 to the project.

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Commissioner Adams asked whether ARP funds could be used for this project because it appears to be COVID related. Rick Moorefield, County Attorney, stated that can certainly be looked at in more detail. Jermaine Walker, County Engineer, presented the background information recorded above and displayed and reviewed pictures of the floor plan for the project. Mr. Walker stated the hard-to-find terrazzo flooring at about \$20,000 and having to work a reverse or night schedule so as not to disturb the courts are driving up the costs of the project. Commissioner Boose suggested using another type of flooring as opposed to trying to match the current terrazzo flooring. Commissioner Council stated the cost of the project is not going to get any cheaper with costs continuing to rise, and there is now an alternative to CIP funding. Commissioner Boose stated

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there are a lot of locations in the courthouse where the flooring does not match the 1970's terrazzo flooring. Mr. Walker stated should it be the Board's desire not to replace the flooring with terrazzo, staff can return with a revised bid.

**MOTION:** Commissioner Council moved to go forward with the project by increasing the not-to-exceed amount and contributing additional funding of \$37,028 to the project.

**SECOND:** Commissioner Keefe

**DISCUSSION:** Commissioner Keefe stated this project was bid at the height and top of the market and although prices may not return to where they were, prices are coming down. Mr. Walker stated the second bid was put out October 14. Commissioner Keefe stated he sees the wisdom in the door. Mr. Walker noted electrical and plumbing are involved with the door. Commissioner Keefe asked whether the motion could include using ARP funds. Commissioner Adams stated there were only two bidders and he doubts the bid will go down any lower unless the specs are changed. Ms. Cannon stated the county attorneys would have to vet the project to be sure it meets U.S. Treasury guidelines and N.C. General Statutes guidelines.

Commissioner Adams stated the motion on the floor is to move forward with the project by increasing the not-to-exceed amount of \$37,028 with a proviso to use ARP funds if possible, because of COVID-19 in terms of moving people away from each other and because the location is in the census tract.

**VOTE:** PASSED (4-1) (Commissioners Council, Keefe, Adams and Stewart voted in favor; Commissioner Boose voted in opposition)

#### B. Renovation Request from the Clerk of Superior Court

##### BACKGROUND

Due to an increase in demand for services, the Clerk of Superior Court is requesting renovations and furnishings in order to improve service in the Estate Division (please see attached memo). Staff has reviewed the request and determined that approximately \$12,300 would be needed to make the requested changes and obtain the furnishings (renderings and quotes also attached). Funding for the project is available in Court Facilities.

##### RECOMMENDATION / PROPOSED ACTION

Staff recommends the following action be placed on the November 15, 2021 Board of Commissioners' Regular Meeting as a Consent Agenda Item: Approve the renovation request to improve service in the Estates Division of the Clerk of Court's Office.

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Tracy Jackson, Assistant County Manager, presented the background information recorded above and further explained what the project involves while displaying diagrams contained in the agenda packet.

**MOTION:** Commissioner Boose moved to approve the renovation request to improve service in the Estates Division of the Clerk of Court's Office.

**SECOND:** Commissioner Stewart

**VOTE:** UNANIMOUS (5-0) (Commissioner Council was out of the room for the vote.)

#### C. Request from PWC to Amend the Franklin Street Parking Garage Agreement

##### BACKGROUND

The County entered into an Interlocal Agreement with the City and PWC June 7, 2010, relating to the funding of the Franklin Street Parking Garage owned by the City. The County committed the increase in property tax revenues within the downtown business district over the base year of 2011 to the City for payment on the parking garage until the debt incurred by the City for the initial construction of the parking garage was retired. In consideration of the County's commitment to

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funding, PWC agreed to provide bulk water to the County for any of its rural water districts through June 30, 2030. The indefinite debt repayment term was not a good agreement for the County, but the County did the agreement because it was seeking USDA funding for a water system in Gray's Creek Water & Sewer District and the County had been unable to obtain a water purchase agreement from PWC without the parking garage agreement.

The City asked for an amendment to the Agreement in 2018 to carve out the "Stadium Re-development Site," which was made subject to a separate tax increment funding agreement. The City agreed to change the indefinite repayment term to a term ending December 31, 2030, at that time.

PWC has now asked for a second amendment to the agreement which extends PWC's right to reserve parking spaces in the parking garage for the use of the Robert C. Williams Building to June 30, 2053, and gives PWC the right to assign its interest in the parking capacity to a third party. This does not affect the County because the County's commitment to the increment tax funding lasts to December 31, 2030, regardless of the tax status of the Robert C. Williams Building. This portion of the agreement only affects the City and PWC, and the City has already approved it.

It is the opinion of the County Attorney that this amendment is already done by the action of the City and PWC approving it because the amendment does not affect the County's obligation for payment of the tax revenue or right to obtain bulk water until June 30, 2030. Those are the only obligation and right the County has. PWC insists the County must approve the Amendment.

#### RECOMMENDATION / PROPOSED ACTION

The Board may certainly approve the amendment as requested by PWC. The county attorney recommends the Board to request PWC to extend the term of the County's right to purchase bulk water under the Agreement to coincide with the June 30, 2053, extension of PWC's rights under the agreement.

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Ms. Cannon recognized Elaina Ball, PWC CEO/General Manager. Mr. Moorefield presented the background information and recommendation/proposed action recorded above. Ms. Ball stated the extension to 2053 is exclusively about the parking rights, PWC is trying to sell the Robert C. Williams Building and PWC cannot sell it without being able to assign and extend the parking rights. Ms. Ball stated PWC is in the upset bid process and if the bulk water side of this agreement is opened up at this time, it will likely break the deal. Ms. Ball stated PWC is happy to entertain future discussions about bulk water for Gray's Creek and other portions of the county, but she has not taken the request to extend the term of the county's right to purchase bulk water under this agreement to the PWC Commission. Ms. Ball stated the potential purchaser of the building wants a free and clear assignment of parking rights and wants all parties to the Agreement to approve the amendment. Ms. Ball stated it will not cost the county any funds. Commissioner Keefe inquired about the significant of 2053. Ms. Ball stated it is tied to the financing.

MOTION: Commissioner Keefe moved to approve the second amendment to the Franklin Street Parking Garage Agreement.

SECOND: Commissioner Boose

Commissioner Adams stated he has his law practice inside the Robert C. Williams Building but this does not inure any monies to him, so it does not pose a conflict of interest.

VOTE: UNANIMOUS (5-0)

#### D. Contract for Volunteer Fire Department Radio Purchase

##### BACKGROUND

In Fiscal Year (FY) 2021, the Board of Commissioners approved an agreement with Stoney Point Fire Department, Inc. to purchase replacement radios as part of an effort to obtain updated radio technology that will be compliant with Federal Communications Commission (FCC) requirements that become effective in 2025. This initial purchase was the first step in obtaining FCC compliant radios for the fire service in Cumberland County.

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In order to complete the countywide radio update and obtain the remaining radios for the fire service, Stoney Point Fire Department proposes to enter into the attached agreement with Cumberland County. The fire department will finance the \$2,769,982 purchase and will request reimbursement in the amount of \$553,996.40 for five consecutive years, starting in FY22, from Cumberland County until the full cost of the radios has been reimbursed. Funding will come from the Cumberland County Fire District Grant Fund.

#### RECOMMENDATION / PROPOSED ACTION

Staff recommends the following action be placed on November 15, 2021 Board of Commissioners' Regular Meeting as a Consent Agenda Item: Approve the attached agreement with Stoney Point Fire Department, Inc. to purchase FCC compliant radios for each participating rural fire district.

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Mr. Jackson recognized Stoney Point Fire Chief Freddy Johnson who was in attendance and presented the background information recorded above. Mr. Jackson stated the new price is \$3,850,746 and Stoney Point Fire Department will finance \$2,850,243 of the new price after making a \$500,000 down payment this year; there will need to be annual payments of \$517,149 for FY23-27 or five years to complete the lease purchase. In response to a question from Commissioner Adams, Mr. Jackson stated the \$500,000 down payment would come out of this year's fire tax district funds. Mr. Jackson stated the reason for the price increase was two radios needed new apparatus and all radios were upgraded to more durable or rugged fire fighter models as opposed to administrative models. Mr. Jackson stated the Fire Chiefs' Association has allowed Stoney Point Fire Department to enter into this lease purchase on their behalf and have signed documentation to that effect. Commissioner Adams asked whether there had been conversation with some of the municipalities to partner in this radio purchase. Mr. Jackson stated not all of the municipalities use the same radio system as the county. Chief Johnson stated Spring Lake radios are included and there is currently a savings that is good through November 30 and if that date is not met, the cost increases by \$40,000.

MOTION: Commissioner Boose moved to approve the agreement with payment terms as presented up to \$3,850,746 with Stoney Point Fire Department, Inc. to purchase FCC compliant radios for each participating rural fire district.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (5-0)

#### E. Amendments to Fort Bragg Regional Land Use Advisory Commission (RLUAC) Bylaws

##### BACKGROUND

Over the past year, the Fort Bragg Regional Land Use Advisory Commission (RLUAC) has developed and voted to approve amendments to its bylaws that modernize its governance structure and implement the organization's Strategic Plan. The next step in the process requires the approval of two-thirds of the local government members of RLUAC to officially amend the bylaws. The bylaws were last updated in 2005.

Highlights of the bylaws update include:

1. Expanding and clarifying the mission of the organization; including the relationship with Ft. Bragg.
2. Updating NCGS State Statute references.
3. Expanding upon membership relationships to the organization to now include regular, associate, and individual members. This also includes how and what manner each membership class may vote on organizational business.
4. Include procedures for remote meetings.
5. More clearly outlines roles and responsibilities of Commission officers and boards and committees.

The current local government members include the counties of Cumberland, Harnett, Hoke, Moore, Richmond, Robeson, and Sampson; and the municipalities of Aberdeen, Eastover, Erwin,

Fayetteville, Hoffman, Hope Mills, Laurinburg, Lillington, Pinebluff, Pinehurst, Raeford, Spring Lake, Southern Pines, Vass, and Wagram.

**RECOMMENDATION / PROPOSED ACTION**

Staff recommends placing the following action on the November 15, 2021, Board of Commissioner's Agenda as a Consent Item: Approve the By-Law Amendments of the Fort Bragg Regional Land Use Advisory Commission.

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Rawls Howard, Planning and Inspections Director, presented the background information recorded above.

**MOTION:** Commissioner Council moved to approve the by-law amendments of the Fort Bragg Regional Land Use Advisory Commission.

**SECOND:** Commissioner Boose

**VOTE:** UNANIMOUS (5-0)

**F. Martin Luther King, Jr. Memorial Park Capital Project Budget Ordinance Amendment #B220101**

**BACKGROUND**

The Board of Commissioners previously approved a budget ordinance amount of \$2.5 million to be allocated from the capital investment fund to the Martin Luther King, Jr. Memorial Park project. In order to account for the capital project details, staff have set up a proposed capital project fund and the county attorney provided the known project details and funding parameters within the attached capital project ordinance. The capital project ordinance will remain in effect for the life of the project and requires Board of Commissioner approval prior to any changes being made.

**RECOMMENDATION / PROPOSED ACTION**

The County Attorney and staff recommend the following action be placed on the November 15, 2021 Board of Commissioner's Agenda as a consent item: Adopt the Martin Luther King, Jr. Memorial Park Capital Project Budget Ordinance Amendment #B220101.

**CAPITAL PROJECT BUDGET ORDINANCE AMENDMENT #B220101  
MARTIN LUTHER KING, JR. MEMORIAL PARK  
CUMBERLAND COUNTY CAPITAL PROJECT FOR CONSTRUCTION TO BE  
UNDERTAKEN BY FAYETTEVILLE\CUMBERLAND COUNTY DR. MARTIN L. KING,  
JR. COMMITTEE, A NORTH CAROLINA NON-PROFIT CORPORATION**

The Cumberland County Board of Commissioners hereby adopt the following Capital Project Ordinance in accordance with North Carolina General Statues 159-13.2:

**Section 1.** The project authorized is the erection of a memorial spire set in a circular, stone meditation plaza in the Martin Luther King, Jr., Memorial Park located in, and owned by, the City of Fayetteville. This construction project is to be undertaken by the Fayetteville/Cumberland County Dr. Martin L. King, Jr., Committee, a North Carolina non-profit corporation. The revenue source will be a transfer from the Capital Investment Fund Balance, to the MLK, Jr. Memorial Park Project.

**Section 2.** The following projected expenditure is appropriated for this project:

	<u>Expenditure</u>
Capital Outlay – Other	\$2,500,000

**Section 3.** The following associated revenue is appropriated for this project:

	<u>Revenue</u>
Transfer from the Capital Investment Fund	\$2,500,000

**Section 4.** No county funds subject to this Capital Project Ordinance shall be used for any activities undertaken by the non-profit corporation before the non-profit corporation has entered

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into a contract with the county which sets out the obligations of the non-profit corporation in undertaking this project and is approved by the Board of Commissioners. The contract shall identify the project budget and source of funds for completion of the project, the project design, the scope of work, the schedule of completion, the procedure for the disbursement of funds, the provisions for maintenance of the project after completion, and any other matters deemed necessary or prudent by the Board of Commissioners.

Section 5. This project shall be undertaken by the non-profit corporation in all respects as a public construction project fully subject to the requirements of Chapter 143 of the North Carolina General Statutes as applied to local governments. Incident to that statutory compliance, the Cumberland County Board of Commissioners must approve any design, architectural, engineering, surveying, or construction manager professionals for the project; any bid accepted for any contract for construction on the project; any bonds received incident to bidding or contracting for the project; and all contracts for the expenditure of any funds for the project.

Section 6. Any increase or decrease in the funds appropriated to this capital project ordinance shall require a capital project ordinance amendment by the Board of Commissioners.

Section 7. Within five days after adoption, copies of this ordinance shall be filed with the Finance Officer, Budget Officer, and Clerk to the Board, to be kept on file by them for their direction in the disbursement of County funds for this project.

Adopted this \_\_\_\_ day of \_\_\_\_, 2021.

\*\*\*\*\*

Vicki Evans, Finance Director, presented the background information recorded above and stated previously the county has allocated funds to nonprofits for services but not for construction of real property. Ms. Evans stated the capital project budget ordinance amendment was set up to provide basic parameters for allocating capital funding contributions to nonprofits. Ms. Evans reviewed Capital Project Budget Ordinance Amendment #B220101 recorded above.

Commissioner Keefe asked how the county is protected and whether there was a specific timeframe in the ordinance amendment to prevent the money from being obligated into perpetuity. Mr. Moorefield stated the contract with the Martin Luther King, Jr. Committee, which the Board will approve, will set out obligations and contain safeguards to protect the county.

Commissioner Adams suggested asking the Martin Luther King, Jr. Committee about their timetable because there should be a three or four-year review, so the money does not stay locked up. Mr. Moorefield stated the project is a long way from the construction commencing, the design that was presented was a conceptual design and a N. C. licensed architect has not been hired for the project. Mr. Moorefield stated he discussed this at length with Dr. Lacy and Dr. Lacy agrees. Commissioner Adams stated at some point this needs to resolve itself so the county can move on and use the funds for the benefit of the county. Commissioner Adams suggested a three-year lookback. Mr. Moorefield recommended inserting a section in the capital project budget ordinance amendment to the effect that a report on the status of the project will be presented to the Board in three years to include progress made on the construction and amount of county funds disbursed through the project ordinance.

MOTION: Commissioner Boose moved to adopt the Martin Luther King, Jr. Memorial Park Capital Project Budget Ordinance Amendment #B220101 with a status update in three years.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (5-0)

## G. Amendment to County Purchasing Policy

### BACKGROUND

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A change is being requested to the County's Purchasing Policy within the Addendum, Uniform Guidance Procurement Policy for North Carolina Local Governments. During the recent UNC School of Government's American Rescue Plan Act training, staff learned of additional flexibility allowed for Architectural and Engineering Services. The added language will allow the County to follow the Mini-Brooks Act Exemption for amounts up to \$50,000 for federally funded A&E services.

The requested changes are shown in red font within the attachment, beginning on page ten, item J.

#### RECOMMENDATION / PROPOSED ACTION

Staff and County Management recommend that the following action be forwarded to the November 15, 2021, Board of Commissioners' Meeting as a Consent Agenda item: Approval of an amendment to the Purchasing Policy reflecting changes as shown in the attached draft.

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 3: Cumberland County Financial / Audit**

**Policy No. 3-3: Purchasing Policy**

**The following policy was originally adopted on June 21, 1999 by the Board of Commissioners. This policy was amended on February 25, 2002, November 1, 2010, June 5, 2017, June 18, 2018, August 6, 2018, June 21, 2021, and November 15, 2021, by the Board of Commissioners.**

### **1.0 PURPOSE**

This policy is established to ensure the fair and equitable treatment of all persons involved in public purchasing, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity, in accordance with North Carolina General Statutes (N.C.G.S) and federal law.

### **2.0 SCOPE**

This policy applies to all County employees conducting purchases on behalf of Cumberland County. Any reference of “department head” throughout this policy is inclusive of the elected offices of the Register of Deeds and the Sheriff, as well as any interim assignments of department head responsibilities. Any reference to approval authority of the County Manager shall also apply to the County Manager’s designee as authorized in writing by the County Manager in their absence.

### **3.0 POLICY**

#### **3.1 Local Preference Policy**

Contracts for the provision of services in any amount and all contracts for the purchase of apparatus, materials, supplies and equipment in which the aggregate purchase price in any single contract is less than \$30,000 shall be awarded to local vendors or suppliers, to the greatest extent possible, in accordance with the further conditions set out herein.

Local vendors or suppliers shall be those who demonstrate that they pay business personal or real property taxes and are either self-employed residents of Cumberland County or employ at least one resident of Cumberland County as an employee or officer of the contracting business entity.

#### **3.2 Purchase Orders**

All services and purchases in amounts of \$5,000 and more must have a purchase order prior to the purchase being made or the services being rendered. All purchases require a written (electronic or printed) document (invoice, quote, proposal, etc.) with sale details prior to payment being made.

#### **3.3 Purchases & Services**

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

#### Less than \$5,000

Department heads shall authorize services or purchases of apparatus, supplies, materials or equipment up to \$4,999.99 without a purchase order if sufficient funds are budgeted and available within the department budget. Prior to the purchase, departments must ensure there is an appropriation authorizing the obligation and that sufficient funds will remain in the appropriation to pay the amounts that are expected to come due in the fiscal year in which the obligation is incurred.

#### \$5,000 – \$29,999.99

Department heads shall solicit proposals for services or purchases of apparatus, supplies, materials or equipment when the estimated cost is between \$5,000 - \$29,999.99. County Purchasing will review the purchase upon receipt of requisition to ensure compliance with County policies. County Purchasing may solicit additional proposals as determined necessary and appropriate by the Finance Director.

### **3.4 Purchases of apparatus, supplies, materials, or equipment**

#### \$30,000 – \$89,999.99

**Informal bids** are required for any purchase of apparatus, supplies, materials, or equipment that requires an expenditure of \$30,000 - \$89,999.99. Departments shall submit specifications to County Purchasing for purchases in this category. Exemptions: purchases that qualify under the Competitive Bidding Exceptions as per N.C.G.S 143-129(e).

#### \$90,000 and Above

**Formal bids** are required for any purchase of apparatus, supplies, materials, or equipment in amounts of \$90,000 or more. Departments shall submit specifications to County Purchasing for purchases in this category. The County Manager must approve bid awards in amounts between \$90,000 - \$99,999.99. The Board of Commissioners must approve bid awards in amounts of \$100,000 or greater. Bids for engineering and construction must comply with North Carolina General Statutes. Exemptions: purchases that qualify under the Competitive Bidding Exceptions as per N.C.G.S 143-129(e).

Bid award is not a substitution for receiving contract approval in accordance with the dollar thresholds established within this policy or as further delegated by the Board of Commissioners.

### **3.5 Purchase of Services**

#### \$30,000 and Above

**An Informal RFP** process is required for services estimated to cost \$30,000 or more. County Purchasing will review the proposal upon receipt of requisition to ensure compliance with county policies. County Purchasing may solicit additional proposals as determined necessary and appropriate by the Finance Director.

### **3.6 Procurement Cards**

The procurement card program was established to provide a more rapid turnaround of requisitions for low dollar value goods, and to reduce paperwork and handling costs. Procurement cardholders may initiate transactions in person, or by telephone, within the established limits of these procedures. Department heads may designate individuals to receive procurement cards. Prior to signing for a procurement card and annually thereafter, procurement cardholders must attend a class conducted by County Purchasing addressing the guidelines involved in the responsibility associated with the card. To ensure pre-audit requirement compliance, funds for each department's estimated procurement card charges shall be encumbered at the beginning of each fiscal year.

### **3.7 Contracts**

A contract is an agreement stating the obligations and benefits arising out of a transaction between the County and at least one other party. A contract must be signed by the County and all other parties to the contract. The contract, in its final form, requires review for legal sufficiency approval **prior to** consideration for approval/signature. All contracts for expenditures, in amounts of

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\$50,000 or more require County Manager signature. Contracts **resulting from a formal bid process** for expenditures in amounts of \$100,000 or more require the Chair to the Board of Commissioners signature, after Board approval. Contracts with a total amount less than \$50,000 may be signed by the Department head.

These signature requirements pertain to all contracts in which the county is obligated to expend funds of \$5,000 and above, even if the funds have been approved by the Board of Commissioners in the original budget. Digital signatures by vendors or non-County personnel are permitted on contracts when there is legal authentication attached to the signatures and when the digital signature system being utilized provides system integrity in the process to ensure the signed document has not been altered in transit. Digital signatures by County personnel will be permitted pursuant to a system and/or process approved by the County Manager.

The Board of Commissioners must approve all interlocal agreements, regardless of the dollar amount. The action approving the agreement must be recorded within the minutes of the Board of Commissioners' meeting.

If an amendment to the original contract occurs, an equivalent position to the original contract signor must also sign the amendment, regardless of the original contract dollar amount or method of award.

Contracts funded with federal grant or loan funds must be procured in a manner that conforms with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200). See the Addendum following section 4.0 of this policy for the Uniform Guidance Procurement Policy.

### **3.8 Federal and State Law Compliance**

Federal law and North Carolina general statutes allow local policy to be more restrictive. When comparing federal, state, and local procurement requirements to implement federal programs or grants, the most restrictive requirement shall be applied. This policy is more restrictive regarding bid requirements of services and dollar thresholds for contractual signatures in comparison to state statute requirements. Periodically, legislation results in changes to law and/or general statutes. The General Statutes referenced in this policy are incorporated by reference, and changes in the referenced General Statutes are also incorporated herein as if set out in full.

## **4.0 IMPLEMENTATION**

The Finance Director is responsible for implementing and enforcing this Policy and to interpret it consistent with its spirit and intent, fiscal prudence and accountability. The Finance Director is authorized to prescribe additional administrative instructions for implementing the above policy.

### **ADDENDUM Uniform Guidance Procurement Policy for North Carolina Local Governments**

#### **I. Purpose**

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

#### **II. Policy**

**A. Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. Cumberland County will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the County have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.
- F. Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

### **III. General Procurement Standards and Procedures:**

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.

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- E. Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a “Not to Exceed” amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and “or equal” must be included in the description.
- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for Minority/Women Business Enterprises (M/WBE) Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation.** Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor’s responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost Estimate.** For all procurements costing \$250,000 or more, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder’s list.
- M. Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- N. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for “or equal” products, or other unnecessary requirements that have the effect of restricting competition.
- O. Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.



#### **IV. Specific Procurement Procedures**

Either the Purchasing Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

**A. Service Contracts** except for Architectural/Engineering (A/E) professional services and **Purchase Contracts costing less than \$30,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, purchases must be distributed among qualified suppliers.
3. The \$30,000 threshold for “micro-purchase” is allowed as long as the County qualifies as a low-risk auditee, in accordance with the criteria in §200.520 according to the most recent audit, self-certifies annually, and maintains documentation to be made available to the Federal awarding agency and auditors upon request.

**B. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$30,000 up to \$90,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids.
4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
5. Award the contract to the lowest responsive, responsible bidder.

**C. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids.
2. Complete specifications or purchase description must be made available to all bidders.
3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

**D. Service Contracts** (except for A/E professional services) **costing \$250,000 and above** may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
7. Award the contract on a fixed-price or cost-reimbursement basis.

**E. Construction and repair contracts costing less than \$30,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.
3. The \$30,000 threshold for “micro-purchase” is allowed as long as the County qualifies as a low-risk auditee, in accordance with the criteria in §200.520 according to the most recent audit, self-certifies annually, and maintains documentation to be made available to the Federal awarding agency and auditors upon request.

**F. Construction and repair contracts costing \$30,000 up to \$250,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.

**G. Construction and repair contracts costing \$250,000 up to \$500,000** shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Publicly advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.

8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”

**H. Construction and repair contracts costing \$500,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for “sound documented reasons.”

**I. Construction or repair contracts involving a building costing \$300,000 and above** must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

**J. Contracts for Architectural and Engineering Services costing less than \$50,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) when contracting for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the County has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.

The threshold for “micro-purchase” is allowed as long as the County qualifies as a low-risk auditee, in accordance with the criteria in §200.520 according to the most recent audit, self-certifies annually, and maintains documentation to be made available to the Federal awarding agency and auditors upon request.

**K. Contracts for Architectural and Engineering Services costing \$50,000 up to \$250,000** shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31) as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.

2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

**L. Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:**

1. Publicly advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

**V. Exceptions**

Non-competitive contracts are allowed ***only*** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.



- E. Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

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Ms. Evans presented the background information recorded above and stated the request today is for a policy change to allow federal law to be consistent with or match state law which will allow for exemptions in A&E amounts that fall below \$50,000. Ms. Evans stated this amendment will save time for Engineering staff because they will not have to conduct an RFP process every time they are seeking A&E services on federally funded projects when costs fall below \$50,000. Ms. Evans noted this is one change to the Purchasing Policy and staff have learned of multiple updates that need to be made within the Purchasing Policy moving forward to properly execute ARP funding in contracting and procurement. Ms. Evans stated those updates are being vetted and will be presented at a later date.

**MOTION:** Commissioner Keefe moved to approve the amendment to the Purchasing Policy as presented.  
**SECOND:** Commissioner Boose  
**VOTE:** UNANIMOUS (5-0)

- H. Consideration of the Request for Qualifications (RFQ) for Engineering Services to Assist with NORCRESS Capital Improvements**

#### BACKGROUND

On September 23, 2021, the Public Utilities Division advertised a Request for Qualifications from qualified individuals or firms to provide engineering services for design, contract administration & inspection, and evaluation of the NORCRESS sanitary sewer system. Based on the study that was completed and presented to the Board in June 2021, the firm selected would assist the Public Utilities Division with the recommended capital improvements as a multi-phase project. The immediate needs detailed in the study and funds budgeted for Year 1 in FY22, consist of the following: Wade 2 lift station pump repairs, Falcon Force Main additional testing and inspection, new electrical equipment and generators moved outside of the buildings at all four lift stations, and system-wide inflow & infiltration (I&I) reduction.

Firms had until October 12, 2021, to submit their Statement of Qualifications. There were three firms that responded, Public Utilities Division and Engineering Division staff reviewed the documents and scored them separately. Our scores were then summarized with Freese and Nichols, Inc. having the highest score of the three firms.

#### RECOMMENDATION / PROPOSED ACTION

The Public Utilities Division and County Management recommend that the following proposed actions below be placed on the November 15, 2021, Board of Commissioners agenda and the NORCRESS Governing Board agenda as consent items:

1. Accept the selection of Freese and Nichols, Inc. as the preferred choice for Engineering Services for the NORCRESS sanitary sewer system capital improvements.
2. Grant permission to enter negotiations for detailed scope of work, cost of services and prepare contract for approval at a future Board of Commissioners meeting.

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Mr. Walker presented the background information recorded above and stated Freese and Nichols, Inc. was the preferred choice for the NORCRESS sanitary sewer system capital improvements. Mr. Walker outlined the scope of services budgeted for this fiscal year.

**MOTION:** Commissioner Keefe moved to accept the selection of Freese and Nichols, Inc. as the preferred choice for Engineering Services for the NORCRESS sanitary sewer system capital improvements, to place the action on the November 15, 2021, Board

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of Commissioners' consent agenda, and to grant permission to enter negotiations for detailed scope of work, cost of services and prepare contract for approval at a future Board of Commissioners meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0) (Commissioner Boose was out of the room for the vote.)

#### I. DSS Elevator Modifications Phase II Bid Award

##### BACKGROUND

The DSS Elevator Modernization Phase II is the final phase of the FY20 Capital Improvement Project. Phase I consisted of bringing various supplemental components (i.e. shunt trip breakers, back-up power, HVAC in mechanical room, and dedicated GFCI outlets for sump pump) into code compliance before the actual elevator modernization project could be executed.

On September 24, 2020, the County entered into an agreement with Cromwell Architects Engineers Incorporated, for engineer design services for the Department of Social Services Elevator Modernization. The project was advertised for bid on September 8, 2021, and closed on September 28, 2021, with Abell Elevator having the lowest bid of \$709, 831.37.

##### RECOMMENDATION / PROPOSED ACTION

Staff recommends that the following proposed actions below be placed on the November 15, 2021, Board of Commissioners consent agenda:

1. Accept the selection of Abell Elevators with the bid.
2. Grant approval of a \$75K contingency with funding being available in the project budget.
3. Delegate authority to the County Manager to approve changes orders not to exceed \$75K aggregate amount.

\*\*\*\*\*

Mr. Walker presented the background information and recommendation/proposed actions recorded above.

MOTION: Commissioner Stewart moved to accept the selection of Abell Elevators with the bid, to grant approval of a \$75K contingency with funding being available in the project budget, and to delegate authority to the County Manager to approve changes orders not to exceed \$75K aggregate amount.

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0) (Commissioner Boose was out of the room for the vote.)

#### J. Crown Coliseum Boiler Burner Repairs and Re-tubing Bid Award

##### BACKGROUND

This is a combination of two Crown FY22 CIP boiler projects. This increased the County's ability to negotiate a better price instead of having separate contractors performing work on the Crown's boilers. The initial Bid Opening was on August 24, 2021 with only two bids. Subsequent to that process, it was determined that the project should be bid as construction project as opposed to a repair project. The project was released as a formal bid with the opening on October 5, 2021. Two bids were received with Valley Boilers submitting the lowest responsive and responsible bid.

One boiler is currently inoperable and requires a re-tubing while both need burner upgrades. Both boilers are original to the Crown's opening and this work will add another 7-10 years to the useful life of the system allowing fiscal flexibility for the complete replacement as a future CIP project.

##### RECOMMENDATION / PROPOSED ACTION

Staff recommends that the following proposed actions below be placed on the November 15, 2021, Board of Commissioners consent agenda:

1. Accept the selection of Valley Boilers with the lowest responsive and responsible bid.
2. Grant approval of a \$15K contingency with the funding being available in the project budget.

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3. Delegate authority to the County Manager to approve changes orders not to exceed \$15K aggregate amount.

\*\*\*\*\*

Mr. Walker presented the background information and recommendation/proposed actions recorded above.

**MOTION:** Commissioner Council moved to accept the selection of Valley Boilers with the lowest responsive and responsible bid, to grant approval of a \$15K contingency with the funding being available in the project budget, and to delegate authority to the County Manager to approve changes orders not to exceed \$15K aggregate amount.

**SECOND:** Commissioner Stewart

**VOTE:** UNANIMOUS (5-0) (Commissioner Boose was out of the room for the vote.)

- K. Request of the Town of Godwin to Relinquish Its Jurisdiction to the County for Minimum Housing Code Enforcement

#### BACKGROUND

On October 18, 2021, the Town of Godwin Board of Commissioners adopted a formal resolution to subject the jurisdiction of the Town of Godwin to the county's Minimum Housing Code and to request the Board of County Commissioners to accept the jurisdiction of the Town of Godwin for this purpose and apply and enforce the county's Minimum Housing Code within the town's jurisdiction. A copy of the Town Resolution is attached.

The Town of Godwin 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. The county revised its Minimum Housing Ordinance June 21, 2021. 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.

This action requested by the Town of Godwin is what the Board of Commissioner approved for the Town of Linden.

#### RECOMMENDATION / PROPOSED ACTION

The Board may accept the jurisdiction of the Town of Godwin for the purpose of applying and enforcing the county's Minimum Housing Code as set forth in Article IV, Chapter 4, Cumberland County Code by adopting the attached County Resolution.

#### Cumberland County Board of Commissioners Resolution to Accept the Jurisdiction of the Town of Godwin 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 within the town; and

Whereas, October 18, 2021, the Town of Godwin 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 Godwin 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 effective date of the application of the County's Minimum Housing Code within the jurisdiction of the Town of Godwin shall be the date the amendment

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expanding the jurisdiction of the Cumberland County Minimum Housing Code is adopted by the Board of Commissioners after public hearing.

Adopted November \_\_\_\_\_, 2021.

\*\*\*\*\*

Mr. Moorefield stated the last jurisdiction the county accepted for the purpose of applying and enforcing the county's Minimum Housing Code was the Town of Linde. Mr. Moorefield stated this is the new process under Chapter 160D, and the Town of Godwin's resolution in which it relinquished its jurisdiction to Cumberland County for the purpose of applying and enforcing the county's Minimum Housing Code is included in the agenda packet. Mr. Moorefield stated towns have to make his request of the county for it to be responsible for all aspects of the Minimum Housing Code within their jurisdictions.

MOTION: Commissioner Keefe moved to accept the jurisdiction of the Town of Godwin for the purpose of applying and enforcing the county's Minimum Housing Code as set forth in Article IV, Chapter 4, Cumberland County Code and adopt the County Resolution recorded above.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (5-0) (Commissioner Boose was out of the room for the vote.)

## 5. OTHER ITEMS

### A. Timekeeping System Project

#### BACKGROUND

Cumberland County Innovation and Technology Services has completed an extensive RFP process for acquiring a new Timekeeping software solution. The intention of the new Timekeeping system is to streamline, automate and improve the time keeping and payroll process. This system will improve customer service by increasing efficiency in operations by electronically storing, calculating, and processing employee time and attendance thereby creating a truly paperless timekeeping system.

Advanced scheduling, leave request management, reporting, analytics, and mobility through web access and a mobile app will also be a part of the new system.

The new Timekeeping system will replace a very manual process in which time sheets are currently printed, signed, approved, and manually keyed into the payroll system for processing. Manual processing timesheets creates challenges in terms of discrepancies, entering and re-entering data, and making corrections.

Innovation and Technology Services budgeted \$220,000 for this project in FY21 and reappropriated the funds to FY22 to effectively complete the selection process. The selection process included a comprehensive evaluation of five vendors that responded to the RFP. The goal is to have the bid award to you at the next meeting for approval.

#### RECOMMENDATION / PROPOSED ACTION

Informational purposes only. No action necessary.

\*\*\*\*\*

Keith Todd, Chief Information Services Director, presented the background information recorded above assisted by the following PowerPoint presentation.

This section was intentionally left blank.

## Timekeeping System Goals

- ▶ Timekeeping System to streamline, automate, and improve the timekeeping and payroll process.
- ▶ Automate tracking, scheduling, and reporting.
- ▶ Leave request management, and time collection options(web portal, mounted devices, and mobile app).
- ▶ Electronically process and store employee time and attendance.
- ▶ Paperless timekeeping solution.
- ▶ Interface with current Tyler Munis payroll system.
- ▶ Standardize time keeping to one very user friendly County-wide solution.

Mr. Todd displayed a blank copy of county employees' current time sheet in paper form.

## Management of Leave Requests

- ▶ Current Process
  - ▶ Manual solution tracking time off via a paper form. Difficult to manage and leave wide open gaps for mistakes thereby impacting staffing and productivity.
  - ▶ Leave requests are printed, filled out, provided for approval, confirmation of available time, calendar review, ~~entered into~~ <sup>added into</sup> Munis, hand delivered to Payroll, and processed by Payroll.
- ▶ New Process
  - ▶ Automation of Leave & Absence Management- automates processes and adds structure to the workflow, reducing chances for errors. Validations will be managed in one location.
  - ▶ Eliminates paper leave slips.

## Timekeeping Project Timeline

- ▶ Budgeted \$220,000 in FY21- Reappropriated funds to FY22 to effectively complete the selection process.
- ▶ Completed extensive RFP process for acquiring a new Timekeeping Software Solution.
- ▶ Bid award to be presented to the Board of Commissioners at the next meeting.
- ▶ Estimated project timeline: 12 months

Mr. Todd concluded his presentation and stated the bid award for the timekeeping project will be placed on the Board of Commissioners' November 15, 2021, consent agenda and the project should take approximately 12 months to implement. Mr. Todd responded to questions. Ms. Cannon reviewed major enterprise projects that have been implemented over the last six years.

### B. ARP Update

Ms. Cannon reported that staff, to include three attorneys in the county attorney's office, completed the six mostly half-day School of Government sessions regarding the American Rescue Plan Act fund and the recurring theme throughout was to consult with your county attorney. Ms. Cannon stated the U.S. Treasury will not vet any projects and the School of Government, NCACC and League of Municipalities all stress using the attorney to vet the processes. Ms. Cannon stated Mr. Moorefield and two of the assistant county attorneys are in the process of taking the projects identified by the Board thus far and constructing a matrix of U.S. Treasury guidelines, state guidelines and procurement guidelines to be presented to the ARP Committee along with what changes may need to be made and how to move forward. Ms. Cannon stated the hope is to bring this to the ARP Committee in a couple of weeks. Commissioner Adams stated some of the projects identified by the Board may need to be funded from the infrastructure bill that just passed or the state budget to save ARP funds.

Ms. Cannon stated the ARP Committee has discussed pandemic pay/premium pay and she is requesting consent to move forward with a proposal for pandemic pay. Ms. Cannon stated many counties have moved forward with pandemic pay and most have used CARES funding; the county has about \$2.4M of remaining freed up CARES funding. Ms. Cannon stated most counties

recognized all employees but mostly those who worked directly with the vaccination clinic. Ms. Cannon reviewed the handout recorded below regarding a proposal for pandemic pay.

**Tier 1 High risk exposure/COVID Testing & Vaccination Clinics**

FT Public Health Staff/PH Emergency Management Coordinator  
Emergency Management/Fire Marshal/IT  
Custodial

**Tier 2 Direct contact exposure risk**

Sworn LEO's & Detention Officers Library  
Solid Waste  
Social Services -Transportation/SW's (with direct client contact)/Cottage Parents  
Risk Management - Temperature scanning  
Animal Services  
Child Support - Paternity testing only  
Board of Elections  
Building Inspectors/Code Enforcement/Rehab Specialists

**Tier 3 All others not identified in Tier 1 and Tier 2**

(Excludes the three positions that report directly to the Board of Commissioners who are subject to the Board's Evaluation Process as documented by Chief HR Officer)

**Eligibility:** Must be employed by July 1, 2021, and still employed on the period ending November 20, 2021.

Part-time employees will receive 50% of the amount designated for their tier.

Ms. Cannon stated the proposal is to pay Tier 1 a one-time payment of \$3,000, Tier 2 a one-time payment of \$2,000 and Tier 3 a one-time payment of \$1,000, all before taxes. Ms. Cannon stated this is based on a premium pay calculation. Ms. Cannon responded to questions posed by Commissioner Adams about the eligibility date and stated any employees still employed by July 1, 2021, will be included in the payment. Ms. Cannon stated she will change the date to June 30th if that is the desire of the Board. Additional questions followed. Ms. Cannon stated the rationale for Tier 3 is that there were employees in every department who either tested positive or had to quarantine, which means the other employees had double-duty to continue serving citizens during the pandemic.

Commissioner Keefe stated he applauded the initiative and the effort to be fair, but some employees will complain that they belong in a higher tier. Ms. Cannon stated the reason everything is not finalized is because she has agonized about this, and there are some counties that have only recognized Public Health and those that worked in the vaccination clinics. Ms. Cannon stated from June 2020 through June 2021, there are employees who have had direct contact and a risk exposure, and she thinks every one of the county's employees have gone the extra mile during the pandemic. Ms. Cannon stated she approached this methodically and tried to be as fair and consistent as possible. Commissioner Adams asked whether custodial staff under contract would be included in the pandemic pay. Ms. Cannon stated they and temp agency employees would not be included. Commissioner Adams stated their agencies should compensate them. Ms. Cannon stated the three positions that fall directly under the Board will not fall within a tier but are subject to the evaluation process just completed by the Board.

MOTION: Commissioner Stewart moved to approve the recommendation for pandemic pay.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Council moved to forward to the November 15, 2021, consent agenda all items that received a unanimous vote.  
SECOND: Commissioner Stewart  
VOTE: UNANIMOUS (5-0)



6. MONTHLY REPORTS

A. Financial Report

BACKGROUND

The financial report is included which shows results of the general fund for the first quarter of fiscal year 2022. Results of fiscal year 2021 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 purposes only. No action needed.

County of Cumberland General Fund Revenues				
REVENUES	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) as of September 30, 2021	PERCENT OF BUDGET TO DATE
Ad Valorem Taxes				
Current Year	\$ 168,721,614	\$ 168,721,614	\$ 9,641,407	5.7% (1)
Prior Years	828,000	828,000	771,687	93.2%
Motor Vehicles	22,348,691	22,348,691	4,254,206	19.0% (2)
Penalties and Interest	578,000	578,000	124,657	21.6%
Other	894,959	894,959	311,845	34.8%
Total Ad Valorem Taxes	193,371,264	193,371,264	15,103,801	7.8%
Other Taxes				
Sales	53,023,227	53,023,227	-	0.0% (3)
Real Estate Transfer	1,600,000	1,600,000	787,235	49.2%
Other	873,000	873,000	107,457	12.3%
Total Other Taxes	55,496,227	55,496,227	894,692	1.6%
Unrestricted & Restricted Intergovernmental Revenues	65,581,449	68,825,771	5,159,600	7.5% (4)
Charges for Services	13,422,090	13,422,090	2,386,802	17.8% (5)
Other Sources (includes Transfers In)	1,184,882	1,321,839	229,022	17.3%
Lease Land CFVMC	4,313,522	4,313,522	3,766,062	87.3%
Total Other	5,498,404	5,635,361	3,995,084	70.9%
Total Revenue	\$ 333,369,434	\$ 336,750,713	\$ 27,539,978	8.2%
Fund Balance Appropriation	9,159,873	12,051,963	-	0.0%
Total Funding Sources	\$ 342,529,307	\$ 348,802,676	\$ 27,539,978	7.9%

County of Cumberland General Fund Expenditures				
DEPARTMENTS	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) as of September 30, 2021	PERCENT OF BUDGET TO DATE
Governing Body	\$ 682,250	\$ 682,250	\$ 200,149	29.3%
Administration	1,992,345	1,992,345	302,217	15.2%
Public Affairs/Education	916,658	916,658	163,792	17.9%
Human Resources	1,071,556	1,071,556	146,717	13.7%
Print, Mail, and Design	780,535	780,535	160,474	20.6%
Court Facilities	144,920	144,920	17,966	12.4% (1)
Facilities Maintenance	1,158,465	1,170,465	192,396	16.4%
Landscaping & Grounds	800,763	800,763	117,818	14.7%
Carpentry	217,753	217,753	42,520	19.5%
Facilities Management	1,556,056	1,556,056	278,678	17.9%
Public Buildings Janitorial	965,301	965,301	193,963	20.1%
Central Maintenance	675,219	676,378	132,494	19.6%
Information Services	6,507,246	7,175,248	973,508	13.6%
Board of Elections	1,556,013	1,556,013	115,244	7.4% (2)
Finance	1,378,438	1,406,949	249,832	17.8%
Legal	1,087,181	1,087,181	164,676	15.1%
Register of Deeds	2,616,316	3,157,082	430,454	13.6%
Tax	6,387,092	6,551,767	1,322,648	20.2%
General Government Other	4,622,876	4,992,823	786,733	15.8%
Sheriff	58,503,564	58,965,910	8,896,766	15.1%
Emergency Services	4,190,026	4,237,647	894,237	21.1%
Criminal Justice Pretrial	691,215	691,215	101,425	14.7%
Youth Diversion	36,687	36,687	6,419	17.5%
Animal Services	3,509,785	3,833,509	629,326	16.4%
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,369,155	1,369,155	135,374	9.9% (3)
Health	25,020,602	28,201,923	4,743,473	16.8%
Mental Health	5,694,167	5,694,167	2,519,631	44.2%
Social Services	64,644,188	64,644,188	9,342,120	14.5%

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County of Cumberland General Fund Expenditures				
DEPARTMENTS	FY21-22	FY21-22	YTD ACTUAL (unaudited) as of	PERCENT OF
	ADOPTED BUDGET	REVISED BUDGET	September 30, 2021	BUDGET TO DATE **
Veteran Services	547,167	547,167	96,722	17.7%
Child Support	5,693,462	5,693,462	889,051	15.6%
Spring Lake Resource Administration	39,074	39,074	5,207	13.3%
Library	10,495,183	10,804,608	1,880,291	17.4%
Culture Recreation Other (Some of the Community Funding)	260,569	260,569	42,500	16.3%
Planning	3,489,338	3,564,370	627,267	17.6%
Engineering	607,937	607,937	117,351	19.3%
Cooperative Extension	839,559	839,559	103,657	12.3% (4)
Location Services	275,533	200,501	32,271	16.1%
Soil Conservation	2,288,939	2,303,639	29,995	1.3% (5)
Public Utilities	96,900	96,900	18,249	18.8%
Economic Physical Development Other	20,000	20,000	-	0.0% (6)
Industrial Park	4,332	4,332	1,103	25.5%
Economic Incentive	767,447	767,447	48,749	6.4% (7)
Water and Sewer	250,000	268,570	15,648	5.8% (8)
Education	98,053,453	98,053,453	24,078,144	24.6%
Other Uses:				
Transfers Out	20,024,042	20,154,644	999	0.0% (9)
TOTAL	\$ 342,529,307	\$ 348,802,676	\$ 61,248,251	17.6%
Expenditures by Category	FY20-21	FY20-21	YTD ACTUAL (unaudited) as of	PERCENT OF
	ADOPTED BUDGET	REVISED BUDGET	September 30, 2021	BUDGET TO DATE
Personnel Expenditures	\$ 154,487,473	\$ 154,682,589	\$ 25,397,432	16.4%
Operating Expenditures	164,954,413	170,484,386	35,796,845	21.0%
Capital Outlay	3,063,379	3,481,057	52,975	1.5% (10)
Transfers To Other Funds	20,024,042	20,154,644	999	0.0% (9)
TOTAL	\$ 342,529,307	\$ 348,802,676	\$ 61,248,251	17.6%

COUNTY OF CUMBERLAND

Fiscal Year 2022 - September Year-to-Date Actuals (Report Run Date: October 26, 2021)	
Additional Detail	
General Fund Revenues	
*	
(1) Current Year Ad Valorem 5.7% - The bulk of revenues are typically recorded between November - January.	
(2) Motor Vehicles 19.0% - YTD Actual reflects 2 months of collections.	
(3) Sales Tax 0.0% - There is a <u>three month</u> lag. Collections for the fiscal year are first recorded in October.	
(4) Unrestricted/Restricted Intergovernmental 7.5% - There is typically a one to two-month lag in receipt of this funding.	
(5) Charges for Services 17.8% - The largest component of charges for services is revenue from the Board of Ed for security at 22% of budget. Only 6% of that revenue has been billed/collected to date.	
General Fund Expenditures	
**	
(1) Court Facilities 12.4% - Expenditures are in line with past fiscal year trends at this point in the fiscal year.	
(2) Board of Elections 7.4% - Municipal election expenses have been budgeted but not yet utilized.	
(3) Public Safety Other 9.9% - Outside agency invoices are typically paid at the beginning of the second quarter.	
(4) Cooperative Extension 12.3% - Expenditures are in line with past fiscal year trends at this point in the fiscal year.	
(5) Soil Conservation 1.3% - Approximately \$2.1M in USDA Grant funds were budgeted and are unexpended.	
(6) Economic Physical Development Other 0.0% - Payment has occurred and will be reflected on the October report.	
(7) Economic Incentive 6.4% - Economic incentives are paid when the company completes.	
(8) Water and Sewer 5.8% - Expenditures are in line with past fiscal year trends at this point in the fiscal year.	

B. Health Insurance Update

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 FY22 are up 51.68% for the month of September as compared to the same month in FY21. 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 20, 21 and 22.

Additionally, graphs are provided in the attachment to aid in the analysis. If this trend continues, a budget ordinance amendment will be needed to appropriate health insurance fund balance in order to cover the cost increase.

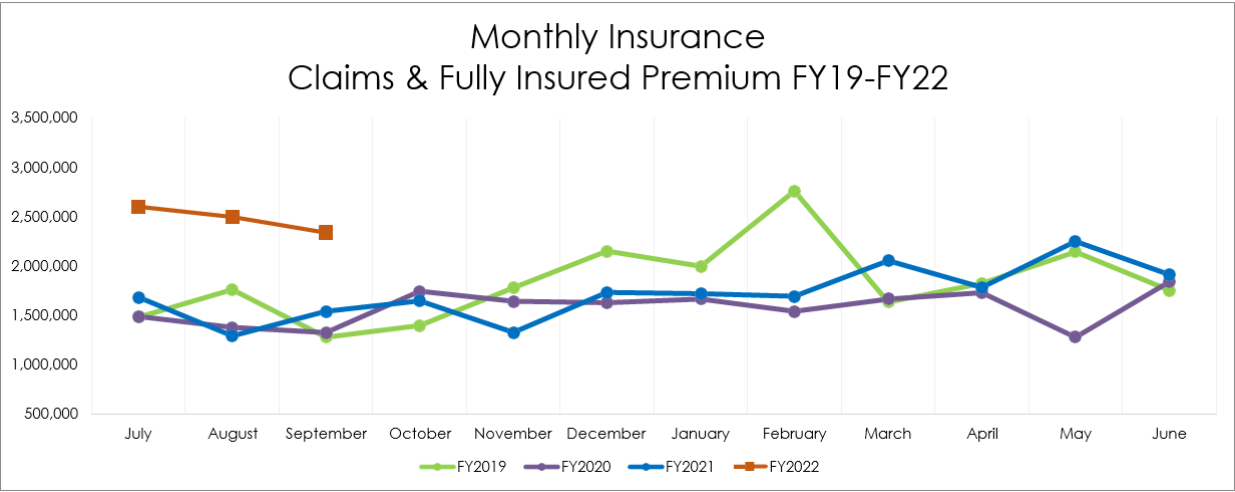
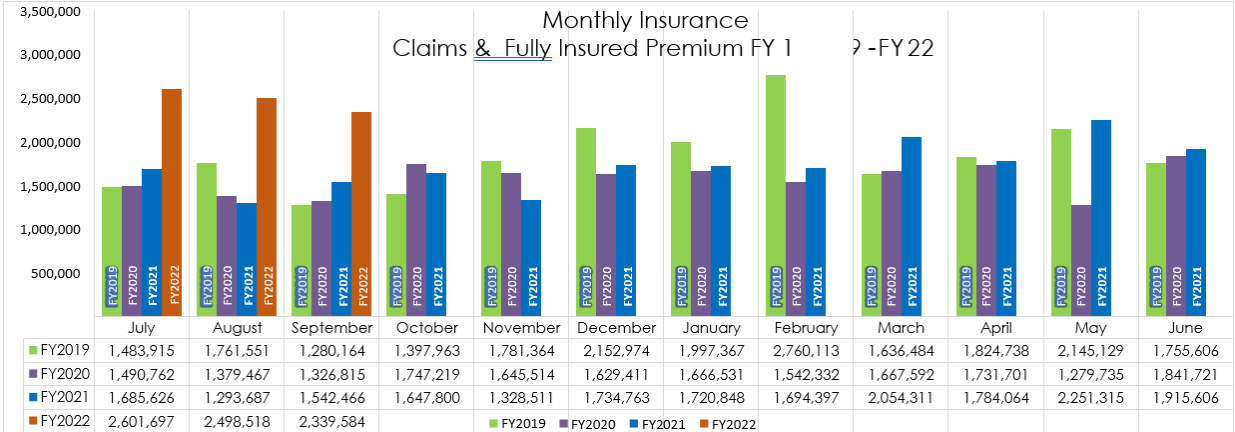
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Year to date claims and premium payment through September       \$7,584,522  
Less year to date stop loss credits                                       (\$631,039)  
Net year to date claims and premium payment through September   \$6,953,483

Average monthly claims and fully insured premium (before stop loss) per fiscal year through September:

FY18   \$1,447,991  
FY19   \$1,508,543  
FY20   \$1,399,015  
FY21   \$1,507,260  
FY22   \$2,528,174

RECOMMENDATION / PROPOSED ACTION  
For information only – no action needed.



\*\*\*\*\*

Ms. Evans stated for three months in a row, health insurance claims have averaged \$2.5M which has not occurred in the past five years. Ms. Evans there are COVID-19 claims within the high claims but BCBS attributes it mostly to individuals returning to doctors and undergoing elective surgeries after the pandemic. In response to a question posed by Commissioner Keefe, Ms. Evans stated the monthly average for 2019 and 2020 was about \$1.5M.

C. Project Updates

BACKGROUND

Please find attached the monthly project report update for your review.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

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MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
500 Executive Place - Cumberland County Emergency Services Center	\$16.8M	60% Complete. Completed structural steel for new addition. Executing drywall installation. Completed mechanical yard demolition. Conducted install of plumbing, mechanical and electrical fixtures. Will condition air for drywall finishing over the next two weeks. Roofing materials expected on site by mid-December. Experiencing delay for server room UPS.	3/8/2021	360 days
Spring Lake Family Resource Center, Chiller Replacement	\$197,000.00	Project initiated on November 1, 2021. Startup planned for November 8, 2021.	N/A	90 days
DSS Elevators	\$1,000,000.00	Conducted bid-opening on October 4, 2021. Abell Elevator was winning bid of \$710K. Awaiting final bid tab for presentation to BOC.	N/A	N/A
Judge Maurice E. Braswell Courthouse Switchgear Replacement	\$470,000.00	On schedule for Thanksgiving weekend completion. Conducting additional transformer replacement project with PWC. Completed new concrete slab for new transformer. Conducted partial installation of new busway on October 18, 2021.		
Headquarters Library Parking Lot	\$37,200.00	Contract signed. Survey complete and design process underway.	5/13/2021	1/19/2022
Doorway for Register of Deeds	Pending	Conducted pre-bid on October 4, 2021. Bid opening is October 14, 2021. Bid closed on October 28, 2021 with one and only winning bid for \$125K. Staff will seek guidance from BOC.	N/A	N/A
DSS Camera Replacement and Security System Upgrades	\$219K	Received proposal from Security 101 for \$219K. Awaiting fiscal year funding rollover approval before contract review by legal and finance. Contract approved. Estimated completion date is February 18, 2022.	10/11/2021	270 days
Public Health Camera Replacement and Security System Upgrades	\$202K	Contract approved. Conducted kickoff meeting on October 7, 2021. Construction started on November 1, 2021. Estimated completion date is December 10, 2021.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Access Management and Security Camera System	\$452K	Contract approved. Estimated completion date is May 20, 2022.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Bathroom Updates	Pending	Finalized scope July 23, 2021. Put out for bid on August 13, 2021. Intent is to do LL bathroom first. Working contract. Estimated start date is mid- January 2022.	N/A	N/A
DSS roof replacement	\$1.5M	In design with Fleming and Associates.	N/A	N/A
Judge Maurice E. Braswell Courthouse roof replacement	\$400K	In design with Fleming and Associates.	N/A	N/A
LEC roof replacement	\$300K	In design with Fleming and Associates.	N/A	N/A

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

BACKGROUND

Cumberland County, in partnership with the North Carolina Office of Recovery & Resiliency (NCORR), is implementing a Multifamily Rental Housing 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.

CUMBERLAND COUNTY DISASTER RECOVERY PROGRAMS UPDATE  
FOR THE NOVEMBER 9, 2021  
BOARD OF COMMISSIONERS’ AGENDA SESSION

Status as of October 31, 2021:

Milestones/Activities (beginning with the most recent activity):

- NCORR will be amending the current Subrecipient Agreement to extend the project deadline.
- The plan was to issue an Invitation for Bid (IFB) by the end of December 2021. However, the latest Producer Price Index of Building Materials and Supplies is still showing very little improvement;
- Cumberland County Community Development (CCCD) had issued the Invitation for Bid (IFB) for the construction of the Robin’s Meadow Permanent Housing Program. The bids from contractors were due by June 17, 2021. No bids were received. An IFB was reissued with a deadline of July 27, 2021. However, due to the low attendance at the pre-bid meeting and concerns of the fluctuation of price in construction, the IFB was cancelled. CCCD Director and the Wooten Company had expressed concerns to the State, during a recent conference call, regarding the challenges of obtaining bids and meeting the funding obligation by August 2021. The CCCD Director requested the State to amend the funding obligation date in the subrecipient agreement. The request is currently under review;
- The City of Fayetteville completed the final commercial review of the project. Within the next week, Cumberland County Community Development will post the invitation for bids for the construction of the project;
- On April 15, 2021, a virtual meeting was held between Tracey Colores (NCORR), Dee Taylor (CCCD), and Devon Newton (CCCD). Tracey provided an update on the status of the request for additional funds to support the project. NCORR is planning to provide additional funding. The additional funds requested by CCCD will only be eligible for construction activities. There were challenges with obtaining additional funding to assist with supportive services. The official letter and amended sub recipient agreement from NCORR is forthcoming. An updated Project Information Form will also need to be submitted;
- The Wooten Company submitted an updated project schedule. It is anticipated that construction will be completed June 2022;
- NCORR completed its review of the construction project manual;

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

- The construction project manual prepared by The Wooten Company was sent to NCORR for review. Invitation to Bid for the construction of the project are expected to be posted within the next month pending the City of Fayetteville's final commercial review and NCORR's final review of the construction project manual;
- NCORR held a technical assistance session with Community Development Staff (Sylvia McLean and Dee Taylor) on December 16, 2020 to ensure Community Development is carrying out the requirements of the agreement and the CDBG-DR program. NCORR staff included Dan Blaisdell, Bill Blankenship, Joe Brook, Mary Glasscock, Tracey Colores, and Kristina Cruz;
- 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. Community Development is still waiting to receive a response from NCORR regarding the status of the request;
- The Wooten Company submitted a revised project schedule. Community Development submitted a request to NCORR to extend the deadline to obligate funds to March 9, 2021;
- 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;
- DRA-17 & HMGP Projects – County completed acquisition and demolition of 10 properties;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure – received project specific award letter January 23, 2020; and
- NCORR executed SRA with County December 17, 2019.

Current Staffing:

- State POC: John Ebbighausen – Director of Disaster Recovery Programs, NC Office of Recovery & Resiliency (NCORR); Mary Glasscock; Infrastructure Manager (NCORR); and Tracey Colores
- Cumberland County:
  - o Sylvia McLean, P.T. Community Development (CD) Consultant

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

**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.

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Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care  
July 1, 2018 - September 30, 2021  
Provided for the Cumberland County Board of Commissioners

Data Set	Description	Fiscal Year 2019				Fiscal Year 2020				Fiscal Year 2021				Fiscal Year 2022			
		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	6	4	4	3	3	4	2	3	2	5	8	3	5			
2	# Sent to Emergency Room	18	16	11	8	10	16	6	9	6	15	29	7	24			
3	# Outside Medical Visits (includes any specialty)	44	27	28	40	41	19	24	12	15	26	31	28	34			
4	# of In-House X-Ray Services	78	54	69	95	75	78	105	45	195	88	51	66	59			
5	# Seen On-Site By Mental Health	1220	1403	1324	963	1043	859	1034	691	528	938	733	737	960			
6	# Seen by Physician and/or Physician Providers	354	288	299	319	256	300	267	196	251	321	227	248	198			
7	# Seen by Dentist (includes on-site & off-site)	53	42	56	69	63	51	48	54	54	52	20	49	44			
8	# of Receiving Screens done by Medical Staff	0	2021	3500	2946	2924	2923	2836	1479	1959	1970	1895	2287	2616			
9	# Seen by Medical Staff for Sick Call	3512	3672	3739	3598	3507	4304	3513	3045	3553	2834	3350	2527	4114			
10	# of History and Physicals Performed	1365	1353	1296	1243	1721	1476	1418	925	1011	1064	933	853	906			
11	# of Rapid Plasma Reactions performed (SIL testine/cvnhilis)	538	489	486	440	342	415	312	0	0	0	0	0	0			
12	# of Other Sexually Transmitted Diseases	12	6	18	14	7	13	6	8	5	8	22	16	16			
13	# of Medical Refusals by Inmate	504	358	409	502	602	774	603	385	564	352	367	414	502			
14	# of Inmate Blood Sugar Checks	2508	2100	4265	3455	3362	3993	4105	2651	1818	1633	1647	1814	2706			
15	# of Inmate Blood Pressure Checks	1193	1508	1705	2105	2510	2006	1776	1012	1036	1184	2112	1615	1480			
16	# of TB Screens and/or PPD Tests	1365	1353	1296	1250	1305	1476	1418	925	1011	1068	933	920	906			
17	# of Staph/MRSA Patients In-house	0	1	0	15	7	1	2	1	0	2	3	4	2			
18	# of Pregnant Females	22	19	18	12	9	14	15	5	9	9	4	15	13			
19	# of HIV Patients In-House	16	11	25	26	25	14	17	12	17	15	20	13	19			
20	# of Inmates Placed on Suicide Watch	94	141	133	305	861	169	260	504	765	530	529	215	51			
21	# of Inmate Deaths	0	0	0	0	2	1	0	0	1	0	0	0	1			
22	# of Inmates on Detox Protocols	80	200	175	208	214	177	150	49	111	88	110	179	184			
23	# of Diabetic Patients	no data	no data	no data	no data	no data	no data	41	19	30	31	30	40	54			
24	# of Asthma Patients	no data	no data	no data	no data	no data	no data	33	12	21	15	23	40	24			
25	# of Meds Administered	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	1658	2470	4578			
26	# of Medication Assisted Treatment	no data	no data	no data	no data	no data	no data	9	0	0	0	0	0	0			
27	# of patients tested for COVID19	no data	no data	no data	no data	no data	no data	0	121	423	886	1194	826	1134			
28	# of patients testing positive for COVID19	no data	no data	no data	no data	no data	no data	0	20	9	16	98	8	11			
	Average Daily Population per Quarter:	751	725	697	649	680	714	674	537	601	472	452	442	467			

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.  
Please note: HIPAA laws do not allow cause of death information to be released within the quarterly reports.  
Line 22 Per Dr. Jennifer Green, Cumberland County Public Health Director: All new inmates are being tested upon intake (-day 5 or 6 after arrival) and quarantined.  
Line 28 Per Dr. Jennifer Green, Cumberland County Public Health Director: Some of the positive tests were among those that were tested upon intake and already in quarantine. There was one outbreak which was concluded in June 2020. No new outbreaks have been identified since then.

7. CLOSED SESSION

There was no closed session.

- MOTION: Commissioner Council moved to adjourn.
- SECOND: Commissioner Stewart
- VOTE: UNANIMOUS (5-0)

There being no further business, the meeting adjourned at 3:00 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White  
Clerk to the Board