

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

-
- 1. CALL TO ORDER - CHAIRMAN**
 - 2. APPROVAL OF WORK SESSION AGENDA - CHAIRMAN**
 - 2.1. BOC - Changes to the Agenda Pg. 3
 - 3. DISCUSSION ITEMS - NO ACTION**
 - 3.1. Infrastructure and Asset Management - Camp T.N. Spencer Park Discussion Pg. 5
 - 3.2. Infrastructure and Asset Management - City of Concord Tree Lighting and Fireworks Update Pg. 6
 - 3.3. Infrastructure and Asset Management - Emergency Equipment Warehouse and ITS Building Project Update Pg. 15
 - 3.4. Infrastructure and Asset Management - Emergency Medical Services Headquarters Project Update Pg. 25
 - 3.5. Innovation and Technology - Innovation Report Pg. 34
 - 4. DISCUSSION ITEMS FOR ACTION**
 - 4.1. Active Living and Parks - Cabarrus Thread Trail Participation Pg. 36
 - 4.2. BOC - Appointments to Boards and Committees Pg. 68
 - 4.3. BOC - Resolution Amending the Board of Commissioners' 2022 Meeting Schedule Pg. 71
 - 4.4. Cabarrus County Schools - R. Brown McAllister Pg. 73
 - 4.5. County Manager - American Rescue Plan Funding Pg. 79
 - 4.6. County Manager - Transfer of Property to the City of Concord for WW Flowe Park Pg. 87
 - 4.7. DHS - Appropriation of Funding Request for Families First, Inc. Pg. 91
 - 4.8. DHS - Appropriation of LINKS funding Pg. 94
 - 4.9. DHS - Transportation FY23 Rural Operating Assistance Program (ROAP) Pg. 99
 - 4.10. DHS - Transportation Title VI Policy Pg. 109
 - 4.11. Finance - Budget Amendment - Capital Projects Pg. 153
 - 4.12. Finance - Budget amendment for purchase of Generator at Government Center Pg. 162
 - 4.13. Human Resources - EMS Staffing/Compensation Update Pg. 165
 - 4.14. Infrastructure and Asset Management - Courthouse Expansion GMP-3 Rejection of Plumbing Bid Pg. 182

- 4.15. Infrastructure and Asset Management - Milestone Building Improvement Projects Funding Pg. 193
- 4.16. Infrastructure and Asset Management - NC DOT Acquisition of Right-of-Way and Request for Easements at 2700 St. Stephens Church Road Pg. 196
- 4.17. Kannapolis City Schools - PayGo Capital Budget Pg. 205
- 4.18. Planning and Development - Proposed Realignment for Planning and Zoning Commission Areas Pg. 207
- 4.19. Sheriff's Office - Acceptance of Direct Justice Assistance Grant Pg. 212
- 4.20. Tax Administration - Use of In Rem Foreclosure in the Collection of Delinquent Property Taxes Pg. 217

5. APPROVAL OF REGULAR MEETING AGENDA

- 5.1. BOC - Approval of Regular Meeting Agenda Pg. 221

6. ADJOURN

In accordance with ADA regulations, anyone in need of an accommodation to participate in the meeting should notify the ADA coordinator at 704-920-2100 at least 48 hours prior to the meeting.

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Approval of Work Session Agenda - Chairman

SUBJECT:

BOC - Changes to the Agenda

BRIEF SUMMARY:

A list of changes to the agenda is attached.

REQUESTED ACTION:

Motion to approve the agenda as amended.

EXPECTED LENGTH OF PRESENTATION:

1 Minute

SUBMITTED BY:

Lauren Linker, Clerk to the Board

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Changes to the Agenda



**CABARRUS COUNTY BOARD OF COMMISSIONERS
CHANGES TO THE AGENDA
OCTOBER 3, 2022**

ADDITIONS:

Discussion Items for Action

- 4.3 BOC – Resolution Amending the Board of Commissioners' 2022 Meeting Schedule**
- 4.4 Cabarrus County Schools – R. Brown McAllister**

UPDATED:

Discussion Items – No Action

- 3.3 Infrastructure and Asset Management – Emergency Equipment Warehouse and ITS Building Project Update**
- 3.4 Infrastructure and Asset Management – Emergency Medical Services Headquarters Project Update**

Discussion Items for Action

- 4.13 Human Resources – EMS Staffing/Compensation Update**

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items - No Action

SUBJECT:

Infrastructure and Asset Management - Camp T.N. Spencer Park Discussion

BRIEF SUMMARY:

Staff will discuss the potential future capital investment projects at the park, current lease status, park usage statistics, and amenity and site infrastructure conditions.

REQUESTED ACTION:

No action required.

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Rodney Harris, Deputy County Manager
Kyle Bilafer, Assistant County Manager

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items - No Action

SUBJECT:

Infrastructure and Asset Management - City of Concord Tree Lighting and Fireworks Update

BRIEF SUMMARY:

County staff will present and provide updates on the use of Rotary Square and County Parking Lot #2 for the City of Concord Tree Lighting and Fireworks Event.

REQUESTED ACTION:

Receive input.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kyle Bilafer, Assistant County Manager

BUDGET AMENDMENT REQUIRED:

No

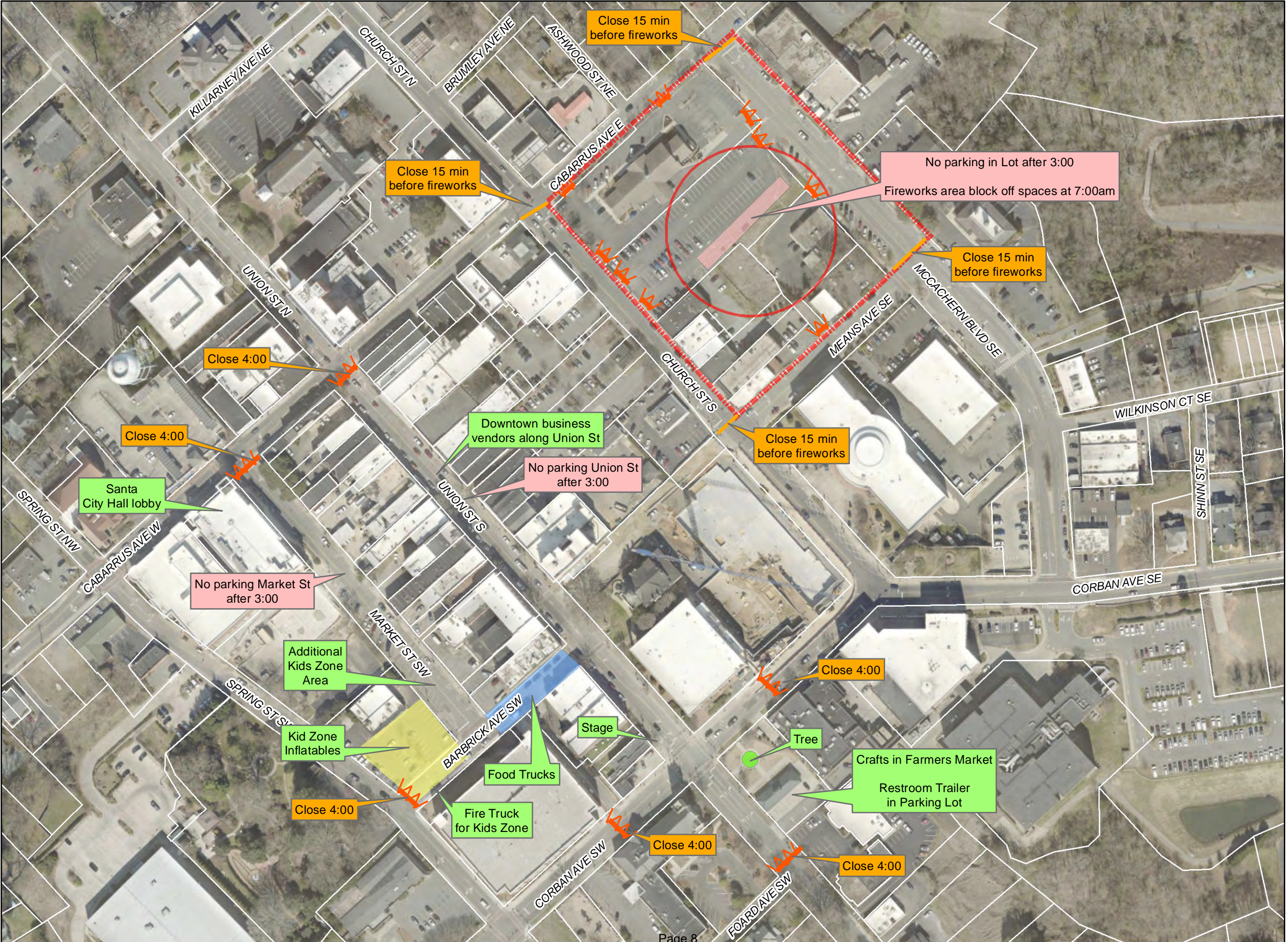
COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:






ATTACHMENTS:

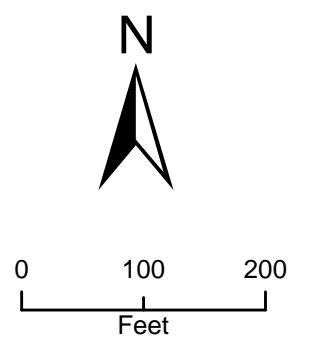
- ▢ Previous Year Exhibit
- ▢ Previous Year Christmas Village Layout

- ▣ Exhibit A - County Parking Lot 2
- ▣ Tree Lighting Footprint 22
- ▣ 2022 Waiver and Indemnity for Fireworks

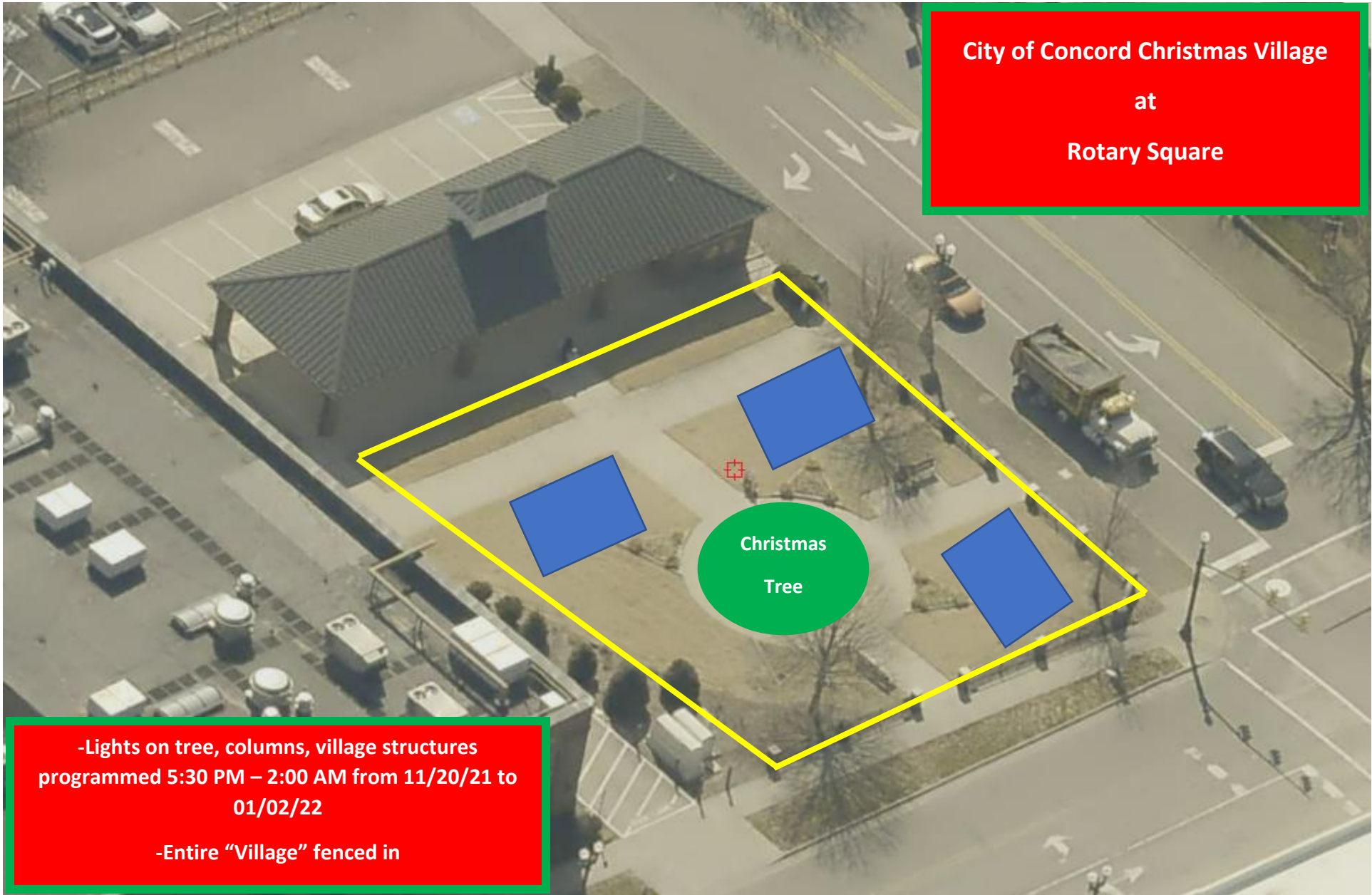
Tree Lighting Event
2021



-  Barricade
-  Temp. Closing
-  Fireworks Safety Line
-  Fireworks Staging
-  Fireworks Fall-Out Zone
-  Inflatables
-  Tree
-  Food Trucks
-  Parcels



**City of Concord Christmas Village
at
Rotary Square**



**-Lights on tree, columns, village structures
programmed 5:30 PM – 2:00 AM from 11/20/21 to
01/02/22**

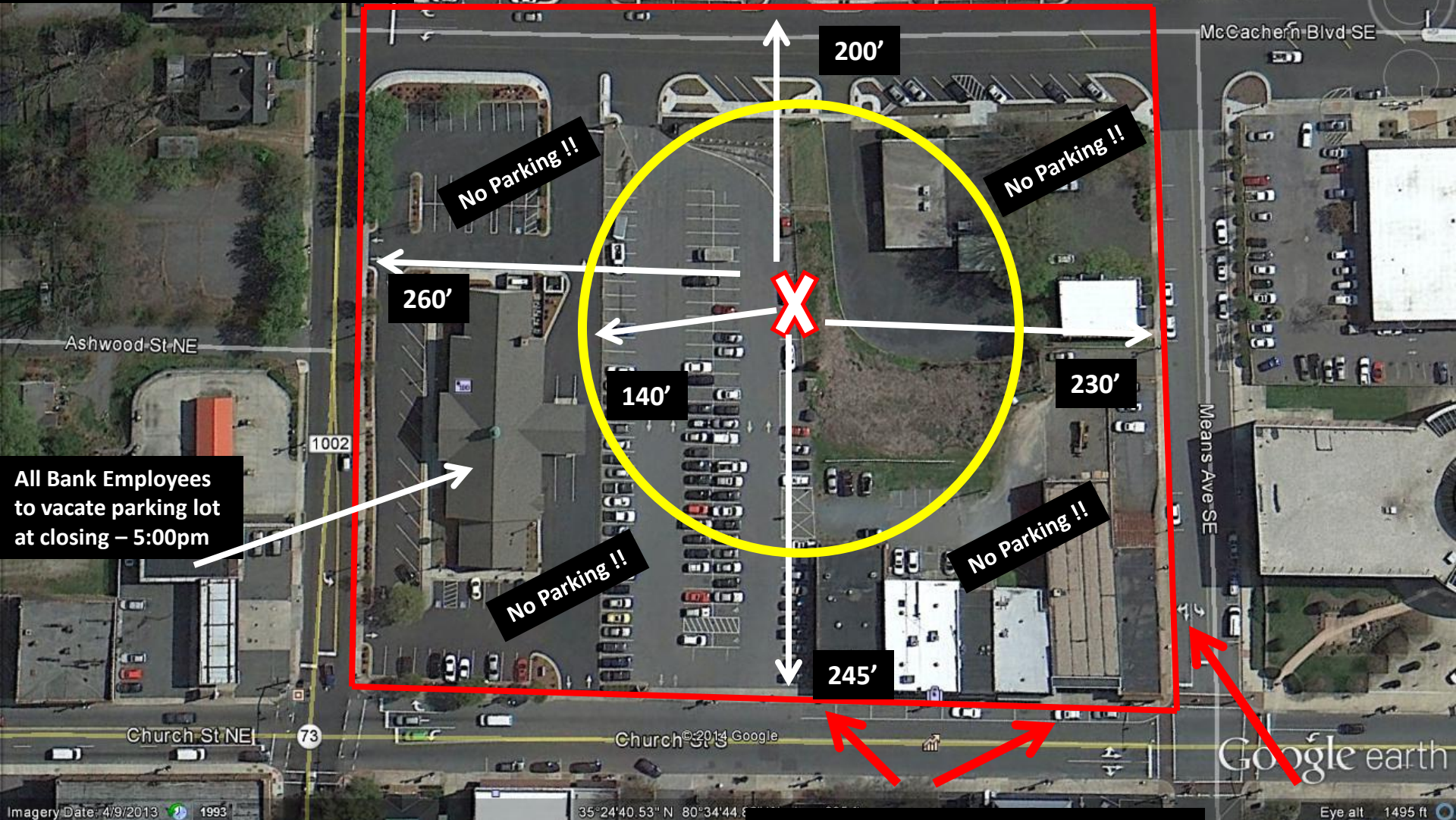
-Entire "Village" fenced in

City of Concord / Lot owned by Cabarrus County
Church St. & Cabarrus St.
Concord, NC 28026

Tree Lighting
Cabarrus County Parking Lot 2
Church St. & Cabarrus St

Maximum Caliber: 2 inch

Yellow Circle = Minimum Fall-Out Zone



All Bank Employees
to vacate parking lot
at closing - 5:00pm

No Parking allowed inside Red Zone

Begin set up : 5:00pm to 5:30pm
Show Time: 8:00pm



Event Footprint

(Union St, Corban Ave, Church St)

- Family Fun Zone
- Food Trucks
- Entertainment



Santa Claus

(Rotary Square)

6-8 PM

Stage Performances

(Union St & Corban Ave)

6-8 PM

Tree Lighting Ceremony

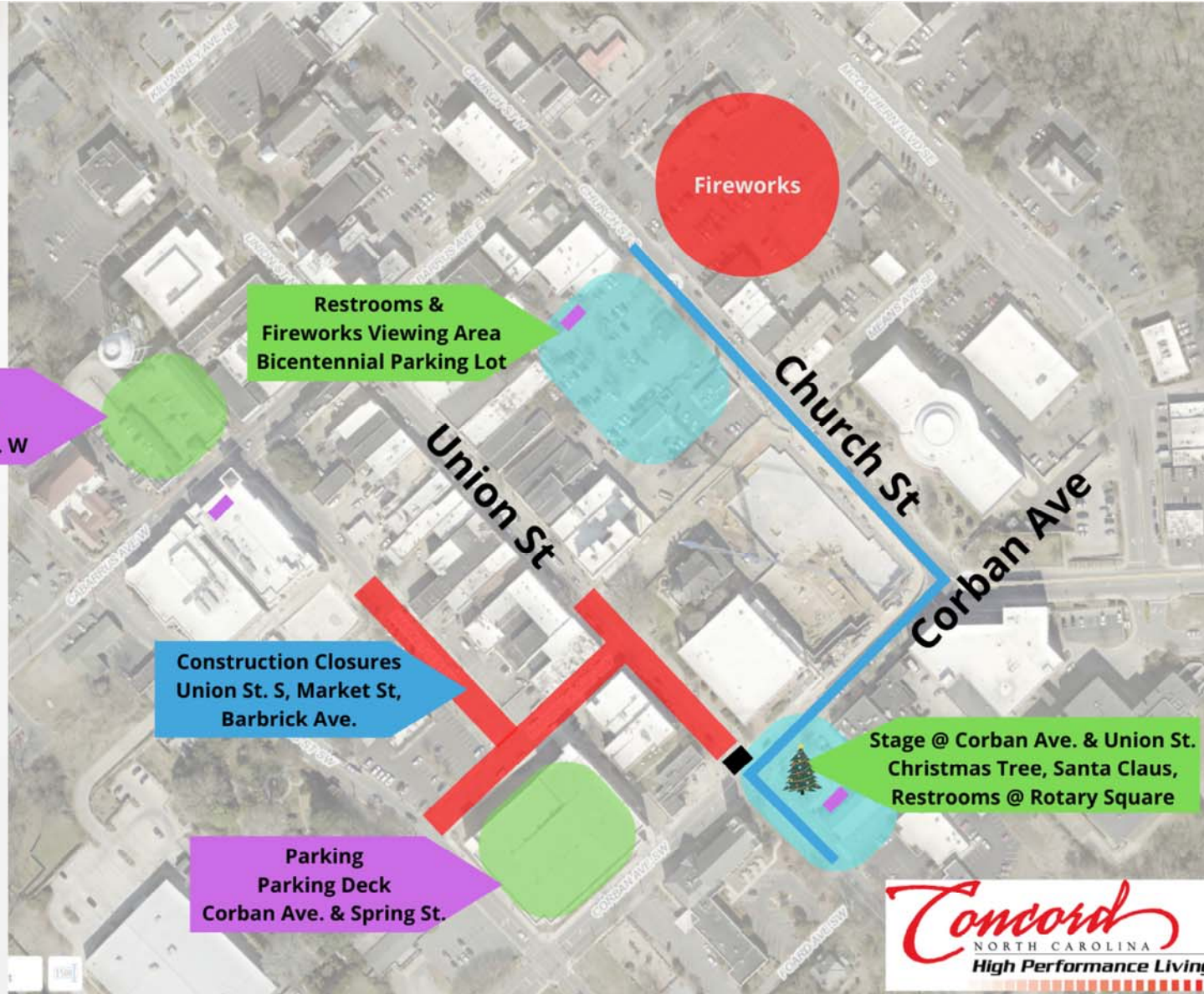
(Rotary Square)

8 PM

Fireworks Viewing

(Bicentennial Parking Lot)

8:20 PM



WAIVER AND INDEMNITY AGREEMENT

THIS WAIVER AND INDEMNITY AGREEMENT is entered into on this 19th day of September 2002, by and between Cabarrus County (“County”) and The City of Concord (“City”).

W I T N E S S E T H:

WHEREAS, the City has requested to come on to the property located between Church Street S and McCachern Boulevard SE and consisting of a surface parking lot owned by the County for the purpose of establishing a launch site for the 2022 Christmas fireworks display (hereinafter referred to as the “Work”); and

WHEREAS, the City has also requested to come on to the property located at 111 Union St, S and consisting of Rotary Square for the purpose of conducting the 2022 City of Concord Annual Tree Lighting Ceremony (hereinafter referred to as the “Ceremony”); and

WHEREAS, the Work will be performed on the Wednesday, Thursday, Friday and Saturday before Thanksgiving (November 16, 17, 18, and 19, 2022) as further set forth below; and

WHEREAS, the Ceremony will be performed on Friday, November 18th, as further set forth below; and

WHEREAS, as a condition to allowing the City to enter its properties to perform the Work and the Ceremony, the County has required that the City execute, deliver and perform this Agreement;

NOW, THEREFORE, for and in consideration of the premises, the County’s allowing the City to enter upon its property to perform the Work and Ceremony and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Waiver. The City hereby expressly waives all claims, rights and causes of action against County for, and County shall not be liable or responsible for, any injury, illness, death or harm of any kind or nature to any person or entity, including, without limitation, the agents, employees or representatives of the City, or damage or loss to any property arising out of, related to or suffered in connection with the performance of the Work and Ceremony, unless such injury, illness, death, harm, loss or damage is the direct result of the willful misconduct of County.

2. Indemnity. The City shall indemnify, protect, save and hold harmless County from and against any and all claims, damages of every kind or nature, including, but not limited to, any and all strict liability claims or causes of action for injury, illness, death or harm of any kind or nature to any person or entity, and for damage or loss of any property of County, the City or any other person or entity and expenses including, but not limited to attorney’s fees or other litigation expenses arising from, related to or suffered in connection with the performance of the Work and

Ceremony, provided, however, that such injury, illness, harm, death, loss or damage is not the direct result of the willful misconduct of County.

3. Performance of Work. On Wednesday, November 16th, City staff will begin installing additional lights and decorations in Rotary Square in preparation of the Ceremony.

On Thursday November 17th, after 5:00 PM, the set up location, as shown on the attached exhibit A by an X notation, will be barricaded by City staff to prevent parking in that area while allowing parking in the remainder of the lot.

On or before Thursday, November 17th, County staff will place signage at the entrances to the lot advising of the 3:00 PM closing time on November 18th. City staff will tow any vehicles remaining in the lot as of 5:00 PM on the 18th. The lot will be completely cleared of vehicles prior to the 8:00 PM event time and will remain clear of all vehicles until the parking area is deemed safe by Concord Fire Department at approximately 6:00 AM on Saturday.

City staff will locate equipment on the lot in advance of and during the event, including a dynamic message board trailer and a surveillance camera trailer.

City staff including the Concord Police Department will provide security before, during and after the event. Specifically the City will position one or more police officers at the lot not later than 3:00 PM and to remain at the site until the cleanup is complete. Concord Fire Department will maintain a fire watch on the launch site and surrounding area until 6:00 AM on Saturday, November 19th.

City staff will remove all debris associated with the event and all barricades, equipment, etc. and the lot will be returned to the condition existing prior to the event not later than 6:00 AM November 20th.

4. Compliance with Laws and Policies. The City agrees that in the course of performing the Work, the City, its agents and employees will comply with all applicable laws, including, but not limited to, the Occupational Safety and Health Act of 1970, as amended (OSHA). In addition, in the course of performing the Work, the City, its agents and employees shall comply with all of City's policies and rules regarding workplace conduct, including, but not limited to, safety policies and rules.

5. Repair of Damages to Property. The City shall promptly repair, at its sole cost, any damage caused by the City, its agents, contractors or employees to County's property during the performance of the Work. Upon completion of the Work, the City shall promptly return County's property to the same condition that it was in prior to the performance of the Work.

6. Insurance. The City carries a liability policy that will provide coverage for the event. The pyrotechnics firm will be contractually required to have liability coverage in the amount of five million dollars. The County shall be named as additional insured both on the City's policy and on the pyrotechnic company's liability policy.

7. Controlling Law. This Agreement, and any action undertaken pursuant hereto, and the rights and obligations of the parties hereto, shall be construed under, governed by and subject to the laws of the State of North Carolina. If any action is brought to enforce or interpret this Agreement, venue for such action shall be in Cabarrus County, North Carolina.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF CONCORD,
A North Carolina municipal corporation

ATTEST:

Kim J. Deason, City Clerk

By _____
Lloyd Wm. Payne, Jr, City Manager

(Corporate Seal)

APPROVED AS TO FORM

VaLerie Kolczynski, City Attorney

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

Jessica Jones, Finance Director

CABARRUS COUNTY,

ATTEST:

County Clerk

By _____
County Manager

(Corporate Seal)

APPROVED AS TO FORM

County Attorney

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

Finance Director

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items - No Action

SUBJECT:

Infrastructure and Asset Management - Emergency Equipment Warehouse and ITS Building Project Update

BRIEF SUMMARY:

County staff will provide an update on the current construction project.

REQUESTED ACTION:

No action required.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kyle Bilafer, Assistant County Manager

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Progress Pictures

Emergency Equipment Warehouse – ITS Project Update (10-03-22)



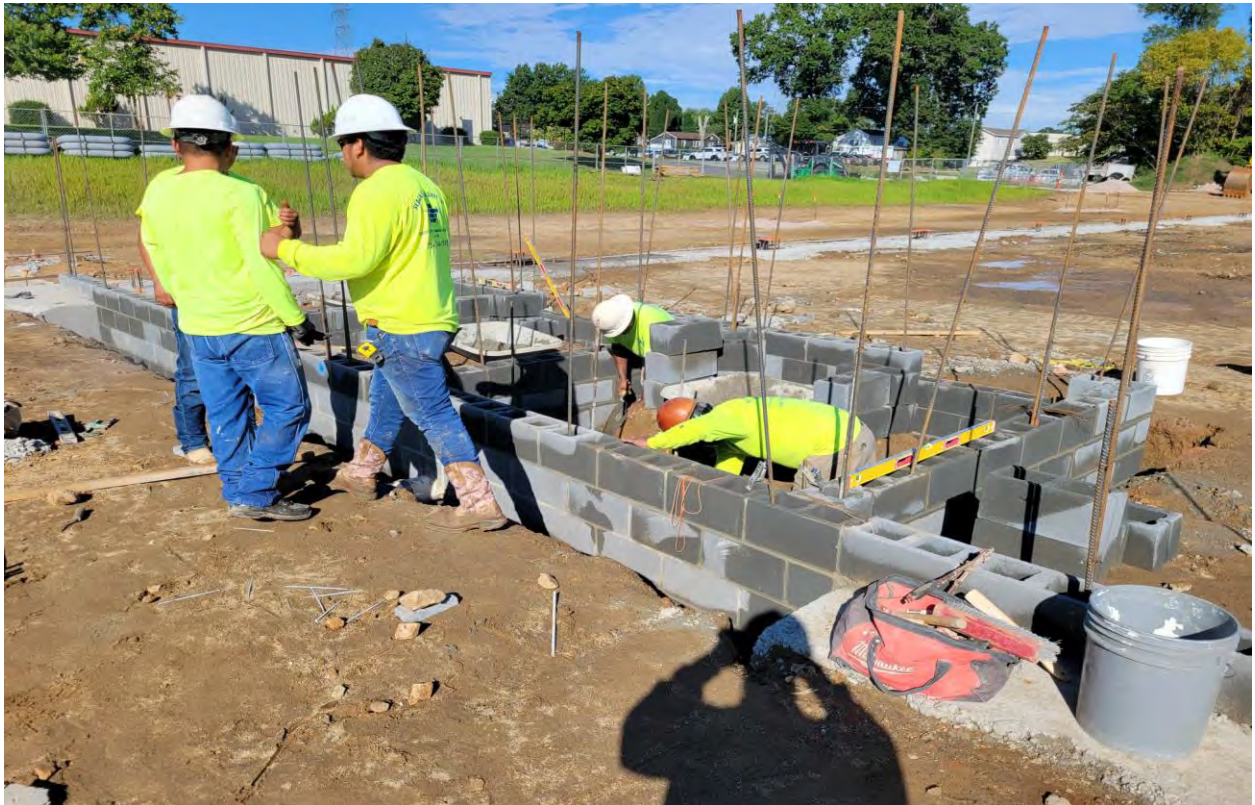
















CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items - No Action

SUBJECT:

Infrastructure and Asset Management - Emergency Medical Services Headquarters Project Update

BRIEF SUMMARY:

County staff will provide an update on the current construction project.

REQUESTED ACTION:

No action required.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kyle Bilafer, Assistant County Manager

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Progress Pictures

EMS Headquarters Board of Commissioners Update (10-3-22)

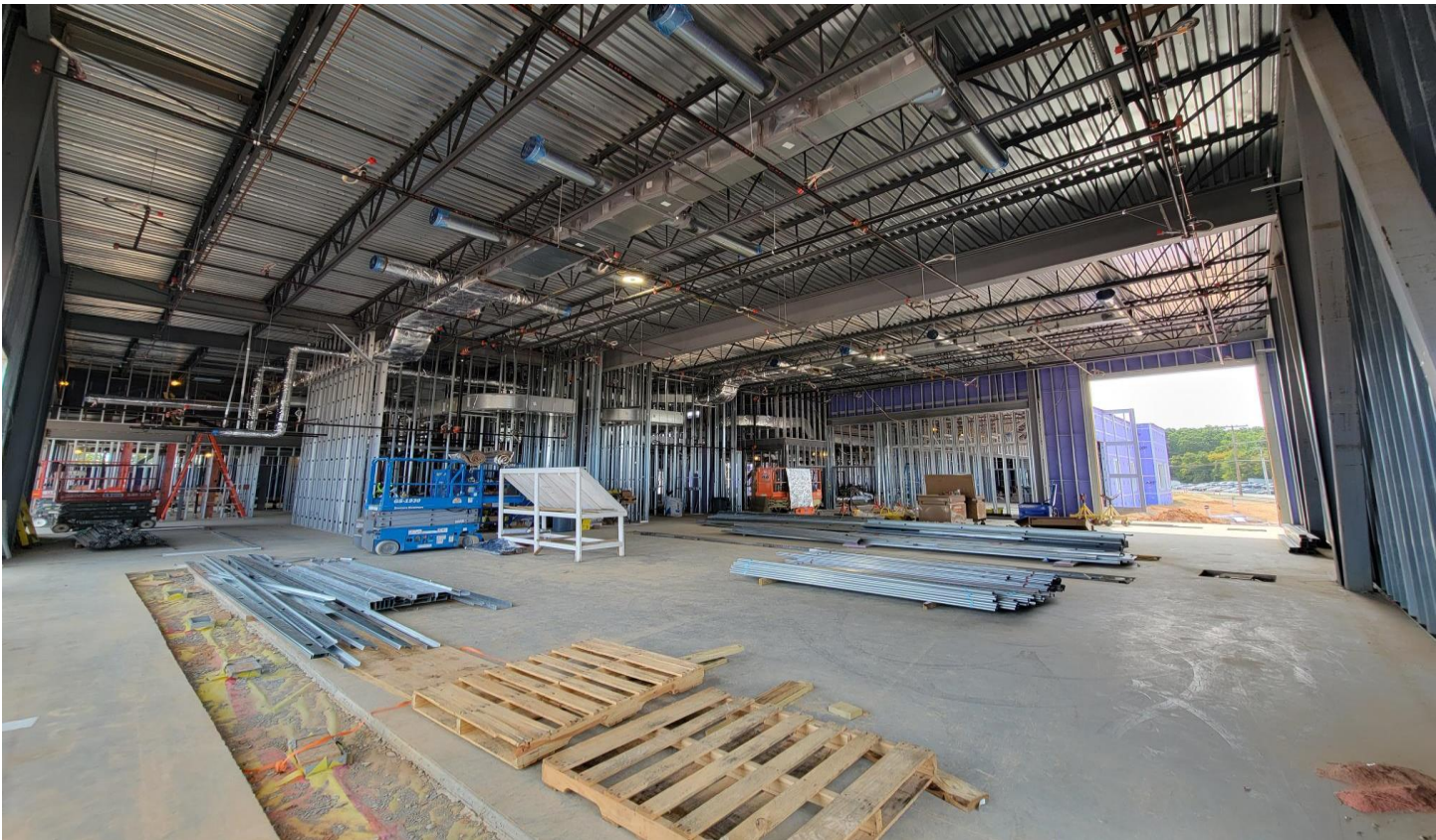


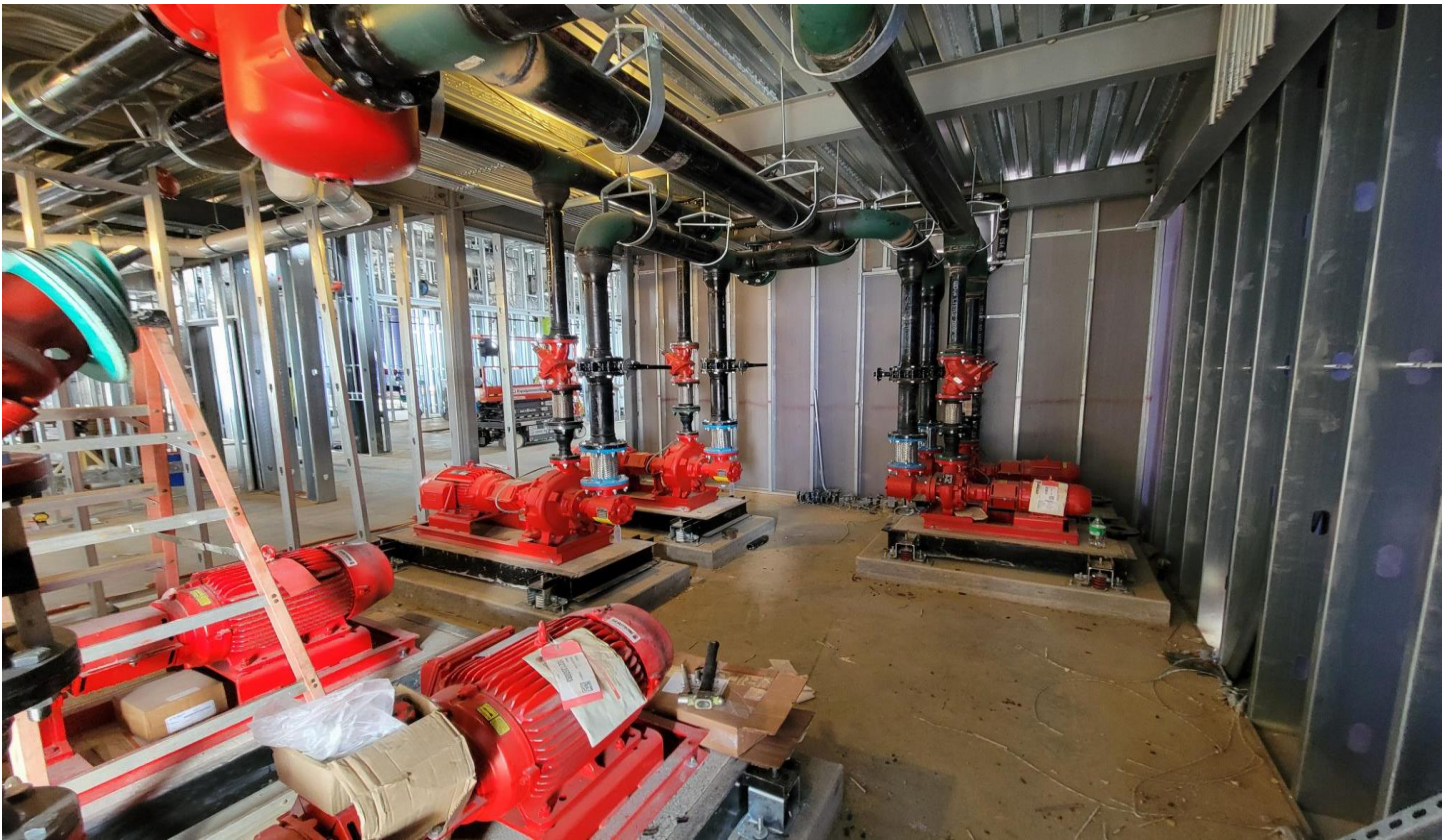














CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items - No Action

SUBJECT:

Innovation and Technology - Innovation Report

BRIEF SUMMARY:

Presentation of innovation and technology services put into place by IT in collaboration with other departments and community stakeholders in alignment with the County's five strategic priorities.

1. Transparent and Accountable Government
2. Healthy and safe Community
3. A Thriving Economy
4. Culture and Recreation
5. Sustainable Growth and Development

REQUESTED ACTION:

Receive report.

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Todd Shanley, Chief Information Officer

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Active Living and Parks - Cabarrus Thread Trail Participation

BRIEF SUMMARY:

In November 2021, Jonathan Marshall presented the proposal to participate in the Carolina Thread Trail branding and signage project. The PowerPoint (attached) provided background on the Thread Trail, their fund raising goals, the signage portion and the request for funding that was presented to Cabarrus County, Kannapolis, and Harrisburg.

The item was approved to participate and pay \$47,000 as the County's part. This was contingent on the municipalities participation and the project to begin. The project is now beginning and Cabarrus County is ready to participate. A budget amendment was developed and approved at the November 2021, but will now need to be approved as we have moved to another FY.

NOTE: The Cabarrus County sign cost was \$240,000 for all jurisdictions, Thread Trail to pay \$120,000, with Cabarrus County government portion to be \$47,000. The price has significantly increased but the County price will remain the same at \$47,000. Concord and Kannapolis have committed to their portions.

There is a MOU attached from Carolina Thread Trail for this process.

REQUESTED ACTION:

Motion to approve the budget amendment of \$47,000 to pay for Cabarrus County's portion of the Carolina Thread Trails sign project.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Londa Strong, Active Living and Parks Director
Mark Kincaid, Carolina Thread Trail

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ CTT - Signage MOU
- ▣ Cabarrus County Thread Trail Opportunities
- ▣ Budget Amendment

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this “**Agreement**”), dated as of _____, 2022 (the “**Effective Date**”), by and between the **CATAWBA LANDS CONSERVANCY**, a North Carolina nonprofit corporation (“**CLC**”), the **CAROLINA THREAD TRAIL**, a North Carolina nonprofit corporation (“**CTT**”), and **CABARRUS COUNTY**, a political subdivision of the State of North Carolina (the “**COUNTY**”).

WITNESSETH:

WHEREAS, CLC is the lead agency for CTT, and the COUNTY and CTT have worked together to develop a trail signage program for trails located in Cabarrus County, North Carolina, locations of which are more particularly shown on **Exhibit A** attached hereto and incorporated herein by reference (the “**Signage**”), and

WHEREAS, the COUNTY has agreed to contribute forty seven thousand dollars (\$47,000.00) as a cost-share with CTT in the fabrication, purchase and installation of Signage (the “**Cost Share Payment**”), and

WHEREAS, the COUNTY has agreed to provide routine maintenance of the Signage and around the areas of installation, and

WHEREAS, CTT has agreed to replace Signage, correct damage or conduct major repairs as needed, and

WHEREAS, the parties hereto recognize and agree that the Signage is important for trail interpretation and directional guidance of trail users, and

WHEREAS, the parties hereto jointly acknowledge the value and community benefits of trails and voluntarily enter into this Agreement to establish the responsibilities of the COUNTY and CLC and CTT with respect to the Signage;

NOW, THEREFORE IN CONSIDERATION OF the foregoing, the parties acknowledge and agree to the terms and conditions as set forth in this Agreement:

1. **Sign Types.** The initial installation of Signage includes seven (7) trailhead signs, four (4) intersection/directional signs, nineteen (19) assurance markers, and ten (10) pavement markings, as shown on **Exhibit B** attached hereto and incorporated herein by reference. Quantities of each sign type are subject to change based on alterations of the Signage locations or adjustments needed due to trail expansion or realignment.
 - i. **Design.** The Signage as shown on **Exhibit B** includes the current design package. Signage will incorporate CTT’s name and/or logo, to be updated as needed in

conjunction with any rebranding or changes in brand strategy adopted by the organization.

2. **Fabrication.** CTT shall be responsible for purchasing all Signage from the selected fabricator based on the specifications agreed upon with the COUNTY.
3. **Installation.** All Signage shall be installed by the contractor or subcontractor selected by CTT to perform such services, unless otherwise agreed with the COUNTY to use its own employees, contractors or subcontractors to complete installation.
4. **Routine Maintenance.** The COUNTY will clean all Signage surfaces and shall clear all vegetation or other debris as necessary to prevent injury and to provide an aesthetically pleasing trail experience.
5. **Replacement.** In the event of damage to or destruction of the Signage, CTT will be responsible for replacement. Signs requiring replacement will be of the same type and installed in the same manner and in the same location as shown on Exhibit A, if feasible. If Signage cannot be replaced in the same location designated in Exhibit A for a technical reason, the parties shall mutually agree to an alternate location.
6. **Monitoring.** The COUNTY and CTT both agree to visually monitor and inspect the Signage for damage at regular intervals. In the event Signage is in poor condition, damaged or destroyed, the party who observed this issue will notify the party responsible for maintenance, care or replacement through notice as described in Paragraph 11 below. Once notified, the responsible party will address, or engage a contractor or subcontractor to address, the issue within thirty (30) days.
7. **Access.** The COUNTY shall not unreasonably restrict access to the Signage locations.
8. **Co-Branding.** The COUNTY reserves the right to place its own branded logo on the assurance markers, to be installed in a manner and utilizing materials mutually agreed upon with CTT.
9. **Naming.** CTT may from time to time make a trail segment naming proposal to the COUNTY. Upon review and approval by the COUNTY, the parties shall mutually agree upon such naming.
10. **Payment.** The Cost Share Payment shall be made by check written out to the Carolina Thread Trail, and the first shall be disbursed by mail to the Notices address below within thirty (30) days of the Effective Date of this Agreement.
11. **Notices.** Any notice or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

COUNTY: Cabarrus County Active Living and Parks
331 Corban Avenue
Concord, NC 28025
Attention: Director

CLC and CTT: Catawba Lands Conservancy
Carolina Thread Trail
2400 Park Rd, Suite 1
Charlotte, North Carolina 28203
Attention: Executive Director

or to such other address as either party from time to time shall designate by written notice to the other.

12. **Insurance.** At all times while this Agreement remains in force and effect, CLC and CTT shall maintain commercial general liability insurance coverage and shall require any contractors or subcontractors performing work related to the Signage installation, replacement or other repair to maintain insurance sufficient to meet the COUNTY's requirements and shall name the COUNTY as an additional insured.
13. **Applicable Law.** This Agreement shall be deemed to be a contract entered into pursuant to the laws of the State of North Carolina and shall in all respects be governed, construed, applied and enforced in accordance with the laws of the State of North Carolina. This Agreement is Effective as of the date first referenced above.
14. **Amendment.** This Agreement may not be amended except by written instrument mutually agreed upon and duly executed by the parties hereto.

*****SIGNATURES ON THE FOLLOWING PAGE*****

IN WITNESS WHEREOF, the parties have caused this instrument to be executed and effective as of the day and year first above written.

CABARRUS COUNTY, a political subdivision
of the State of North Carolina

BY: _____

DATE: _____

TITLE: _____

CATAWBA LANDS CONSERVANCY and
CAROLINA THREAD TRAIL, North
Carolina nonprofit corporations

BY: _____

DATE: _____

TITLE: _____

EXHIBIT A

- Red-Trailhead**
- Orange- Intersection**
- Green- Assurance Marker**
- Blue- Stencil**
- Purple- Trail blaze**

Downtown Concord



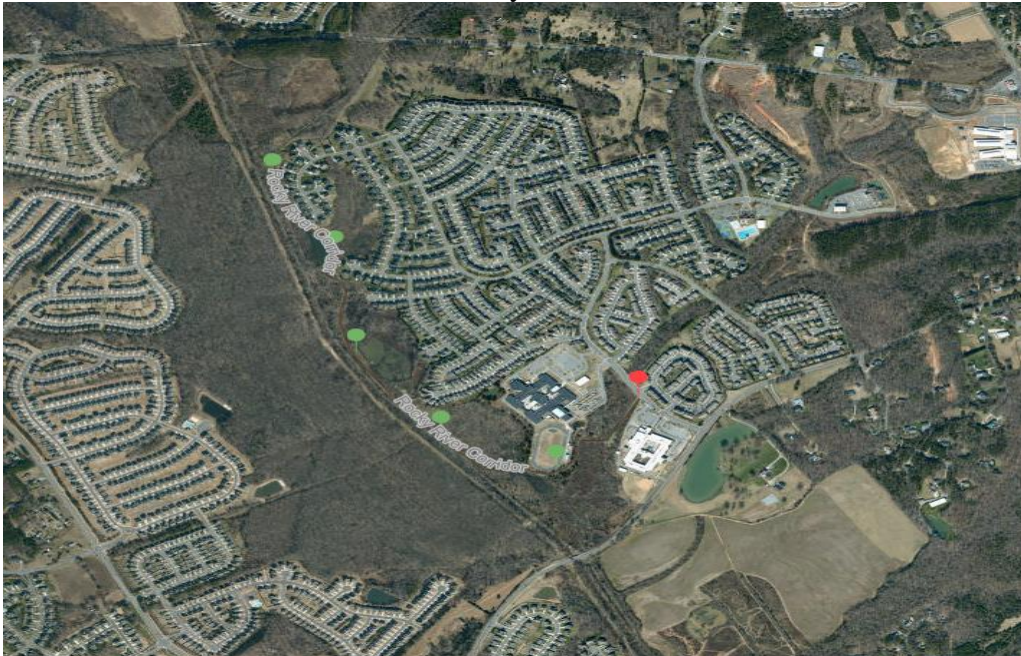
Marvin Caldwell Park



Hector H. Henry at the Mills



Hector H. Henry at Moss Creek



Hector H. Henry at Weddington



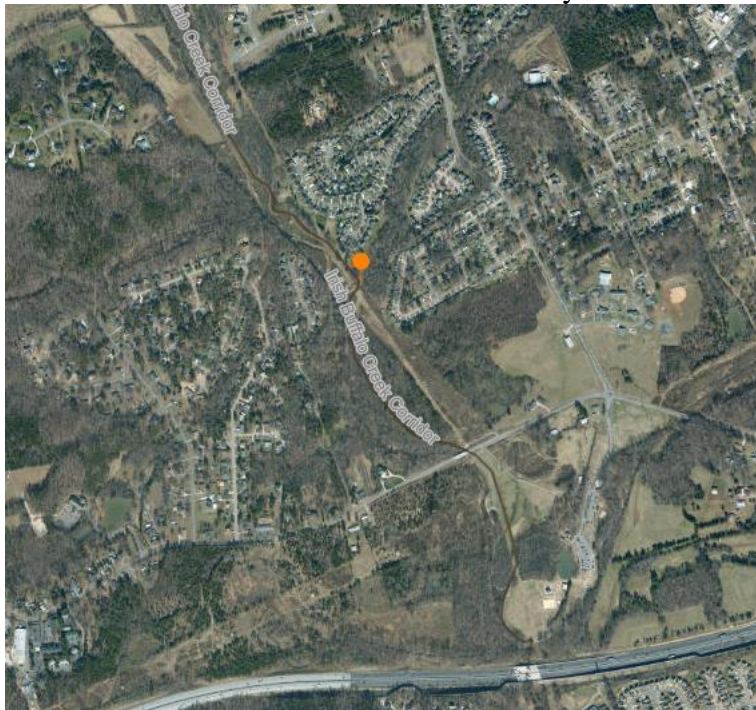
Walter Safrit Park



Bakers Creek & 8th Street Greenways



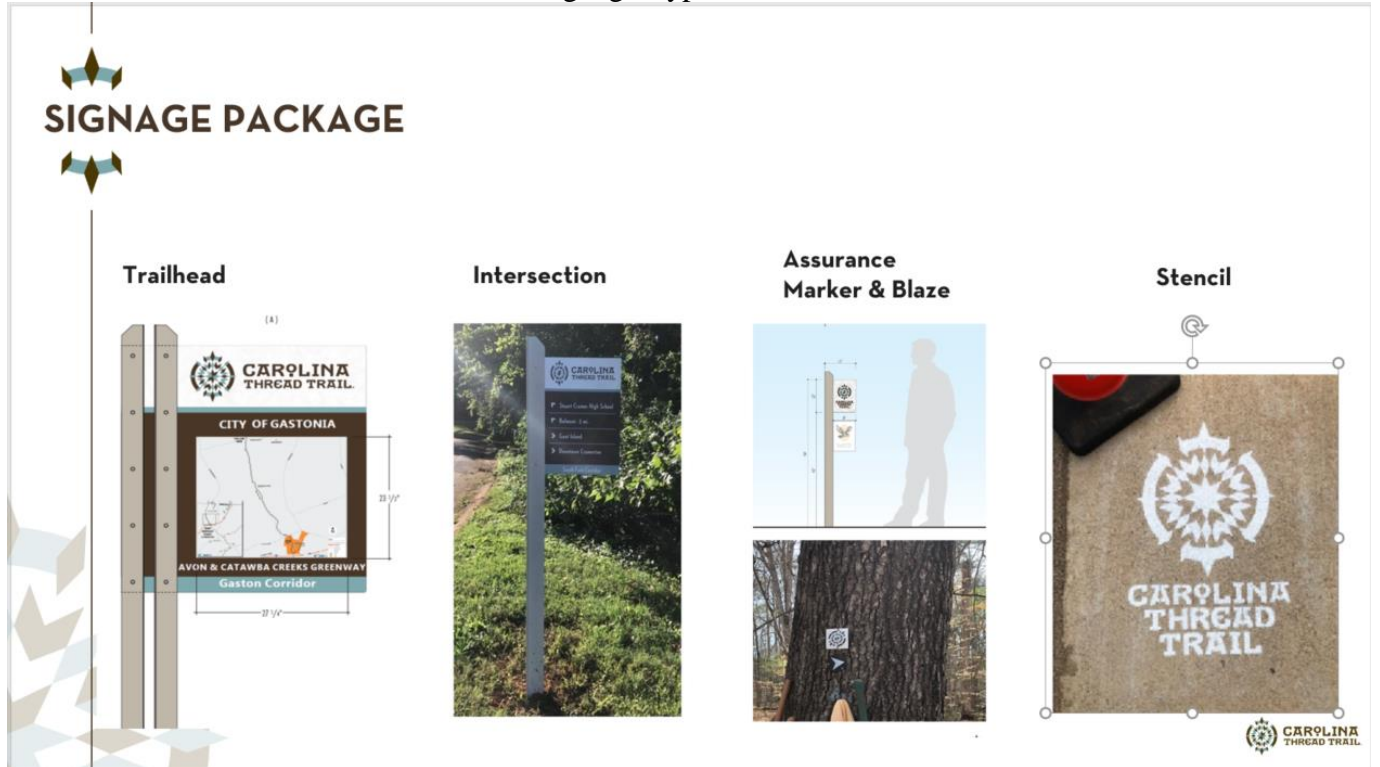
Irish Buffalo Creek Greenway



Rocky River at Waterford



EXHIBIT B Signage Types





CAROLINA
THREAD
TRAIL.

CAROLINA THREAD TRAIL PARTNERSHIP



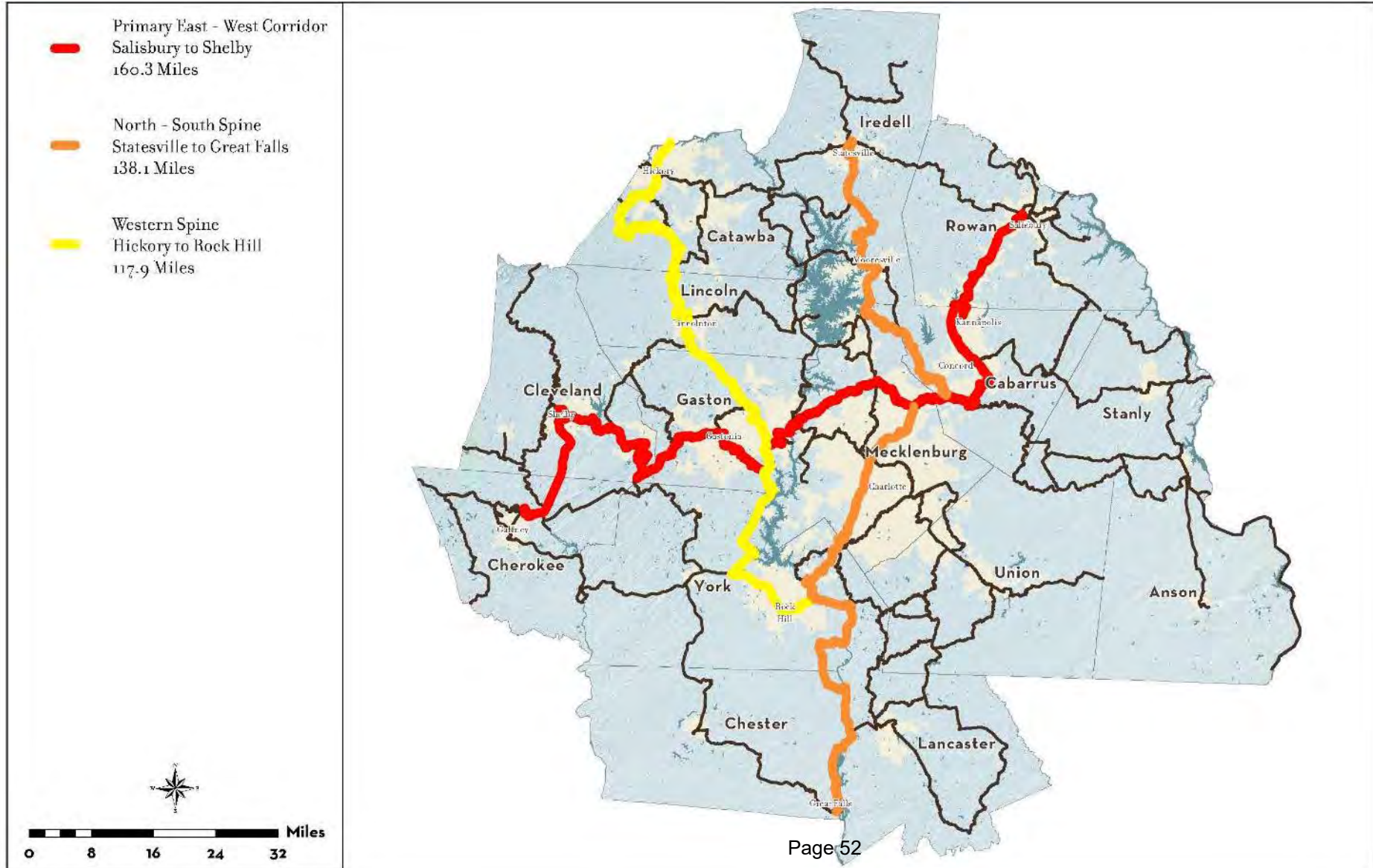
CAROLINA THREAD TRAIL



- Established 2008
- 1,600 miles
- 15 counties
- 309 miles completed
 - 409 including blueways
- 191 more miles in next 5 years



PRIORITY CORRIDORS





Rapidly increasing trail usage:

Ann Springs Close	265,000/year
South Fork Trail	42,000/year
Riverlink Trail	72,000/year
Crowders Mtn	800,000/year



Outdoor Recreation In NC:

\$28B consumer spending
260,000 jobs
\$8.3B wages
\$1.3B tax revenue

Source: NC Outdoor Recreation Association

WHY TRAILS?

#1 request of homeowners

Quality of Life

Recreation

Better health

More economic activity

Job creation

Tourism

Real estate values



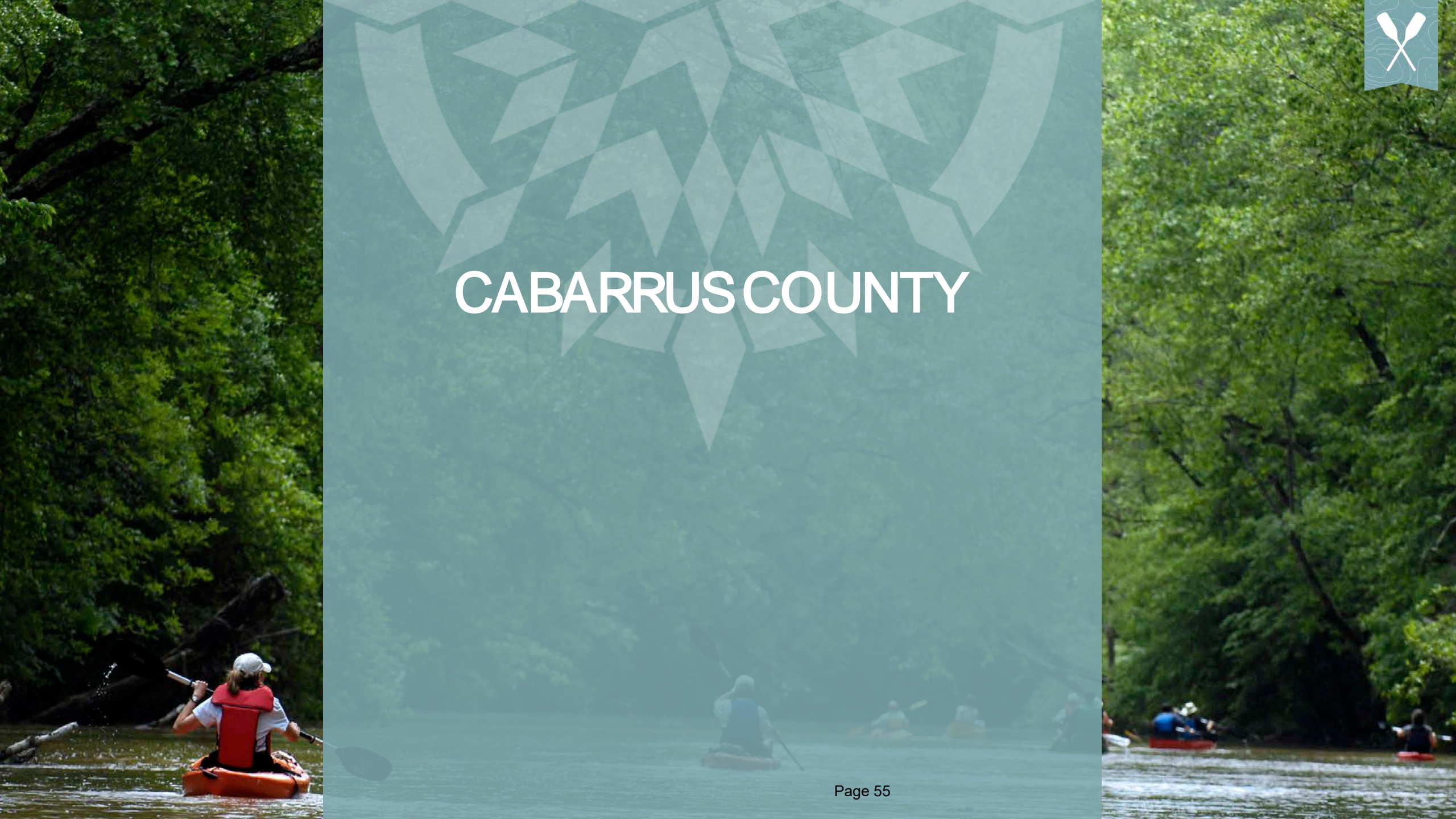
MECKLENBURG COUNTY

- 26 miles existing
- Next 5 years
 - 56 new miles
 - \$171 million investment
- High usage
 - Little Sugar Creek
 - 420,000/year
 - Density of development
- Creates awareness, connections, opportunities



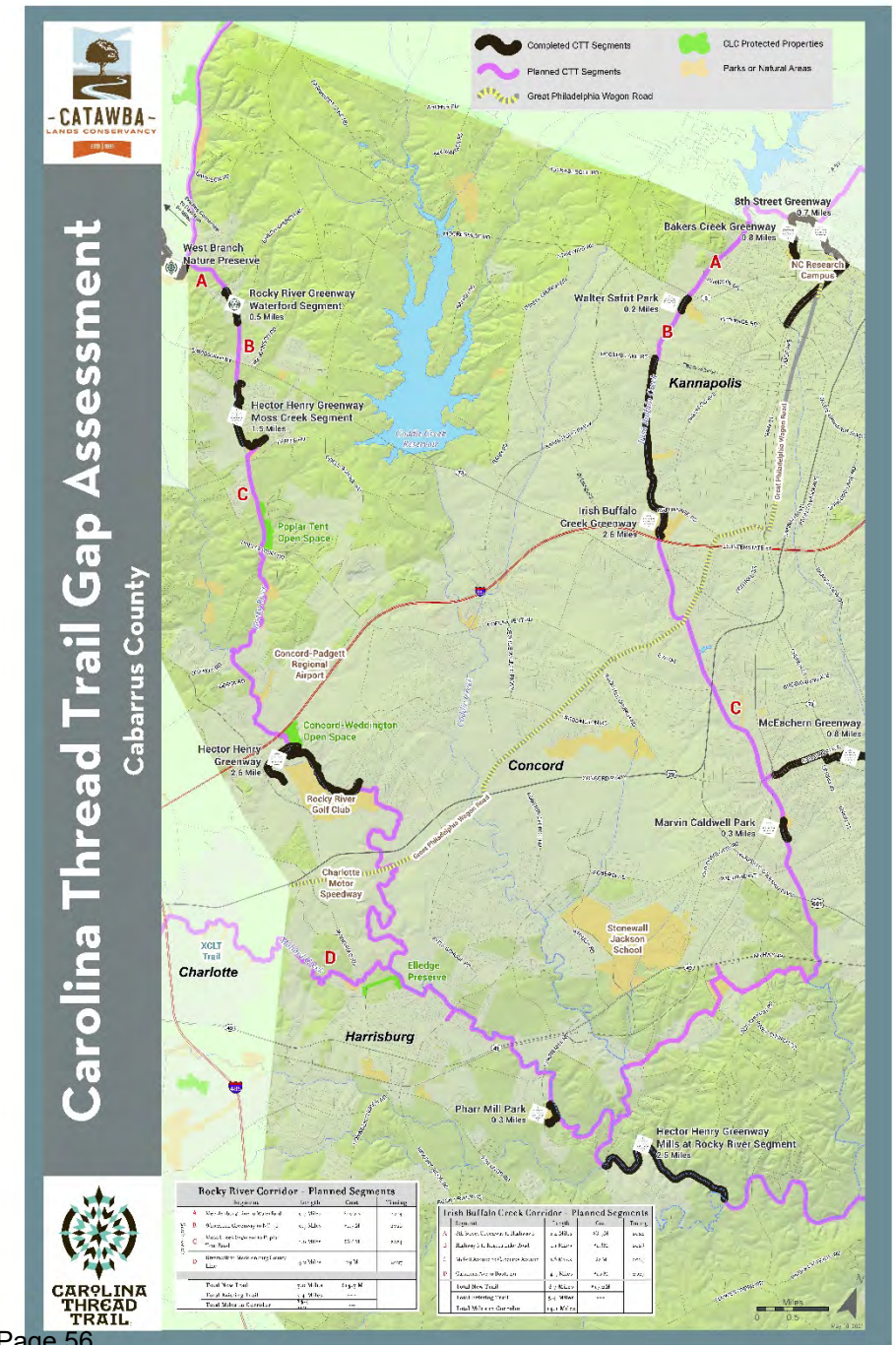


CABARRUS COUNTY



STRATEGIES TO CLOSE THE GAPS

- 20 existing miles, 16 new
- Irish Buffalo Creek Corridor
 - Hwy 3 to Bakers Creek Park
 - Rogers Lake Road to Hwy 3
 - Orphanage Road to Rogers Lake Road
 - Vietnam Veterans Park to US 29
 - McGill Avenue to Cabarrus Avenue
 - Cabarrus Avenue to Melrose Drive
- Rocky River Corridor
 - Mecklenburg line to Waterford
 - Waterford Greenway to NC 73
 - Moss Creek to Poplar Tent Road
 - Weddington Road to Riverwalk
 - Pharr Mill Park to Mills at Rocky River





CABARRUS PRIORITY CORRIDORS



- Irish Buffalo Creek Corridor
 - Links Concord, Kannapolis & Research Campus
 - Downtown revitalization
 - Parks
 - Great Wagon Road
 - Access for underserved communities
- Rocky River Corridor
 - Connections to Mecklenburg and Iredell
 - Significant blueway
 - Parks and green space
 - Rocky River Golf Club
 - Charlotte Motor Speedway
 - Concord Mills
 - Part of North/South spine



ECONOMIC IMPACT

- Increased visitors & tourism
- Increased communities and density along the trails
- Leverages transportation and existing infrastructure
- This amenity attracts talent
- Public private partnership with developers

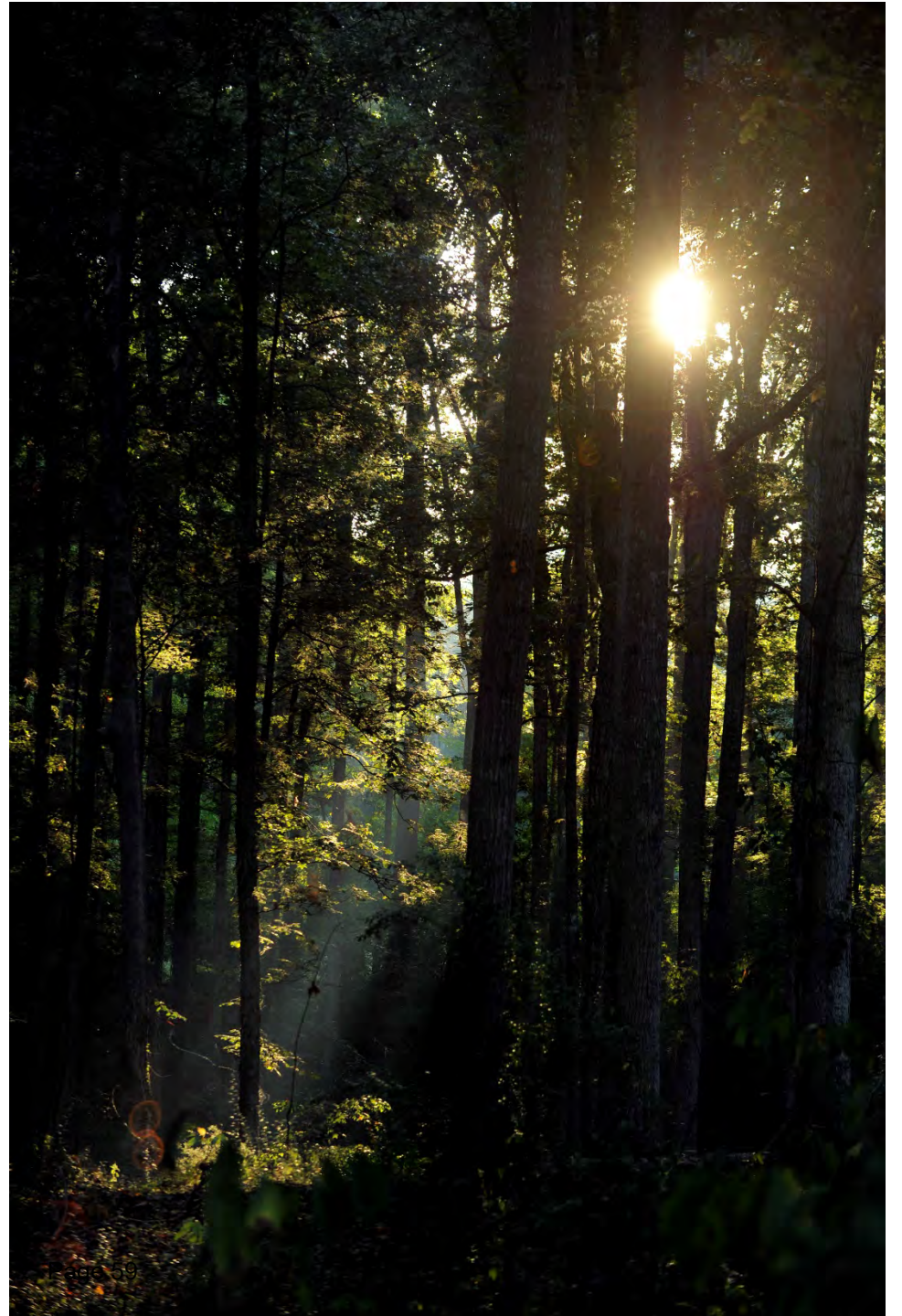




CAPITAL CAMPAIGN



- \$13 million campaign
- \$11.9 million raised
- Cabarrus Goal \$500,000
- Accelerates pace of trail building and removes roadblocks





SIGN TYPES: CORE PACKAGE



Trailhead



Intersection



Assurance

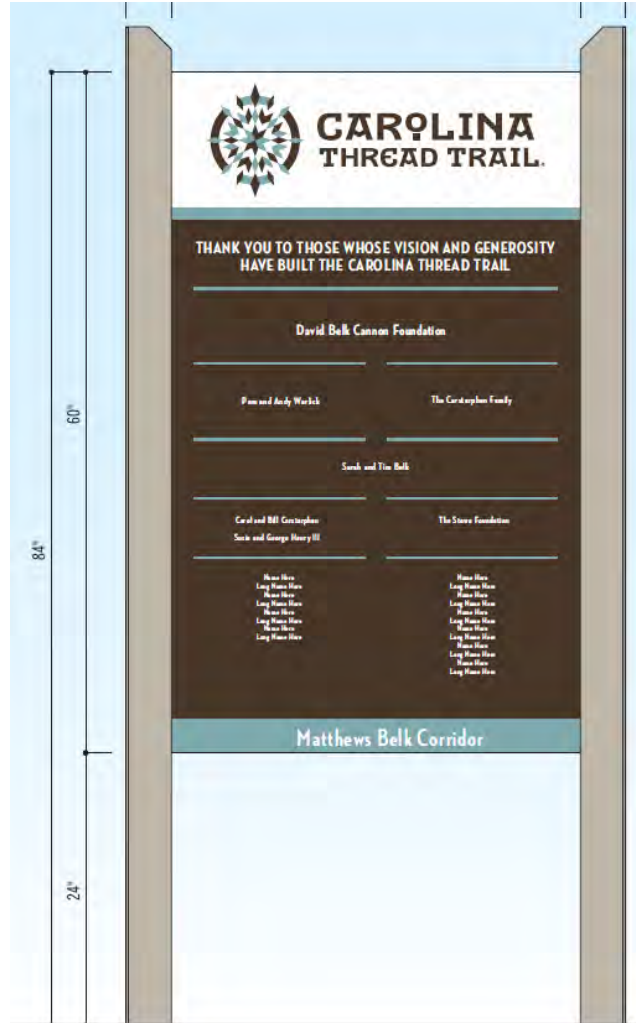


CAROLINA
THREAD TRAIL

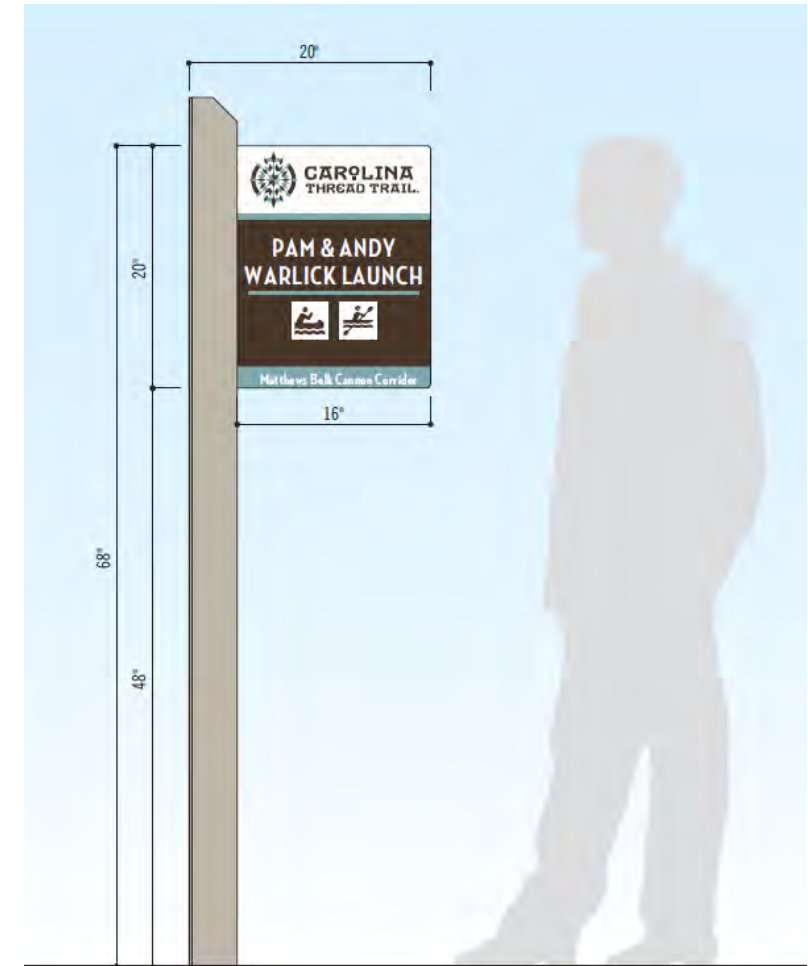
SIGN TYPES: SECONDARY PACKAGE



Crosswalk



Donor Recognition



Kayak/Canoe Launch



CAROLINA
THREAD TRAIL



2 PILOTS COMPLETE

- South Fork Corridor, Gaston County
 - 59 signs installed over 4 miles
 - Permanent adoption by Cramerton and McAdenville
 - Vendor installation
- Irish Buffalo Creek Corridor, Cabarrus County
 - 91 signs installed over 5.5 miles
 - Staff installation



5 YEAR PLAN



	Existing Miles	New Miles	Total Miles	Paved miles	Unpaved miles	Sidewalk miles	Signs	Installation	10% Contingency	Total	50% Share
Anson	1	1	2	2			\$15,096	\$3,103	\$1,820	\$20,019	\$10,010
Cabarrus	20	16	36	27	6	3	\$180,639	\$37,640	\$21,828	\$240,107	\$120,054
Catawba	35	18	53	7	26	20	\$178,914	\$36,287	\$21,520	\$236,720	\$118,360
Cherokee	16	9	24	3	15	7	\$45,535	\$9,275	\$5,481	\$60,291	\$30,146
Chester	7	18	25	1	21	3	\$78,531	\$15,706	\$9,424	\$103,661	\$51,830
Cleveland	19	17	36	2	31	3	\$149,175	\$29,919	\$17,909	\$197,003	\$98,502
Gaston	33	19	53	20	20	12	\$247,406	\$48,638	\$29,604	\$325,649	\$162,824
Iredell	22	4	26	12	5	9	\$115,432	\$23,926	\$13,936	\$153,294	\$76,647
Lancaster	13	3	16	5	7	5	\$62,582	\$12,852	\$7,543	\$82,978	\$41,489
Lincoln	10	3	13	2	8	3	\$50,232	\$10,214	\$6,045	\$66,491	\$33,246
Mecklenburg	55	56	111	86	3	22	\$622,260	\$130,164	\$75,242	\$827,667	\$413,833
Rowan	19	2	21	7	6	9	\$98,542	\$20,128	\$11,867	\$130,537	\$65,269
Stanly	10	5	15	2	10	3	\$67,484	\$13,581	\$8,106	\$89,171	\$44,586
Union	17	1	18	2	7	9	\$60,463	\$12,177	\$7,264	\$79,904	\$39,952
York	31	20	51	17	28	6	\$269,724	\$55,037	\$32,476	\$357,237	\$178,618
Blueway							\$29,970	\$5,994	\$3,596	\$39,560	\$19,780
Donor							\$81,000	\$16,200	\$9,720	\$106,920	\$53,460
Grand Total	309	191	500	193	194	112	\$2,352,985	\$480,842	\$283,383	\$3,117,210	\$1,558,605

5 YEAR PLAN SUMMARY – 15 COUNTIES

- Sign 600 miles over 5 years
 - 191 new miles and 409 existing miles
- 5,473 signs
- Total cost \$3.1M
- CTT 50% cost \$1.56M

Sign and Installation Cost Estimate	\$2,833,827
10% Contingency	\$283,383
Total Budget Recommendation	\$3,117,210
50% Share Total Budget Recommendation	\$1,558,605





COST SHARING PROPOSAL



Cabarrus \$240k

CTT 50% of cost = \$120k

- Cabarrus County \$47k
- Concord \$46k
- Kannapolis \$14k
- Harrisburg \$13k
- Payable over 5 years



Budget Revision/Amendment Request

Date:

Amount:

Dept. Head:

Department:

- Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

Budget \$47,00 for Carolina Thread Trail Cost Sharing Proposal for Sign Project

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	8140 6901	Fund Balance Appropriated	-	47,000.00		47,000.00
001	9	8140 971041	Contributions to Carolina Thread Trail	-	47,000.00		47,000.00
							0.00
							0.00
							0.00

Total 0.00

Budget Officer

- Approved
 Denied

County Manager

- Approved
 Denied

Board of Commissioners

- Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

BOC - Appointments to Boards and Committees

BRIEF SUMMARY:

The following appointment to Boards and Committees are recommended for October:

Appointments and Removals - Cabarrus County Youth Commission

The current Youth Commissioners would like to recommend the following students to fill the vacancies on the Cabarrus County Youth Commission:

Ansh Kamdar - Concord High School
Connor Solvason - Cox Mill High School
Nihar Kummetha - Cox Mill High School
Kayla Anderson - At-Large - Early College High School
Nattellie Anderson - At-Large - Early College High School
Scarlet West - At-Large - Homeschool
Jaxon Boss - At-Large - Homeschool
Konner Black - Northwest Cabarrus High School
Owen Lutz - Hickory Ridge High School
Vishista Chittalooru - Hickory Ridge High School
Analia Ival-Green - AL Brown High School
Muhammad Kamran - Central Cabarrus High School
Kimberly Lisk - Central Cabarrus High School
Ana McAuley - Mt. Pleasant High School
Kylie Greenelsh - Mt. Pleasant High School

Additionally, Youth Commission member Vanessa Hurtado from Cox Mill High School has resigned from the Commission. It is requested to remove her name from the roster.

Representative recommendations are Ansh Kamdar, Connor Solvason, Nihar Kummetha, Kayla Anderson, Nattellie Anderson, Scarlet West, Jaxon Boss, Konner Black, Owen Lutz, Vishista Chittalooru, Analicia Ival-Green, Muhammad Kamran, Kimberly Lisk, Ana McAuley, and Kylie Greenelsh.

Appointments and Removals - Early Childhood Task Force Advisory Board

Waynett Taylor's term on the Early Childhood Task Force Advisory Board ends October 31, 2022. Ms. Taylor would like to serve another term. She does not reside in Cabarrus County. An exception to the residency provision of the Appointment Policy will be needed for her.

Additionally, due to a change in her work schedule, Early Childhood Task Force Advisory Board member Kim Good has resigned from her position on the committee.

Representative recommendation is Waynett Taylor.

Appointments - Juvenile Crime Prevention Council

At the September 21, 2022 regular JCPC (Juvenile Crime Prevention Council) meeting, the Council voted unanimously to recommend approval of the following appointments: 1) Deputy Travis Burke to replace Senior Deputy Brian Heintz as the Sheriff's designee. Brian's resignation is effective September 30; 2) Officer Adrian Attaway to replace Joy Butler as an At-Large member representing Kannapolis City Schools. Officer Attaway is a School Resource Officer at A.L. Brown High School; 3) Mikayla Branch representing Youth under Age 21; 4) Ashley Fitch as an At-Large member replacing Beth Downs. Beth's resignation is effective September 30; and 5) Heather Jones as a Member of the Public Representing the Interests of Families of At-Risk Youth.

Representative recommendations are Travis Burke, Ashley Fitch, Adrian Attaway, Heather Jones, and Mikayla Branch.

Appointments (Removals) - Planning and Zoning Commission

Mr. Kevin Crutchfield needs to resign from his position on the Planning and Zoning Commission effective November 9, 2022. Staff respectfully requests that Mr. Crutchfield be removed from the roster as the Midland Area representative.

REQUESTED ACTION:

Provide information.

EXPECTED LENGTH OF PRESENTATION:

1 Minute

SUBMITTED BY:

Lauren Linker, Clerk to the Board

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

BOC - Resolution Amending the Board of Commissioners' 2022 Meeting Schedule

BRIEF SUMMARY:

Approval is requested to add a meeting to the Commissioners' 2022 meeting schedule on Thursday, November 3, 2022 at 6:00 p.m. in the Laureate Center at Kannapolis City Hall.

REQUESTED ACTION:

Motion to adopt the resolution.

EXPECTED LENGTH OF PRESENTATION:

SUBMITTED BY:

Lauren Linker, Clerk to the Board

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Resolution



**Resolution Amending the
Cabarrus County Board of Commissioners'
2022 Meeting Schedule**

WHEREAS, on December 20, 2021, the Cabarrus County Board of Commissioners adopted a meeting schedule for calendar year 2022, which sets forth the dates, times and locations of various official county meetings; and

WHEREAS, the Board desires to schedule a meeting on November 3, 2022 at 6:00 p.m. in the Laureate Center at Kannapolis City Hall;

NOW, THEREFORE BE IT RESOLVED that the Cabarrus County Board of Commissioners hereby amends its 2022 Meeting Schedule as follows:

1. The Board of Commissioners will hold a meeting on November 3, 2022 at 6:00 p.m. in the Laureate Center at Kannapolis City Hall in Kannapolis, North Carolina.

ADOPTED this 17th day of October, 2022.

Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

ATTEST:

Lauren Linker, Clerk to the Board

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Cabarrus County Schools - R. Brown McAllister

BRIEF SUMMARY:

As part of the FY23 budget, the board approved debt of \$39,800,000 for the new R. Brown McAllister Elementary School. The project was also allocated \$1,950,000 of cash on-hand in FY22 for a total project budget of \$42,350,000.

Bids have been received and the total project budget has come in \$5,956,750 higher than available funding. The County has \$1,675,000 available from pay-as-you-go (PAYGO) in FY24 to cover the projects furniture, fixtures, and equipment. This leaves an unfunded amount of \$3,681,750.

Funds would be pulled from Fund Balance with the County reimbursed with Fiscal Year 2024 debt funding. An additional \$650,000 will be needed for anticipated road improvements, but will be fully reimbursed by the Department of Transportation. The total project budget would be \$48,356,750 – a 37% increase from original estimates. Cabarrus County School's anticipate starting construction in November 2022 and for the school to open in August 2024.

REQUESTED ACTION:

Motion to approve increase in funding for R. Brown McAllister Elementary School and approve the corresponding budget amendment and updated project ordinance.

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Rodney Harris, Deputy Director

Jim Howden, Finance Director

Brian Cone, Cabarrus County Schools Director of Architecture, Planning and Construction

Tim Lowder, Cabarrus County Schools

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ Budget Amendment
- ▣ Project Ordinance

Budget Revision/Amendment Request

Date: October 17, 2022

Amount: 3,681,750.00

Dept. Head: Rodney Harris (prepared by James Howden)

Department: FUND 390 - School Capital Projects

- Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

As part of the FY23 budget, the board approved debt of \$39,800,000 for the new R. Brown McAllister Elementary School. The project was also allocated \$1,950,000 of cash on-hand in FY22 for a total project budget of \$42,350,000. Bids have been received and the total project budget has come in \$5,956,750 higher than available funding. The County has \$1,675,000 available from pay-as-you-go (PAYGO) in FY24 to cover the projects furniture, fixtures, and equipment. This leaves an unfunded amount of \$3,681,750. Funds would be pulled from Fund Balance with the County reimbursed with Fiscal Year 2024 debt funding. An additional \$650,000 will be needed for anticipated road improvements, but will be fully reimbursed by the Department of Transportation. The total project budget would be \$48,356,750

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
390	6	7340-6918-2024B	Proceeds from COPS/LOBS - R Brown	-	3,681,750.00		3,681,750.00
390	9	7340-9820	Construction	39,550,000.00	3,681,750.00		43,231,750.00
390	6	7340-6439	NC Dept of Transportation	350,000.00	300,000.00		650,000.00
390	9	7340-9802	Road Construction	-	650,000.00		650,000.00
390	9	7340-9820	Construction	43,231,750.00		350,000.00	42,881,750.00
390	6	7340-6918-2024B	Proceeds from COPS/LOBS - R Brown	3,681,750.00	600,000.00		4,281,750.00
390	9	7340-9820	Construction	42,881,750.00	600,000.00		43,481,750.00
390	6	7340-6902-DM24	Contributions from GF - PAYGO	-	1,675,000.00		1,675,000.00
390	9	7340-9860	Equipment & Furniture	-	1,675,000.00		1,675,000.00

Budget Officer

County Manager

Board of Commissioners

- Approved
 Denied

- Approved
 Denied

- Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

CABARRUS COUNTY SCHOOL CAPITAL PROJECTS BUDGET ORDINANCE

BE IT ORDAINED by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is for the construction and renovations of School Facilities. Details of the project are listed in section C. of this Project Ordinance.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP) and the budget contained herein.

It is estimated that the following revenues will be available to complete capital projects as listed.

Contribution from General Fund/CIF	\$ 33,925,319
Contribution from Capital Projects Fund	9,522,511
Debt Proceeds 2020 Draw Note	46,620,222
Debt Proceeds 2022 Draw Note	55,711,930
Debt Proceeds 2024 Draw Note	6,081,750
Contribution from Capital Reserve Fund	1,662,314
NC Department of Transportation	1,950,000
TOTAL REVENUES	\$155,474,046

- C. The following appropriations are made as listed.

CCS Mobile Unit Renovation	\$ 3,300,000
Concord High Fire Alarm Replacement	89,314
Northwest High Fire Alarm Replacement	89,314
JM Robinson Renovation	81,195
R. Brown McAllister Replacement	48,356,750
Roberta Road Middle School	56,604,300
CCS New High School	9,508,821
CCS Southeast High School – Land purchase	1,816,320
Kannapolis Middle School	138,897
AL Brown Football Stadium ADA/Drainage	228,000
AL Brown Roof Replacement	190,000
RCCC Building 1000 Boiler	62,780
RCCC Building 2000 Roof Replacement	154,500
RCCC CBTC HVAC	244,291
Contribution to Capital Reserve	5,001,114
Early College Mobile Units	2,337,000
Deferred Maintenance Cabarrus County Schools	19,663,416
Deferred Maintenance Kannapolis City School	4,140,034
Deferred Maintenance Rowan Cabarrus Community College	3,468,000
TOTAL EXPENDITURES	\$155,474,046

GRAND TOTAL – REVENUES	\$155,474,046
GRAND TOTAL – EXPENDITURES	\$155,474,046

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.
- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
 - 1. The Manager may transfer amounts between objects of expenditure and revenues within a function without limitation.
 - 2. The County Manager may transfer amounts up to \$500,000 between functions of the same fund.
 - 3. The County Manager may transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order.
 - 4. The County Manager is authorized to transfer funds from the General Fund or Capital Reserve Fund to the appropriate fund for projects approved within the Capital Improvement Plan for the current fiscal year.
 - 5. Upon notification of funding increases or decreases to existing grants or revenues, or the award of grants or revenues, the Manager or designee may adjust budgets to match, including grants that require a County match for which funds are available.
 - 6. The Manager or designee may adjust debt financing from estimated projections to actual funds received.
 - 7. The County Manager may enter into and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.
 - 8. The County Manager may award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
 - 9. The County Manager may execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
 - 10. The County Manager may reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).
 - 11. The County Manager may reduce revenue projections consistent with prevailing economic conditions, and also reduce expenditures correspondingly.

Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.
- c. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a construction project, all unrestricted excess funds are transferred to the General Fund, Community Investment Fund or other Capital Project Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 17th day of October 2022.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: _____
Stephen M. Morris, Chairman

ATTEST:

Clerk to the Board

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

County Manager - American Rescue Plan Funding

BRIEF SUMMARY:

Staff will provide an update on American Rescue Plan spending with an emphasis on food assistance. Board approval is sought for (a) establishing and communicating spending deadlines to Grantees and (b) amending the budget and project ordinance to move awarded funds to unallocated.

REQUESTED ACTION:

Motion to approve the presented plan, budget amendment, and project ordinance.

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Rodney Harris, Deputy County Manager

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ Communication Plan
- ▣ Budget Amendment
- ▣ Project Ordinance

Organizations:

Bethel Enrichment Center (Food Assistance)	Hope Chapel
Cabarrus Meals on Wheels	Living Faith Food Pantry
Carolina Farm Stewardship	Multi-Cultural Community Student Union
Coltrane L.I.F.E. Center	Operation Homeless
El Puente Hispano	Opportunity House
Elder Orphan Care	Salvation Army
Esther’s Heart for Transformation Ministry	Sonshine Backpack Ministry
Feed the Souls Food Pantry	The Bulb Mobile Markets

Proposed Communication:

To ensure all funds are expended by the federal deadline, we are requiring the following of your organization by June 30, 2023:

1. Grantee must have expended all funds awarded by the County; or
2. Grantee must have obligated the funds by legally executed contract or purchase order; or
3. Grantee must have clearly demonstrated to a high degree of certainty they will expend all funds by December 31, 2023, as determined by County staff. Evidence could include:
 - a. A consistent history of expenditures that are on-pace to expend all funds by December 31, 2023; or
 - b. A compelling and detailed explanation of why the grantee has failed to expend the funds for a legitimate business reason and a comprehensive plan for spending the funds no later than December 31, 2023.

The County will cancel the balance of grant awards if you are unable to meet one or more of the above criteria by June 30, 2023.



Organizations:

1CAN	Families First
Amazing Grace Advocacy	Genesis A New Beginning
Bethel Enrichment Center	Habitat for Humanity
Boy Scouts of America	Hispanic Learning Center
Boys and Girls Club of Cabarrus	Kannapolis Head Start
Cabarrus Health Alliance	Logan Community CDC
Cabarrus Healthcare Foundation	Mental Health America
Camino Health Center	Operation Decisive Victory
Cano Family Services	Prosperity Unlimited
Clarkinetics & Associates	Rise 2 Thrive
Community Free Clinic	Vida Wellness Center
Cooperative Christian Ministry	WeBuild

Proposed Communication:

To ensure all funds are expended by the federal deadline, we are requiring the following of your organization by June 30, 2024:

1. Grantee must have expended all funds awarded by the County; or
2. Grantee must have obligated the funds by legally executed contract or purchase order; or
3. Grantee must have clearly demonstrated to a high degree of certainty they will expend all funds by December 31, 2026, as determined by County staff. Evidence could include:
 - a. A consistent history of expenditures that are on-pace to expend all funds by December 31, 2026; or
 - b. A compelling and detailed explanation of why the grantee has failed to expend the funds for a legitimate business reason and a comprehensive plan for spending the funds no later than December 31, 2024.

The County will cancel the balance of grant awards if you are unable to meet one or more of the above criteria by June 30, 2024.

Budget Revision/Amendment Request

Date: October 17, 2022

Amount: 407,820.40

Dept. Head: Rodney Harris (prepared by Suzanne Burgess)

Department: FUND 440 - ARP - Special Revenue Fund

- Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

This budget amendment is to adjust the budget for non-profits awarded ARP (American Recovery Plan) funds to unallocated.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
440	9	1925-974914-ARP	Non-profits	-	407,820.40	-	407,820.40
440	9	1925-974914-ARP46	The Open Door House	15,000.00	-	15,000.00	0.00
440	9	1925-974914-ARP49	Carolina Bears Youth	2,049.11	-	2,049.11	0.00
440	9	1925-974914-ARP50	Cirq U	164.86	-	164.86	0.00
440	9	1925-974914-ARP55	Small Business Grant	27,019.00	-	27,019.00	0.00
440	9	1925-974914-ARP60	Mortgage	464,587.43	-	324,587.43	140,000.00
440	9	1925-974914-ARP61	Prosperity Administration	75,000.00	-	39,000.00	36,000.00

Budget Officer

- Approved
 Denied

County Manager

- Approved
 Denied

Board of Commissioners

- Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

**CABARRUS COUNTY
CARES RELIEF FUNDS – SPECIAL REVENUE
PROJECT ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is for the purpose of receiving and disbursing funds as directed by CARES Act funding and the US Department of State Treasury and Emergency Rental Assistance Program (ERAP) funding and the US Department of State Treasury.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP), the grant terms, the rules and regulations of the US Department of State Treasury and the budget contained herein.
- C. It is estimated that the following revenues will be available to fund COVID 19 and Emergency Rental Assistance expenditures:

CARES Act Relief Funds	\$7,972,670
American Rescue Plan	42,043,458
Interest Income	3,499
Emergency Rental Assistance (ERA21)	11,494,069
Emergency Rental Assistance Second Allocation (ERA22)	5,165,710
TOTAL REVENUES	\$66,679,406

- D. The following appropriations are made for expenditures related to COVID19 and

Salaries and Benefits (CARES)	\$3,581,275
Other Public Health Expenditures (CARES)	2,415,010
Municipal Distribution (CARES)	1,979,884
Administration (ERA21)	524,746
Emergency Rental Assistance (ERA21)	10,969,323
Administration (ERA22)	774,856
Emergency Rental Assistance Second Allocation (ERA22)	4,390,854
Salaries and Benefits Administration (ARP)	463,350
Salaries and Benefits Retention (ARP Loss Revenue)	10,000,000
Other Public Health Expenditures (ARP)	3,275,000
Aid to Nonprofits	27,897,288
Unallocated (ARP)	407,820
TOTAL EXPENDITURES	\$66,679,406

GRAND TOTAL – REVENUES	\$66,679,406
GRAND TOTAL – EXPENDITURES	\$66,679,406

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.

- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
1. The Manager may transfer amounts between objects of expenditure and revenues within a function without limitation.
 2. The County Manager may transfer amounts up to \$500,000 between functions of the same fund.
 3. The County Manager may transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order.
 4. The County Manager may enter into and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.
 5. The County Manager may award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
 6. The County Manager may execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
 7. The County Manager may reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).
 8. The County Manager may reduce revenue projections consistent with prevailing economic conditions, and also reduce expenditures correspondingly.

Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.
- c. Copies of this grant project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a grant project, all unrestricted excess funds are transferred to the General Fund and the portion of the Grant Project associated with the project is closed.

Adopted this 17th day of October 2022.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: _____
Stephen M. Morris, Chairman

ATTEST:

Clerk to the Board

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

County Manager - Transfer of Property to the City of Concord for WW Flowe Park

BRIEF SUMMARY:

The City of Concord has approached Cabarrus County and the Cabarrus County Board of Education regarding obtaining 6.372 acres of property from Cabarrus County to expand W.W. Flowe Park. The property is currently part of Central Cabarrus High School's campus. A portion of the property requested is in the floodplain and not likely to be needed by the school. The city plans to use part of that property to construct needed cross country trails that would be available for the school's cross country team. The trail would also provide a path for students to safely walk to school through the park. W.W. Flowe Park was transferred to the City of Concord Parks and Recreation for management in 2007. After the city assumed management of the property, ownership of the property was transferred to the City of Concord in three separate transactions beginning in October 2020 with the final transfer in February of this year. The City of Concord will be responsible for any necessary surveying, recordation costs or any other associated costs with the transfer.

REQUESTED ACTION:

Motion to transfer the 6.372 acre tract to the City of Concord for \$1 and authorize the County Manager to execute the transaction, after review and revisions by the County Attorney.

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Kelly Sifford, AICP
Assistant County Manager

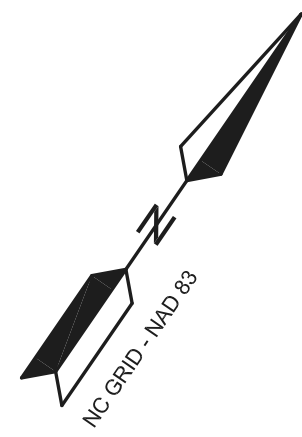
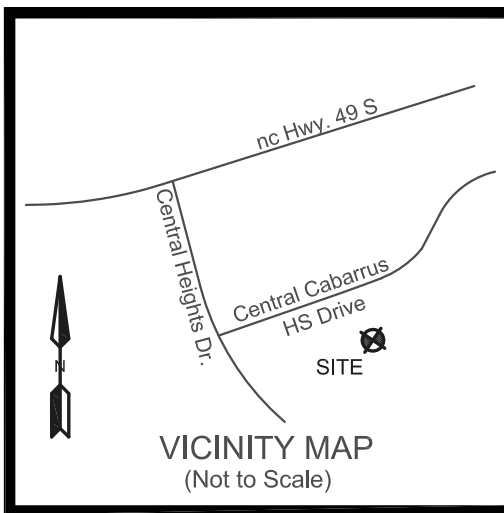
BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ Survey
- ▣ Map



Review Officers Certificate
 State of North Carolina County of Cabarrus
 I, Greg D. Belk, Review Officer of Cabarrus County, certify that the map or plat to which this certification is affixed, meets all statutory requirements for recording.
 Review Officer _____ Date _____

Curve	Radius	Arc	Chord	Chord Bearing
C1	1056.73'	139.60'	139.50'	N 39°36'59" E
C2	335.85'	68.46'	68.34'	N 29°59'33" E
C3	1239.90'	122.50'	122.45'	N 25°53'43" E
C4	353.33'	50.95'	50.91'	N 32°51'24" E
C5	1050.25'	33.55'	33.55'	N 39°29'28" E
C6	218.70'	133.32'	131.26'	N 10°15'13" E
C7	228.70'	141.05'	138.82'	S 10°05'06" W
C8	452.28'	61.35'	61.30'	S 33°14'04" W
C9	238.70'	148.70'	146.31'	S 09°56'23" W
C10	462.28'	58.78'	58.74'	S 32°58'25" W
C11	442.28'	26.39'	26.39'	N 39°21'32" E
C12	442.28'	63.94'	63.88'	N 33°30'29" E

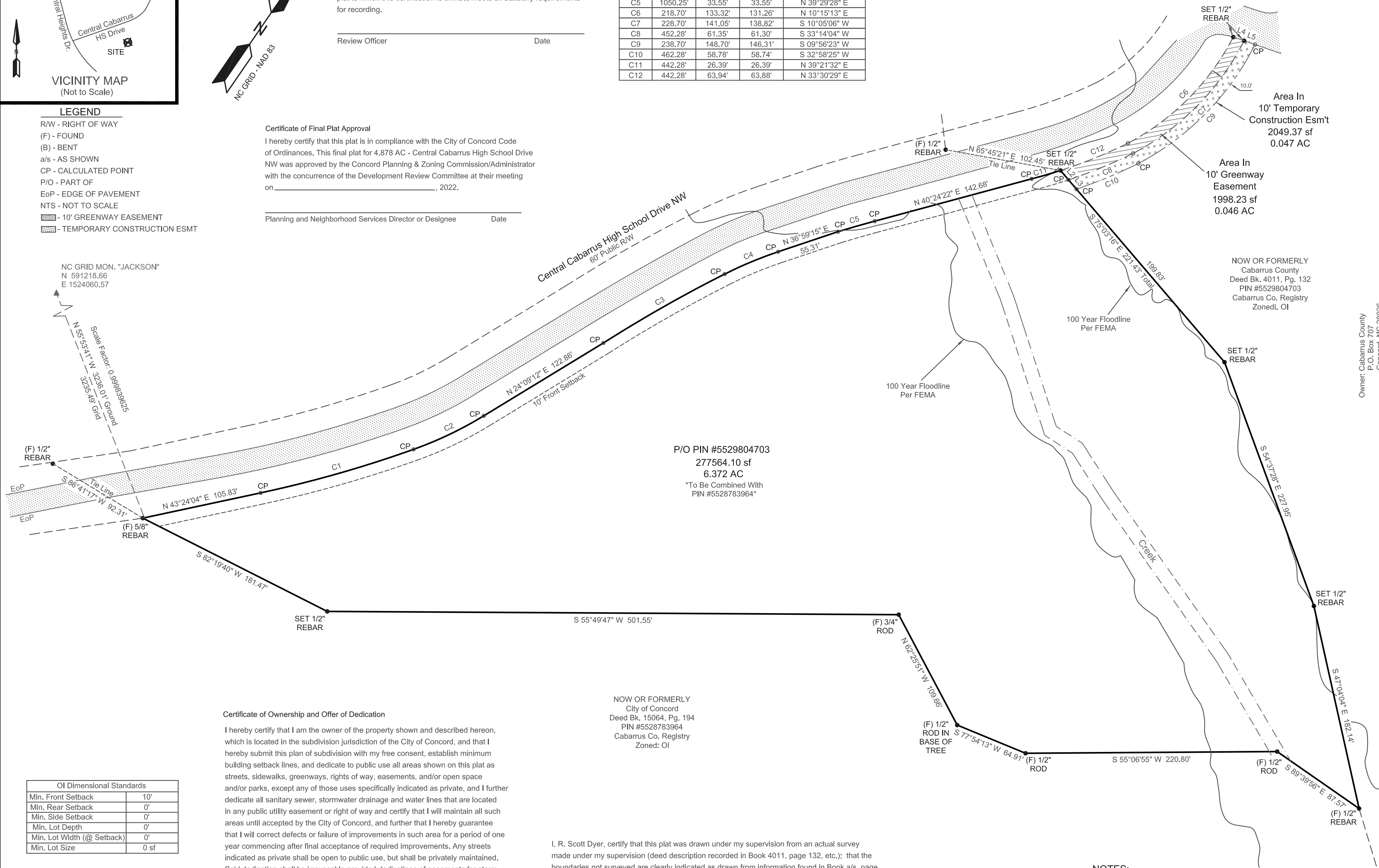
Line	Bearing	Distance
L2	S 75°03'16" E	10.82'
L3	S 75°03'16" E	10.78'
L4	N 74°18'36" E	10.11'
L5	N 74°43'26" E	10.09'

LEGEND
 R/W - RIGHT OF WAY
 (F) - FOUND
 (B) - BENT
 a/s - AS SHOWN
 CP - CALCULATED POINT
 P/O - PART OF
 EoP - EDGE OF PAVEMENT
 NTS - NOT TO SCALE
 [Hatched Box] - 10' GREENWAY EASEMENT
 [Dotted Box] - TEMPORARY CONSTRUCTION ESMT

Certificate of Final Plat Approval
 I hereby certify that this plat is in compliance with the City of Concord Code of Ordinances. This final plat for 4,878 AC - Central Cabarrus High School Drive NW was approved by the Concord Planning & Zoning Commission/Administrator with the concurrence of the Development Review Committee at their meeting on _____, 2022.
 Planning and Neighborhood Services Director or Designee _____ Date _____

NC GRID MON. "JACKSON"
 N 591218.66
 E 1524060.57

Scale Factor: 0.999999625
 N 55°53'11" W 3236.01' Ground
 S 32°5'49" W 3235.49' Ground



P/O PIN #5529804703
 277564.10 sf
 6.372 AC
 *To Be Combined With
 PIN #5528783964*

NOW OR FORMERLY
 City of Concord
 Deed Bk. 15064, Pg. 194
 PIN #5528783964
 Cabarrus Co. Registry
 Zoned: OI

Certificate of Ownership and Offer of Dedication
 I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Concord, and that I hereby submit this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate to public use all areas shown on this plat as streets, sidewalks, greenways, rights of way, easements, and/or open space and/or parks, except any of those uses specifically indicated as private, and I further dedicate all sanitary sewer, stormwater drainage and water lines that are located in any public utility easement or right of way and certify that I will maintain all such areas until accepted by the City of Concord, and further that I hereby guarantee that I will correct defects or failure of improvements in such area for a period of one year commencing after final acceptance of required improvements. Any streets indicated as private shall be open to public use, but shall be privately maintained. Said dedication shall be irrevocable provided dedications of easements for storm drainage, whether indicated as private or public, are not made to the City of Concord but are irrevocably made to the subsequent owners of any and all properties shown hereon for their use and benefit unless specifically designated a drainage easement to the City of Concord.

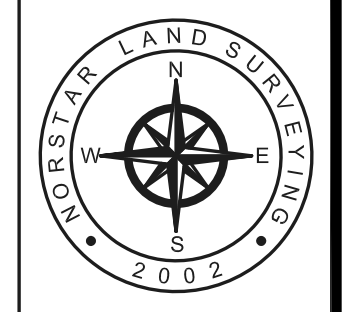
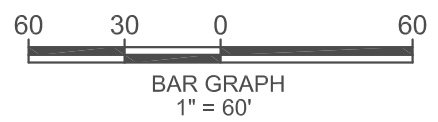
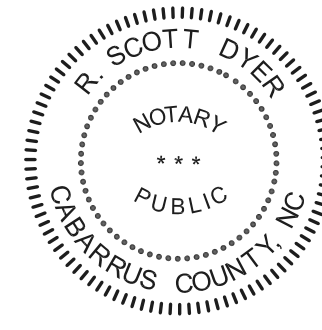
Owner _____ Date _____
 North Carolina Cabarrus County
 I, R. Scott Dyer, a Notary Public for said county and state, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
 Witness my hand and official seal this the _____ day of _____, 2022.
 R. Scott Dyer, Notary Public
 My commission expires 11/01/2026.

I, R. Scott Dyer, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 4011, page 132, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book a/s, page a/s; that the ratio of precision as calculated exceeds 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 18th day of May, A.D., 2022.
 I also certify to one or more of the following as indicated:
 A. That this plat is of a survey that creates a subdivision of land within the the area of county or municipality that has an ordinance that regulates parcels of land;
 B. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
 C. That this plat is of an existing parcel(s) of land;
 D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision;
 E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in A through D above.

PRELIMINARY
 Not for Conveyances,
 Sales or Recordation

NOTES:
 * Deed Reference - Deed Bk. 4011, Pg. 132 Cabarrus County Dated September 13, 2002 Recorded In Cabarrus Co. Registry
 * Map Reference - W.W. Flowe Property Survey Dated July 28, 1994 Unrecorded Plat Performed by Glenn E. Gamble, PLS
 * Map Reference - Boundary Survey of 4,000 AC Dated September 30, 1996 Unrecorded Plat Performed by Ruby A. Nicholson, PLS
 * 1/2" rebar set at all corners unless otherwise noted.
 * Property subject to recorded and unrecorded rights of way, easements and agreements as may appear.
 * A portion of the subject property is located within a 100 year flood hazard area per Community Flood Panel #3710553900 K, dated November 16, 2018.
 * Total number of lots = 2 (1 Lot before subdivision).
 * Survey control is based on the NC Continuously Operating Reference Stations (CORS) GPS Network, NAD 83 (NSRS 2011).
 * Zoned: OI
 * Part of PIN #5529804703
 * Total acreage = 4,878 AC.

OI Dimensional Standards	
Min. Front Setback	10'
Min. Rear Setback	0'
Min. Side Setback	0'
Min. Lot Depth	0'
Min. Lot Width (@ Setback)	0'
Min. Lot Size	0 sf

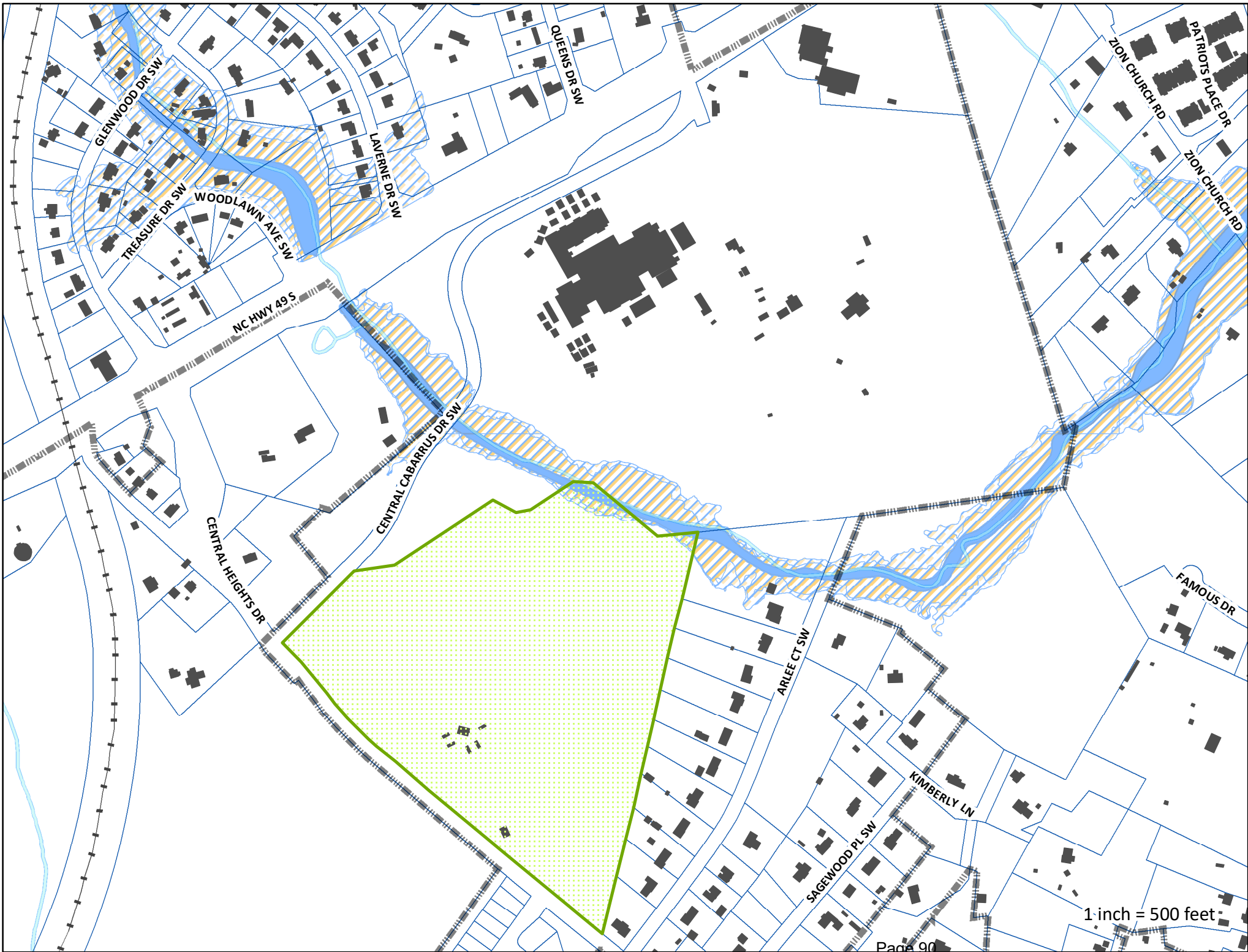


NORSTAR LAND SURVEYING, INC.
 552-B Newell Street NW
 Concord, NC 28025
 Ph 704 721 6651
 Fax 704 721 6653
 Firm Lic. # C-2294

Owner: Cabarrus County
 P.O. Box 107
 Concord, NC 28026
 Prepared for: City of Concord Parks & Rec
6.372 AC - Central Cabarrus High School Drive NW
 Cabarrus County, NC
 Township No. 11
RECORD PLAT

DATE	SCALE	NLS NO.	DRAWN BY	CHECKED BY	BY
May 18, 2022	1" = 60'	22024	S. Kimrey	S. Dyer	
					REVISION
					DATE

SHEET
 1 OF 1



1 inch = 500 feet

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

DHS - Appropriation of Funding Request for Families First, Inc.

BRIEF SUMMARY:

This is to request the appropriation of funding from Cabarrus County in the amount of \$99,500 to continue to support Families First, Inc. for the Visitation Station program. This program has historically been funded by a combined grant with Rowan and Cabarrus counties through the NC Governor's Crime Commission grant. However, for a second year, the program was not funded after being funded for fourteen consecutive years. The program serves domestic violence and child protective services families in both counties by providing court-based services through Visitation Station. This program provides a place for safe exchanges and supervised visits between child(ren) and non-custodial parent or other family members. Families First, Inc. has made a similar funding request to Rowan County.

REQUESTED ACTION:

Motion to approve \$99,500 in funding for Families First, Inc. for the Visitation Station program from Board Contingency funds, along with the associated budget amendment.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Jeannie Sherrill, Executive Director
Families First-NC, Inc.

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Budget Amendment

Budget Revision/Amendment Request

Date:

Amount:

Dept. Head:

Department:

Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

\$99,500 in funding for Families First, Inc. for the Visitation Station program from Board Contingency funds

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	5630-9700	Contribution – Outside Agency		99,500.00		99,500.00
001	9	1910-9660	Contingency	2,574,699.00		99,500.00	2,475,199.00
							0.00
							0.00
							0.00

Total

Budget Officer

Approved
 Denied

County Manager

Approved
 Denied

Board of Commissioners

Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

DHS - Appropriation of LINKS funding

BRIEF SUMMARY:

This request is for approval of the budget amendment to accept and appropriate \$20,500 in LINKS - foster youth independent living program funds to support the purchase of clothing for eligible foster youth between the ages of 14 and 17 (\$500 per youth). No county funds are required.

REQUESTED ACTION:

Motion to adopt the budget amendment.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Sharon Schueneman, Child Welfare Program Administrator
Sharon Reese, Permanency Planning Program Manager

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Chaffee LINKS Transitional Funds
- Budget Amendment LINKS



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
SUSAN OSBORNE • Assistant Secretary for Human Services

July 15, 2022

DEAR COUNTY DIRECTORS OF SOCIAL SERVICES

**ATTENTION: DIRECTORS, CHILD WELFARE PROGRAM ADMINISTRATORS, MANAGERS,
SUPERVISORS, AND SOCIAL WORKERS**

SUBJECT: ONE-TIME INCREASED CHAFEE (LINKS) TRANSITIONAL FUNDS

REQUIRED ACTION: Immediate **Time Sensitive** Information Only

PURPOSE: INFORM COUNTIES OF ADDITIONAL TIME-LIMITED TRANSITIONAL FUNDS

Chafee (LINKS) Transitional Funds

The John H. Chafee Foster Care Independence Program, LINKS in North Carolina, assists current and former eligible foster care youth and young adults ages 14-21 in achieving self-sufficiency through support services, resources, and LINKS Special Funds.

For SFY 2022-2023, North Carolina Department of Social Services (NCDSS) has a one-time use of additional Chafee funds available to support the purchase of school uniforms and clothing. To be eligible to receive this One-Time School Clothing and Uniforms funds allowance, a youth must meet the following three requirements ***as of the date of the clothing allowance disbursement.***

1. Be between ages 14-17 years old
2. Be in foster care
3. Be open for LINKS Services in the Services Information System (SIS)

Each county using these funds must expense \$500.00 per youth and the additional time-limited funds provided must be expended by September 30, 2022.

1. Each county will follow the regular DSS-5217 form submission process. Please submit a separate DSS-5217 LINKS Reimbursement Form for the additional Time-Limited School Clothing and Uniforms reimbursement.
2. Submit the separate DSS-5217 Reimbursement Form via email to linksreimbursement@dhhs.nc.gov. Please ensure the subject line includes: **Your county name and One-Time School Clothing Allowance Reimbursement.**

LOCATION: 820 S. Boylan Avenue, McBryde Building, Raleigh, NC 27603
MAILING ADDRESS: 2410 Mail Service Center, Raleigh, NC 27699-2410
www.ncdhhs.gov • TEL: 919-527-6340 • FAX: 919-334-1123

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Attached is the One-Time LINKS Clothing Allowance budget that was calculated based on the number of youth ages 14-17 in foster care in each county's jurisdiction as of April 30, 2022.

If you have any questions, please contact Tori Marshall, State LINKS Coordinator at Tori.Marshall@dhhs.nc.gov.

Sincerely,

Carla McNeill

Carla McNeill, MSW
Section Chief for Permanency Planning
Division of Social Services, Child Welfare
North Carolina Department of Health and Human
Services

Cc: Susan Osborne, Assistant Secretary for Human Services
Lisa Tucker Cauley, Senior Director of Child, Family and Adult Services
Adrian Daye, Deputy Director for Child Welfare Practice
Tammy Shook, Interim Deputy Director for County Operations
Kathy Stone, Section Chief for Safety and Prevention Services
Kimaree Sanders, Interim Section Chief for Regulatory and Licensing
Peter West, Section Chief for County Operations

Attachment: One-Time LINKS Clothing Allowance Budget

CWS-34-2022

Budget Revision/Amendment Request

Date: 10/17/2022

Amount: 20,500.00

Dept. Head: Karen Calhoun

Department: DHS

Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

The Child Welfare unit is approved for a one-time additional Chafee funds of \$20,500 to support the purchase of school uniforms and clothing for eligible foster care youths between ages 14-17 (\$500 per youth). The funds must be expended by September 30, 2022 and reimbursed via the DSS5217 submission process. No county funds required.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	00195630-9462-LINKS	AFDC Child State Foster Care	10,000.00	20,500.00		30,500.00
001	6	00165630-6265	Individual Living LINKS	10,000.00	20,500.00		30,500.00
							0.00
							0.00
							0.00
							0.00

Total 0.00

Budget Officer

Approved
 Denied

County Manager

Approved
 Denied

Board of Commissioners

Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

DHS - Transportation FY23 Rural Operating Assistance Program (ROAP)

BRIEF SUMMARY:

The Rural Operating Assistance Program (ROAP) is a state-funded public transportation program administered by the North Carolina Department of Transportation Integrated Mobility Division (IMD). County governments or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with municipalities or counties served) are the only eligible applicants for ROAP funds. ROAP includes the following funding project categories:

- Elderly and Handicapped (EDTAP) - \$101,950
- Employment (EMPL) - \$42,493
- Rural General Public (RGP) - \$70,931

REQUESTED ACTION:

Motion to accept the grant and approve the certified statement.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Bob Bushey, Transportation Manager

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ FY23 ROAP Application
- ▣ FY23 ROAP Certified Statement
- ▣ FY23 ROAP Allocation

Application for Transportation Operating Assistance

FY2023 Rural Operating Assistance Program (ROAP) Funds

Name of Applicant (County)	Cabarrus County
County Manager	Michael Downs
County Manager's Email Address	mkn-downs@cabarruscounty.us
County Finance Officer	Jim Howden
CFO's Email Address	jmh-howden@cabarruscounty.us
CFO's Phone Number	704-920-2894
Person Completing this Application	Robert Bushey
Person's Job Title	Transportation Manager
Person's Email Address	rwbushey@cabarruscounty.us
Person's Phone Number	704-920-2932
Community Transportation System	Cabarrus County
Name of Transit Contact Person	Robert Bushey
Transit Contact Person's Email Address	rwbushey@cabarruscounty.us

Application Completed by: _____ Date: _____
Signature

I certify that the content of this application is complete and accurately describes the county's administration of the ROAP Program, and the use of the ROAP funds in accordance with applicable state guidelines. I certify and understand that if the monthly and annual milestone reports and any other status reports required by the Integrated Mobility Division (IMD) are not submitted on or before the due dates, the next scheduled disbursement will be held until all reports are submitted.

I further certify that ROAP funds will only be used for program purposes to provide trips and will not be used for Administrative or Operational expenses. If it is determined that ROAP funds have been misused, repayment of funds must be made.

Transit Director: _____ Date: _____
Signature

County Manager: _____ Date: _____
Signature

County Finance Officer: _____ Date: _____
Signature

Application Instructions

County officials should read the ROAP Program Administration Guide which contains guidance on the administration of the ROAP Program and information about the preparation of grant applications.

- The application must be completed by an official of the county or his/her designee.
- Click on the **gray rectangle** and type each answer. If necessary, the text will automatically wrap to the next row. The answer may wrap to the next page if necessary.
- If the county wishes to explain their response to any questions or provide more information, the county may include additional pages with this application form. All the pages of the application and any pages added by the applicant should be scanned into the same file.
- If there are questions regarding this application, contact the NCDOT-IMD Regional Grant Specialist assigned to the area served by the transit system.

FY2023 ROAP Program Schedule

Application Deadline

September 30, 2022

Anticipated Funds Disbursement

Week of October 31, 2022

***Counties with unspent FY22 funds will retain the funds and the disbursement will be adjusted accordingly.**

***Monthly reports are due via SmartSheet 45 days following reporting period (i.e., July reporting period, report due September 15th)**

County’s Management of ROAP Funds

County governments or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with municipalities or counties served) are the only eligible applicants for ROAP funds. As a recipient of ROAP funds, the county must implement administrative processes that will ensure the following:

- ROAP funds are expended on needs identified through a public involvement and/or planning process
- **ROAP funds are expended only on eligible activities as described in Appendix A of the ROAP Guidance.**
- **Supporting documentation of expenditures by all sub-recipients is required.**
- Service recipients meet eligibility requirements, and their eligibility is documented.
- Trips funded with ROAP funding are monitored and evaluated throughout the period of performance.
- An accounting of trips and expenditures is provided on a monthly basis to IMD with supporting documents.
- ROAP funds received and expended are included in the local annual audit.

ROAP funds shall be disbursed in the traditional program allocations in each of the ROAP programs, however, if it is determined that a lump-sum payment can be made to the County, IMD reserves the right to change the method of distributing the funds. Counties have the flexibility to determine how the funding will be used to meet the needs of the citizens and how to sub-allocate the funding to meet the transportation needs, but the guidelines for each program used must be followed and trips accounted for by program used.

Transportation Needs and Public Involvement in Funding Decisions	Yes	No
A. Did the county ask the Community Transportation Advisory Board (TAB), which is affiliated with the Community Transportation System, to recommend how the ROAP funds should be sub-allocated?	X	

B. Were outreach efforts conducted to inform agencies about the availability of ROAP funds and to discuss transportation needs BEFORE the county decided how to sub-allocate the ROAP funds?		N/A
C. Is the method used to sub-allocate the ROAP funds fair and equitable? Open and transparent?		N/A
Financial Management of ROAP Funds	Yes	No
D. Does the county pass through any ROAP funds to agencies or organizations that are not county governmental departments or agencies?		X
E. If yes, does the county have a written agreement with these agencies that addresses the proper use, return and accountability of these funds? (<i>Include a sample agreement with application</i>)		N/A
F. Do any of the organizations or departments receiving ROAP funds plan to use private transit contractors to provide the ROAP funded trips? (<i>Their procurement practices will need to meet all federal and state requirements for procurement of professional services.</i>)	X	
G. Are ROAP funds deposited in an interest-bearing account?	X	
H. Does the county provide local funds for transportation operating assistance to any of the ROAP sub-recipients in addition to the state ROAP funds?	X	
Monitoring and Oversight Responsibilities	Yes	No
I. Subrecipients of ROAP funds are required to provide sufficiently detailed progress reports and statistical data about trips provided and rider eligibility with ROAP funds. How frequently are these provided to the county? In what format? The County must be prepared to provide documentation that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance, at a specific cost. What form of documentation is collected? Applications and Routematch reports	X	
J. Does the county require the subrecipients of ROAP funds to use the coordinated transportation services of the federally funded Community Transportation System operating in the county?		N/A
K. Will any of the subrecipients use their ROAP sub-allocation as matching funds for any of the following programs? (<i>Matching funds for operating assistance or purchase of service only.</i>) 5310 – Elderly Individuals and Individuals with Disabilities Program no 5311 - Non-urbanized Area Formula Program no 5316 – Job Access and Reverse Commute Program (JARC) no 5317 – New Freedom Program no		
L. Will any of the subrecipients charge a fare for a ROAP funded trip? yes		
M. Describe the eligibility criteria to be used in this county to determine who will be provided ROAP funded trips. What documents are used to determine eligibility? RGP must be rural to urban. EH must meet age and or Doctor certification.		
N. Since the subrecipient can only use RGP funds to pay for 90% of the cost of a trip, will the Community Transportation System use fare revenue to generate the local 10% match requirement for RGP funds?	yes	

CERTIFIED STATEMENT
FY2023
RURAL OPERATING ASSISTANCE PROGRAM
County of Cabarrus

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Integrated Mobility Division provides funding for the operating cost of passenger trips for counties within the state.

WHEREAS the county uses the most recent transportation plans (i.e., CCP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipients of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP State Management Plan. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county.

WHEREAS the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race, or gender (FTA C 4702.1B, FTA C 4704.1A, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2022 to June 30, 2023 regardless of the date on which ROAP funds are disbursed to the county.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Cabarrus North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low-income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips for at least five years that prove that an eligible citizen was provided an eligible transportation service on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality, and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state and federal guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips provided throughout the period of performance.

Revised 08-25-22

- The county will only use the ROAP funds to provide trips when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2023 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Regional Grant Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county will provide an accounting of trips and expenditures in monthly reports to NCDOT – Integrated Mobility Division or its designee. **Back-up documentation is required to support the monthly reports, failure to provide documentation will affect future disbursements. The June report will be considered the annual report.**
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amount of FY2023 Rural Operating Assistance Program funds:

State-Funded Rural Operating Assistance Program	Allocated	Requested
Elderly and Disabled Transportation Assistance Program (EDTAP)	<u>\$101,950</u>	<u>\$101,950</u>
Employment Transportation Assistance Program (EMPL)	<u>\$42,493</u>	<u>\$42,493</u>
Rural General Public Program (RGP)	<u>\$70,931</u>	<u>\$70,931</u>
TOTAL	<u>\$215,374</u>	<u>\$215,374</u>

WITNESS my hand and county seal, this ____ day of ____, 20__.

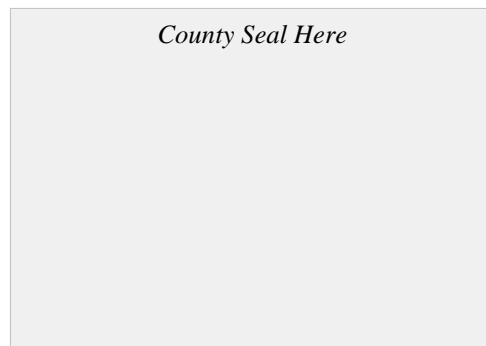
Signature of County Manager/Administrator
Michael Downs

Printed Name of County Manager/Administrator

Signature of County Finance Officer
Jim Howden

Printed Name of County Finance Officer

State of North Carolina County of Cabarrus



2023	FY2023 Total Allocation				
	COUNTIES	EDTAP	EMPL	RGP	Total
Alamance	108,478	36,081	78,860	\$	223,419
Alexander	63,807	10,326	69,050	\$	143,183
Alleghany	52,609	4,944	49,490	\$	107,043
Anson	58,871	8,387	63,989	\$	131,247
Ashe	59,881	8,711	64,295	\$	132,887
Avery	54,378	6,409	55,588	\$	116,375
Beaufort	72,427	13,179	83,096	\$	168,702
Bertie	56,973	7,706	58,788	\$	123,467
Bladen	65,854	11,300	71,557	\$	148,711
Brunswick	108,143	29,884	101,250	\$	239,277
Buncombe	153,975	53,181	91,987	\$	299,143
Burke	93,252	21,993	74,864	\$	190,109
Cabarrus	101,950	42,493	70,931	\$	215,374
Caldwell	86,885	20,528	65,509	\$	172,922
Camden	50,439	4,747	48,412	\$	103,598
Carteret	83,118	18,293	100,273	\$	201,684
Caswell	58,817	7,696	61,024	\$	127,537
Catawba	106,552	36,655	88,175	\$	231,382
Chatham	73,424	16,188	91,572	\$	181,184
Cherokee	62,522	8,681	64,214	\$	135,417
Chowan	54,398	5,913	52,831	\$	113,142
Clay	51,922	4,789	48,969	\$	105,680
Cleveland	94,663	25,438	119,039	\$	239,140
Columbus	78,207	16,247	92,588	\$	187,042
Craven	93,558	24,412	87,923	\$	205,893
Cumberland	163,088	75,381	78,545	\$	317,014
Currituck	55,282	8,869	60,869	\$	125,020
Dare	61,950	15,748	70,398	\$	148,096
Davidson	119,091	38,449	110,130	\$	267,670
Davie	63,380	11,207	70,628	\$	145,215
Duplin	72,619	15,818	92,960	\$	181,397
Durham	134,202	64,398	53,160	\$	251,760
EBCI	57	63	46,677	\$	46,797
Edgecombe	75,084	17,746	75,249	\$	168,079
Forsyth	167,904	81,378	117	\$	249,399
Franklin	73,094	16,216	90,470	\$	179,780
Gaston	138,489	50,072	82,599	\$	271,160
Gates	51,708	5,040	50,447	\$	107,195
Graham	49,823	5,201	46,948	\$	101,972
Granville	78,454	15,139	93,370	\$	186,963
Greene	55,154	7,071	58,860	\$	121,085
Guilford	212,024	117,401	96,315	\$	425,740
Halifax	79,153	16,436	89,461	\$	185,050
Harnett	89,368	28,847	133,247	\$	251,462

Haywood	76,326	15,472	69,306	\$	161,104
Henderson	99,272	24,844	71,873	\$	195,989
Hertford	59,954	8,059	61,896	\$	129,909
Hoke	62,436	13,638	57,859	\$	133,933
Hyde	48,940	4,415	44,584	\$	97,939
Iredell	105,017	38,728	94,775	\$	238,520
Jackson	64,850	11,945	73,248	\$	150,043
Johnston	106,713	40,495	159,919	\$	307,127
Jones	52,438	4,703	48,571	\$	105,712
Lee	70,075	16,388	92,375	\$	178,838
Lenoir	78,970	16,156	93,870	\$	188,996
Lincoln	81,381	20,480	101,192	\$	203,053
Macon	65,571	10,440	70,393	\$	146,404
Madison	57,289	7,099	56,525	\$	120,913
Martin	59,440	8,340	61,747	\$	129,527
McDowell	72,219	12,414	80,559	\$	165,192
Mecklenburg	302,829	225,159	48,566	\$	576,554
Mitchell	55,364	6,164	53,552	\$	115,080
Montgomery	59,711	8,438	64,769	\$	132,918
Moore	90,234	21,928	120,262	\$	232,424
Nash	89,295	26,006	81,119	\$	196,420
New Hanover	125,053	50,761	43,440	\$	219,254
Northampton	60,967	7,592	59,538	\$	128,097
Onslow	103,190	39,053	105,702	\$	247,945
Orange	86,346	31,670	74,327	\$	192,343
Pamlico	53,935	5,342	51,317	\$	110,594
Pasquotank	63,295	12,632	76,581	\$	152,508
Pender	72,062	14,977	85,222	\$	172,261
Perquimans	54,298	5,569	51,601	\$	111,468
Person	65,181	11,640	75,481	\$	152,302
Pitt	104,421	42,448	85,515	\$	232,384
Polk	56,925	6,731	58,078	\$	121,734
Randolph	103,696	33,804	149,850	\$	287,350
Richmond	73,064	13,420	82,068	\$	168,552
Robeson	108,448	35,050	161,962	\$	305,460
Rockingham	95,170	23,879	125,218	\$	244,267
Rowan	107,337	33,629	88,613	\$	229,579
Rutherford	83,811	18,173	101,502	\$	203,486
Sampson	75,464	17,165	97,483	\$	190,112
Scotland	66,878	11,628	72,445	\$	150,951
Stanly	73,738	15,578	94,869	\$	184,185
Stokes	68,477	12,730	72,193	\$	153,400
Surry	82,261	18,384	106,884	\$	207,529
Swain	52,593	6,815	48,303	\$	107,711
Transylvania	65,080	9,460	69,412	\$	143,952
Tyrrell	48,373	3,700	43,296	\$	95,369
Union	103,339	47,095	89,725	\$	240,159

Vance	79,041	13,424	80,951	\$	173,416
Wake	283,900	206,443	101,771	\$	592,114
Warren	62,998	7,190	58,503	\$	128,691
Washington	54,262	5,887	51,395	\$	111,544
Watauga	63,182	13,867	86,143	\$	163,192
Wayne	97,608	30,266	95,793	\$	223,667
Wilkes	82,817	17,258	102,905	\$	202,980
Wilson	82,179	24,448	113,246	\$	219,873
Yadkin	62,565	10,412	74,508	\$	147,485
Yancey	56,728	6,372	55,607	\$	118,707
TOTALS	\$ 8,422,033	\$ 2,440,464	\$ 7,853,131	\$	18,715,628
Total Available:				\$	18,715,645.82
Amount Left Over:				\$	17.82

**Due to Rounding -
disbursements must
be whole dollars*

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

DHS - Transportation Title VI Policy

BRIEF SUMMARY:

The State of North Carolina and the Federal Government requires each Transit Agency to create a new Title VI policy every three years. Title VI, of the civil right act of 1964, prohibits discrimination based on race, color or national origin in programs or activities which receive Federal Financial Assistance.

REQUESTED ACTION:

Motion to adopt the Title VI policy.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Bob Bushey, Transportation Manager

BUDGET AMENDMENT REQUIRED:

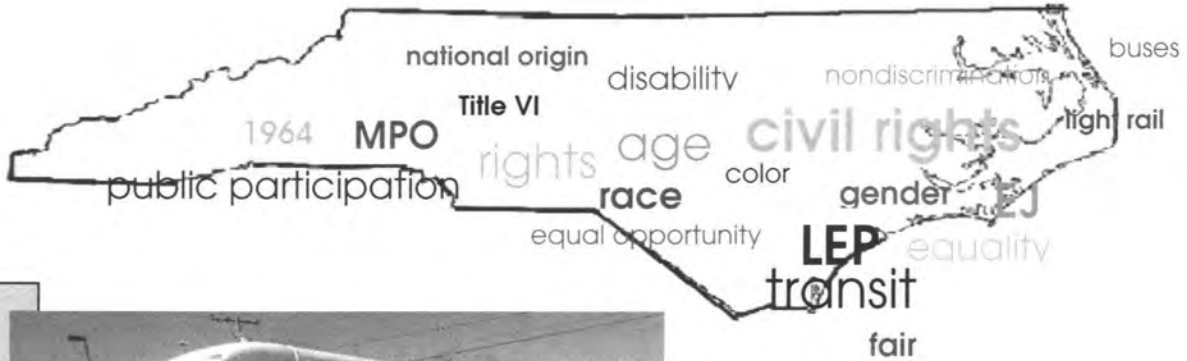
No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

▣ Title VI Program

Cabarrus County Transportation



Date Adopted
Month/Day/Year

Title VI Program Plan



TITLE VI PLAN REVIEW AND ADOPTION

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

Signature of Authorizing Official

DATE

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Type chapter title (level 2)	
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Type chapter title (level 2)	

TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
CABARRUS COUNTY

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

Further, Cabarrus County Transportation Services hereby agrees to:

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

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

Authorized Signature

Date

Michael Downs
Cabarrus County Manager

1.0 INTRODUCTION

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

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

2.0 DESCRIPTION OF PROGRAMS AND SERVICES

2.1 PROGRAM(S) AND SERVICES ADMINISTERED

Cabarrus County Transportation provides public transportation options to its customers living in Cabarrus County, North Carolina.

Type of Service	Days of week	Times	Fare (if applicable)
Senior Trips	Monday-Friday	5:00am-6:00pm	No Fare
EH	Monday-Friday	5:00am-6:00pm	No Fare
Employment	Monday-Friday	5:00am-6:00pm	No Fare
Vocational Workshop	Monday-Friday	5:00am-6:00pm	No Fare
Rural General Public	Monday-Friday	5:00am-6:00pm	No Fare
Medicaid	Monday-Friday	5:00am-6:00pm	No Fare
Life sustaining	Saturday-Sunday, and Holidays	5:00am-12:00pm	No Fare
Non-life sustaining	Closed on holidays		

2.2 FUNDING SOURCES / TABLES

For federally assisted programs, "federal assistance" shall include:

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

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

Grant Title	NCDO T	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	<input type="checkbox"/>	<input type="checkbox"/>	
5309 (b)(2) (Fixed Guideway Modernization)	<input type="checkbox"/>	<input type="checkbox"/>	
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input type="checkbox"/>	x	Trips for Seniors and Persons with Disabilities
5311 (Formula Grants for Other than Urbanized Areas)	x	<input type="checkbox"/>	Administrative Funds
5311 (b)(3) (Rural Transit Assistance)	<input type="checkbox"/>	<input type="checkbox"/>	
5316 (Job Access and Reverse Commute)	<input type="checkbox"/>	<input type="checkbox"/>	
5317 (New Freedom)	<input type="checkbox"/>	<input type="checkbox"/>	
5303, 5304 and/or 5305 (Metropolitan & Statewide Planning)	<input type="checkbox"/>	<input type="checkbox"/>	
5339 (Bus and Bus Facilities Formula)	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	X	<input type="checkbox"/>	Rural Operating Assistance (ROAP) provides trips for Employment, Rural General Public, and Elderly and Handicapped.

2.3 DECISION-MAKING PROCESS

Board or Committee Name	Appointed	Elected	# of Members
Cabarrus County Board of Commissioners	<input type="checkbox"/>	x	5
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

2.4 TITLE VI COORDINATOR

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

Dana Pastores
 Business Services Manager
 1303 South Cannon Blvd, Kannapolis, NC 28083
 704-920-1569
 drpastores@cabarruscounty.us

Key responsibilities of the coordinator include:

- Maintaining knowledge of Title VI and related requirement
- Attending civil rights training when offered by NCDOT or any other regulatory agency
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan
- Training internal staff and officials on their Title VI nondiscrimination obligations

- Disseminating Title VI information internally and to the general public, including in languages other than English
- Presenting Title VI-related information to decision-making bodies for input and approval
- Ensuring Title VI-related posters are prominently and publicly displayed
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income and other underserved groups are included and not discriminated against
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements

2.5 CHANGE OF TITLE VI COORDINATOR AND/OR HEAD OF DECISION-MAKING BODY'S TITLE OR "CAO"

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

2.6 ORGANIZATIONAL CHART

Cabarrus County Transportation currently employs 34 staff which consist of the following job categories:

- Transportation Manager
- Operations and Training Coordinator
- Driver Supervisors (2)
- Dispatchers (2)
- Transportation Clerks (4)
- Full Time Drivers (22)
- Auxiliary Drivers (1)
- Fleet Coordinator
- Title VI Coordinator

An organizational chart showing the Title VI Coordinator's place within the organization is in **Appendix B**.

2.7 SUBRECIPIENTS

Cabarrus County Transportation does not have pass through funds to any other organizations and, therefore, does not have any subrecipients.

3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

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

Robert Bushey, Transportation Manager

Date

Title VI and Related Authorities

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

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

Implementation

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

4.0 NOTICE OF NONDISCRIMINATION

- Cabarrus County Transportation operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with Cabarrus County Transportation.
- For more information on Cabarrus County Transportations civil rights program, and the procedures to file a complaint, contact 704-920-1569; email drpastores@cabarruscounty.us; or visit our administrative office at 1303 South Cannon Blvd, Kannapolis, NC 28083. For more information, visit www.cabarruscounty.us/departments/transportation
- If information is needed in another language, contact 704-920-2246
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and inside our vehicles.
- Ads in newspapers and other publications shall include the following: Cabarrus County Transportation operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on Cabarrus County Transportations Title VI program or how to file a discrimination complaint, please contact 704-920-1569; drpastores@cabarruscounty.us.
- The statement will be posted or provided in languages other than English, when appropriate.
- See **Appendix C** for Spanish and French versions of this notice.

5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

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

Annual Education and Acknowledgement Form

Title VI Nondiscrimination Policy

(Title VI and related nondiscrimination authorities)

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

All employees and representatives of Cabarrus County Transportation are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Dana Pastores at 1303 South Cannon Blvd, Kannapolis, NC 28083; phone: 704-920-1569; email: drpastores@cabarruscounty.us

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

Acknowledgement of Receipt of Title VI Program

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

Signature

Date

Implementation

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

6.0 CONTRACT ADMINISTRATION

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

6.1 CONTRACT LANGUAGE

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

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

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

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

(4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient

or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

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

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

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

II. During the performance of this contract, the contractor, for itself, its assignees, and

successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of

public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

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

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

Contractor's Initials

Date

Implementation

- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.

- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements. The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

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

Implementation

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

7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

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

FILING OF COMPLAINTS

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

Complaints may be submitted to the following entities:

- **Dana Pastores, Cabarrus County Transportation, 1303 South Cannon Blvd, Kannapolis, NC 28083. drpastores@cabarruscounty.us 704-920-704-920-1569. For more information visit www.cabarruscounty.us/departments/transportation.**
 - **North Carolina Department of Transportation, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453**
 - **US Department of Transportation, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070**
Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **US Department of Justice, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228**
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
 5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."
 6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term "basis" refers to the complainant's membership in a protected group category.

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

Complaint Processing

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

Complaint Log

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

DISCRIMINATION COMPLAINT FORM

Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with Dana Pastores, Cabarrus County Transportation within 180 days after the discrimination occurred.

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female

Mailing Address:	City	State	ZIP
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Home Telephone:	Work Telephone:	E-mail Address
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Identify the Category of Discrimination:

RACE COLOR NATIONAL ORIGIN SEX
 CREED (RELIGION) DISABILITY LIMITED ENGLISH PROFICIENCY AGE

**NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.*

Identify the Race of the Complainant

Black White Hispanic Asian American
 American Indian Alaskan Native Pacific Islander Other

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary).**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.		
2.		
3.		
4.		

DISCRIMINATION COMPLAINT FORM

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

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

Have you discussed the complaint with any Cabarrus County transportation representative? If yes, provide the name, position, and date of discussion.

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

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

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

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:
 Dana Pastores, Cabarrus County Transportation
 1303 South Cannon Blvd
 Kannapolis, NC 28083
 drpastores@cabarruscounty.us
 704-920-1569

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FTA Date Referred: _____

INVESTIGATIVE GUIDANCE

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

TEMPLATE/SAMPLE Investigative Report

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

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

III. APPLICABLE LAW/REGULATION

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

IV. COMPLAINT BASIS/(ES)

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

V. ISSUES/ALLEGATIONS

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

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.
Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

VI. BACKGROUND

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

VII. INVESTIGATIVE PROCEDURE

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

VIII. ISSUES / FINDINGS OF FACT

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

IX. CONCLUSION

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

X. RECOMMENDED ACTIONS

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

APPENDIX

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

8.0 SERVICE AREA POPULATION CHARACTERISTICS

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

Race and Ethnicity Age and Sex

Race and Ethnicity Age and Sex	Number	Percent
Total Population	211,605	100
White	133,781	63.2
Black or African American	41,684	19.7
American Indian or Alaska Native	598	.3
Asian	11,933	5.6
Native Hawaiian and Other Pacific Islander	122	.05
Some other Race	1,108	.5
Two or More Races	9,312	4.4
HISPANIC OR LATINO (of any race)	27,263	12.8
Mexican	10,410	4.9
Puerto Rican	3,729	1.8
Cuban	927	.4
Other Hispanic or Latino		

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population	210,092	291	21,338	1,289	10.2	.6
Population under 5 years	13,419	35	4	7	0	.1
Population 5 to 17 years	40,606	149	1,918	348	4.7	.9
Population 18 to 64 years	128,817	280	11,064	1,272	15.9	2.1
Population 65 years and over	27,250	304	8,352	938	65.8	7
SEX						
Male	102,385	216	9,959	751	9.7	.7
Female	107,707	225	11,379	987	10.6	.8
RACE AND HISPANIC OR LATINO ORIGIN						
White	145,406	1,344	15,944	1,130	11	.8
Black or African American	39,015	1,009	3,803	604	9.7	1.6
American Indian and Alaska Native	665	255	67	55	10.1	7.6
Asian	8,775	355	525	199	6	2.2
Native American and Other Pacific Islander	153	129	0	31	0	22.7
Some other Race	9,164	1,412	473	234	5.2	2.4
Two or more races	6,914	900	526	189	7.6	2.7
Hispanic or Latino	22,362	50	984	265	4.4	1.2

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	209,691	286	20,196	2,282	9.6	1.1
AGE						
Under 18	53,492	216	7,444	1,348	13.9	2.5
18 to 64	128,949	149	10,826	1,167	8.4	.9
65 years and over	27,250	181	1,926	339	7.1	1.2
SEX						
Male	102,184	212	8,122	1,234	7.9	1.2
Female	107,507	223	12,074	1,357	11.2	1.3
RACE AND HISPANIC OR LATINO ORIGIN						
White	145,204	1,371	10,453	1,405	7.2	1
Black or African American	38,906	1,013	4,882	1,151	12.5	2.9
American Indian and Alaska Native	665	255	190	172	28.6	21.7
Asian	8,775	353	242	153	2.8	1.7
Native American and Other Pacific Islander	153	129	3	6	2.0	5.2
Some other Race	9,074	1,382	3,111	1,249	34.3	12.4
Two or more races	6,914	900	1,315	581	19	7.7
Hispanic or Latino	22,314	89	4,980	1,297	22.3	5.8
RACE AND HISPANIC OR LATINO ORIGIN						
All individuals below:						
50 percent of poverty level	8,268	1,217	x	x	x	x
125 percent of poverty level	28,573	2,352	x	x	x	x
150 percent of poverty level	36,442	2,614	x	x	x	x
185 percent of poverty level	48,478	2,787	x	x	x	x
200 percent of poverty level	52,797	2,778	x	x	x	x

Household Income:

Subject	Households	
	Estimate	Margin of Error +/-
Total	72,843	704
Less than \$10,000	4	.5
\$10,000 to \$14,999	2.9	.5
\$15,000 to \$24,999	7	.5
\$25,000 to \$34,999	8.3	.8
\$35,000 to \$49,999	12.2	1
\$50,000 to \$74,999	18	1.3
\$75,000 to \$99,999	14.7	1.3
\$100,000 to \$149,999	16.7	1.1
\$150,000 to \$199,999	8	1
\$200,000 or more	8.2	.9
Median income (dollars)	71,177	2,377
Mean income (dollars)	93,540	3,547

Limited English Proficiency Population:

Population 5 years and over	198184	34
Speak only English	172592	1540
Speak a language other than English	25592	1542
SPEAK A LANGUAGE OTHER THAN ENGLISH		
Spanish	15263	1290
5 to 17 years old	4294	826
18 to 64 years old	10147	669
65 years old and over	822	121
Other Indo-European languages	5019	1067
5 to 17 years old	1125	436
18 to 64 years old	3388	712
65 years old and over	506	193
Asian and Pacific Island languages	4319	614
5 to 17 years old	696	195
18 to 64 years old	3364	460
65 years old and over	259	111
Other languages	991	549
5 to 17 years old	251	215
18 to 64 years old	604	290
65 years old and over	136	129

CITIZENS 18 YEARS AND OVER		
All citizens 18 years old and over	148747	928
Speak only English	136970	928
Speak a language other than English	11777	971
Spanish	6795	719
Other languages	4982	705

8.1 POPULATION LOCATIONS

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

9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

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

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

10.0 PUBLIC INVOLVEMENT

10.1 INTRODUCTION

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

General public involvement practices will include:

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

10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities regarding our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated in Sections 3.0 and 4.0, respectively. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

10.3 DISSEMINATION OF INFORMATION

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

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

10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

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

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

Public Meetings

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

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

Small Group Meetings

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

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

Community Surveying

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

10.5 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT’s LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps we will take to ensure meaningful access by LEP persons to all benefits, services and information provided under our programs and activities. A four-factor analysis was conducted to determine the LEP language groups present in our planning area and the specific language services that are needed.

Four Factor Analysis

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

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

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.*

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	198,184	+/-34	100%	(X)
Speak only English	172,592	+/- 1,540	%	+/- %
Spanish, Indo European, Asian and Pacific Island,	7,922	+/-	%	+/- %
Speak English "very well"		+/-	%	+/- %
Speak English less than well"		+/-	%	+/- %
		+/-	%	+/- %
Speak English "very well"		+/-	%	+/- %
Speak English less than "very well"		+/-	%	+/- %
		+/-	%	+/- %
Speak English "very well"		+/-	%	+/- %

Speak English less than "very well"		+/-	%	+/- %
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Cabarrus County Transportation utilized the fact finder census, speak English less than very well column. According to the 2020 U.S. Census Bureau to determine the proportion of LEP individuals in our County. Based on the data the population of LEP in our county is 7,922. Cabarrus County does meet the threshold. Cabarrus County Transportation will print material in both English and Spanish. We will also have certified interpreters available when needed.

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

Cabarrus County Transportation serves the LEP population daily in our service area and account for 12.5% of our clients. Cabarrus County will continue to provide outreach to the LEP community through surveys and public meetings.

Factor #3: *The nature and importance of the program, activity, or service provided by the recipient to people's lives.*

Cabarrus County Transportation is a very important resource to all of our citizens, including LEP persons as we provide medical trips, dialysis trips, work related trips, as well as life sustaining trips. We provide door to door services with wheelchair accessible vehicles. All of our drivers are trained in defensive driving, CPR, Bloodborne Pathogens and ADA/Passenger sensitivity.

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

Cabarrus County Transportation has many resources available for our LEP citizens. We hold public hearings on transportation related grants and any new programs as well as outreach to the LEP community. All of our brochures and public hearing notices are printed in both English and Spanish with a cost of \$1500-\$2,000 a year.

LANGUAGE ASSISTANCE PLAN

As a result of the above four factor analysis, a Language Assistance Plan (Plan) was required. This Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). This Plan also details the mechanisms we will use to reach LEP persons and the language assistance services we provide. We will provide services to any person, upon request. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan.

Language Assistance Measures

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

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into **any languages that meet the safe harbor threshold in Factor 1.**
- Vital documents—such as brochures with service times and routes—are translated into Spanish across the entire service area, and available in our facilities, doctor’s offices, and shopping centers.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.

- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- Language line translation services at our call center.
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
 - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

- Spanish:

Written Translation and Oral Interpretation

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

In the event that the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial, or door hangers, will be determined in consideration of the circumstances on the ground and in coordination with LEP community contacts.

Staff Support for Language Assistance

- Agency staff (including call center staff) will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Officer and any outside consultant contracted to provide language services. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance flashcards and materials translated into the languages of the largest LEP language groups. When encountered by an LEP person, staff (including drivers) should present the individual with an iSpeak flashcard and let them choose the language. Do not assume you know their preferred language. Drivers are permitted to seek volunteer assistance from other passengers before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements (Section 5.0) and basic Title VI trainings (Section 11.0).

Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

Monitoring and Updating the LAP

Monitoring of daily interactions with LEP persons will be continuous, thus language assistance techniques may be refined at any time. This Plan will be periodically reviewed—at least annually—to determine if our assistance measures and staff training are working. Resource availability and feedback from agency staff and the general public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

10.6 DEMOGRAPHIC REQUEST

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

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

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

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact the Cabarrus County Transportation at 704-920-2932 or by email at rwbushey@cabarruscounty.us

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

Implementation

- Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.
- If a member, for whatever reason, selects *"I choose not to provide any of the information requested above,"* this will be accepted as a **completed** form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member's race and gender, based on the Coordinator's best guess.
- Data from these forms will be used to complete the Demographic Request Table.
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

10.7 KEY COMMUNITY CONTACTS

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
Ann Benfield	Head Start	General Transportation	Y
Mitchell Burriss	Law Enforcement	General Transportation	Y
Judy Coble	Coltrane Life Center	General Transportation	Y
Megan Shuping	Cabarrus Health Alliance	General Transportation	Y
Amy Nance	DSS	Medicaid Transportation	Y
Charles Hendrix	Citizen	ADA	Y
Skip Kraft	Vocational Opportunity	Handicapped Transportation	Y
Anthony Hodges	Senior Transportation	General Transportation	Y
James Polk	Citizen	General Transportation	Y
Jon Bradley	Risk and Safety	General Transportation	Y
Steve Morris	Cabarrus County Commissioner	General Transportation	Y
Art Whitaker	Cabarrus County Schools	General Transportation	Y

Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact any individual listed above must request that information from the Title VI Coordinator.

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

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

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated
N/A	N/A	N/A	N/A	Due to Covid

11.0 STAFF TRAINING

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

12.0 NON-ELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER

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

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population								
Transit Advisory Board	61.5	38.5	100	0	0	0	0	0

Strategies for Representative Committees

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

- Current members will be made aware of diversity goals and polled for nominees.

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

13.0 RECORD-KEEPING AND REPORTS

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

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

Compliance Reviews

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

Complaint Investigations

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

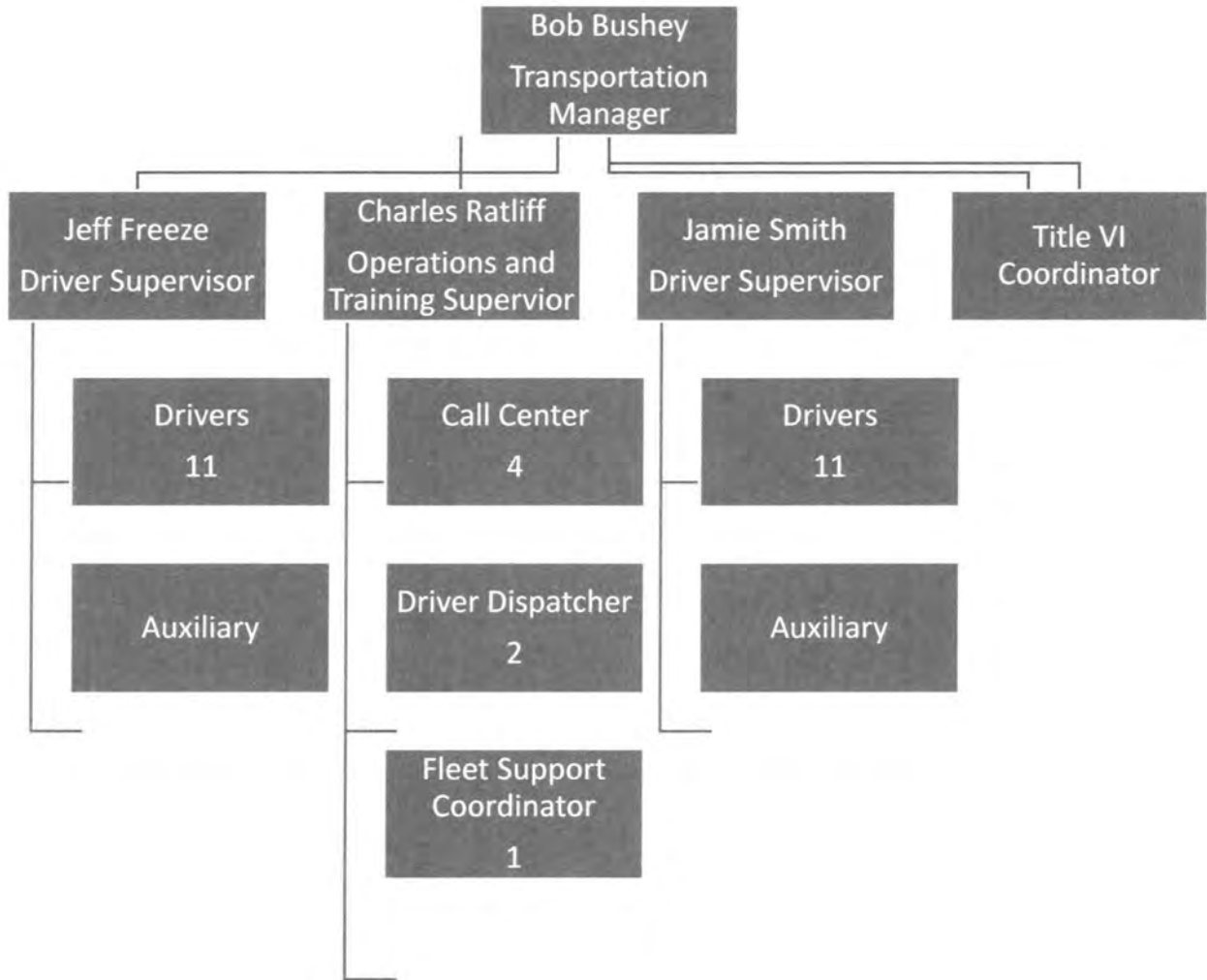
Appendix A

Applicable Nondiscrimination Authorities

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

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

**Appendix B
Organizational Chart**



Appendix C

NCDOT's Compliance Review Checklist for Transit

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

16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. Year/Agency:	<input type="checkbox"/>
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II. Transit Providers

Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.

Note: All NCDOT subrecipients that provide fixed route public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section.

➤ **Not Applicable** x (Check this box if you do not provide fixed route services, and skip questions 17 and 18. This section does not apply to you if you only provide demand response services.)

Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
<p>17. Service standards (quantitative measures) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:</p> <ul style="list-style-type: none"> • Vehicle load for each mode (<i>Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.</i>) <input type="checkbox"/> • Vehicle headway for each mode (<i>Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).</i>) <input type="checkbox"/> • On time performance for each mode (<i>Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.</i>) <input type="checkbox"/> • Service availability for each mode (<i>Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.</i>) <input type="checkbox"/> <p>18. Service policies (system-wide policies) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:</p> <ul style="list-style-type: none"> • Transit amenities for each mode (<i>e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. NOTE: Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.</i>) <input type="checkbox"/> • Vehicle assignment for each mode (<i>Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.</i>) <input type="checkbox"/> 	

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Finance - Budget Amendment - Capital Projects

BRIEF SUMMARY:

The attached budget amendment is to match the current County and School's capital project budgets to the capital improvement plan approved by the Board of \$177.5 million. The original budget was for only \$160.1 million to match the draw program. This budget amendment will include the remaining portions of the original approval to be funded by the 2024 Draw Program.

REQUESTED ACTION:

Motion to adopt the attached budget amendment and the attached updated project ordinances.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Rodney Harris, Deputy County Manager
Jim Howden, Finance Director

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ Budget Amendment
- ▣ Budget Ordinance - FD 380
- ▣ Budget Ordinance - FD 390

Budget Revision/Amendment Request

Date:

Amount:

Dept. Head:

Department:

Internal Transfer Within Department Transfer Between Departments/Funds Supplemental Request

Budget amendment to accurately match the budget to the capital improvement plan approved by the Board of \$177.5MM. Original budget was only keyed for \$160.1MM to match draw program. This BA will include the remaining portions of the original approved capital plan to be funded by the 2024 Draw Program.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
380	6	2730-6918-2024B	Proceeds from COPS/LOBS - EMS	17,700,000.00	68,902.00		17,768,902.00
380	6	2210-6918-2024B	Proceeds from COPS/LOBS - Court	58,015,124.00	9,484,876.00		67,500,000.00
380	6	8140-6918-2024B	Proceeds from COPS/LOBS - Parks	7,500,000.00	5,000,000.00		12,500,000.00
380	6	1950-6918-2024B	Proceeds from COPS/LOBS - IT/EM	6,300,000.00	1,000,000.00		7,300,000.00
390	6	7340-6918-2024B	Proceeds from COPS/LOBS - R Brown	37,925,200.00	1,800,000.00		39,725,200.00
380	9	2730-9820-EMSHQ	Construction	13,998,764.26	68,902.00		14,067,666.26
380	9	2210-9821-COURT	Building and Renovations	16,738,515.00	9,484,876.00		26,223,391.00
380	9	8140-9830-FLP	Other Improvements	280,000.00	5,000,000.00		5,280,000.00
380	9	1950-9820-BUILD	Construction	9,156,487.53	1,000,000.00		10,156,487.53
390	9	7340-9820	Construction	37,675,200.00	1,800,000.00		39,475,200.00

Budget Officer

County Manager

Board of Commissioners

Approved
 Denied

Approved
 Denied

Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

CABARRUS COUNTY COUNTY CAPITAL PROJECTS BUDGET ORDINANCE

BE IT ORDAINED by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is for the construction and renovations of County Facilities. Details of the project are listed in section C. of this Project Ordinance.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP) and the budget contained herein.

It is estimated that the following revenues will be available to complete capital projects as listed.

Debt Proceeds 2020 Draw Note	\$ 60,904,154
Debt Proceeds 2022 Draw Note	103,458,267
Debt Proceeds 2024 Draw Note	15,553,778
Contributions from Capital Projects Fund	27,770,234
Contribution from General Fund	38,155,281
Contribution from Capital Reserve Fund	3,657,664
Contribution from Internal Service Fund	1,065,426
Contribution from Community Investment Fund	7,893,327
State Allocation	40,700,000
TOTAL REVENUES	\$299,158,131

- C. The following appropriations are made as listed.

Courthouse Site Enabling Construction & Renovation	\$ 145,444,394
Governmental Center Skylight & Roof Replacement	2,328,494
Contribution to Capital Reserve (Reimb for Skylight Project)	2,085,000
Artificial Turf Fields	4,401,748
Frank Liske Barn Replacement	7,033,845
Legal / Closing Expenses	952,508
Governmental Center Parking Deck Sealing	235,983
Emergency Equipment Warehouse/ ITS Location	15,867,999
Fiber Infrastructure Improvement	799,000
Jail Annex HVAC Replacement	193,000
Sheriff Training & Firing Range Renovations	2,250,000
Human Services HVAC	180,000
Frank Liske Park ADA Renovations	1,300,000
Frank Liske Park Playground Replacement	203,600
Camp Spencer Vending & Archery Building	536,998
West Cabarrus Library & Senior Center	2,400,000
Deferred Maintenance Projects	9,371,450
EMS Headquarters	21,007,999
Northeast Area Park	8,578,965
Northeast Area Land	3,650,151
Mental Health Facility	35,597,554
Other Improvements Unallocated	1,667,642
Enterprise Physical Security Project (ITS)	807,000

Concord Senior Center Overflow Parking Lot	700,000
Contribution to the General Fund	47,500
Frank Liske Park Softball Complex Utilities	410,000
Rob Wallace Park	1,533,504
Animal Shelter Expansion	240,000
Frank Liske Park Stormwater Project	570,803
Northeast Cabarrus Radio Tower Project	2,439,171
Milestone Building	8,150,000
Fire Services Building	370,000
Mt Pleasant Library	10,000,000
Frank Liske Park Tennis Court	280,000
Frank Liske Park Multiple Projects	5,000,000
Government Center Building Repair	450,000
Public Safety Training Center	2,073,823
TOTAL EXPENDITURES	\$299,158,131
GRAND TOTAL – REVENUES	\$299,158,131
GRAND TOTAL – EXPENDITURES	\$299,158,131

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.
- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
 1. Transfers amounts between objects of expenditure and revenues within a function without limitation.
 2. Transfer amounts up to \$500,000 between functions of the same fund.
 3. Transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order.
 4. Enter and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.
 5. Award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
 6. Execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
 7. Reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).

Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.
- c. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a construction project, all unrestricted excess funds are transferred to the Community Investment Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 17th day of October 2022.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: _____
Stephen M. Morris, Chairman

ATTEST:

Clerk to the Board

CABARRUS COUNTY SCHOOL CAPITAL PROJECTS BUDGET ORDINANCE

BE IT ORDAINED by the Board of Commissioners of Cabarrus County, North Carolina that, Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I.

- A. The project authorized is for the construction and renovations of School Facilities. Details of the project are listed in section C. of this Project Ordinance.
- B. The officers of this unit are hereby directed to proceed with this capital project within the terms of the Generally Accepted Accounting Principles (GAAP) and the budget contained herein.

It is estimated that the following revenues will be available to complete capital projects as listed.

Contribution from General Fund/CIF	\$ 30,433,999
Contribution from Capital Projects Fund	9,522,511
Debt Proceeds 2020 Draw Note	46,620,222
Debt Proceeds 2022 Draw Note	55,711,930
Debt Proceeds 2024 Draw Note	1,800,000
Contribution from Capital Reserve Fund	1,662,314
NC Department of Transportation	1,650,000

TOTAL REVENUES	\$147,400,976
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- C. The following appropriations are made as listed.

CCS Mobile Unit Renovation	\$ 3,300,000
Concord High Fire Alarm Replacement	89,314
Northwest High Fire Alarm Replacement	89,314
JM Robinson Renovation	81,195
R. Brown McAllister Replacement	42,100,000
Roberta Road Middle School	56,604,300
CCS New High School	9,508,821
Kannapolis Middle School	138,897
AL Brown Football Stadium ADA/Drainage	228,000
AL Brown Roof Replacement	190,000
RCCC Building 1000 Boiler	62,780
RCCC Building 2000 Roof Replacement	154,500
RCCC CBTC HVAC	244,291
Contribution to Capital Reserve	5,001,114
Early College Mobile Units	2,337,000
Deferred Maintenance Cabarrus County Schools	19,663,416
Deferred Maintenance Kannapolis City School	4,140,034
Deferred Maintenance Rowan Cabarrus Community College	3,468,000

TOTAL EXPENDITURES	\$147,400,976
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GRAND TOTAL – REVENUES	\$147,400,976
GRAND TOTAL – EXPENDITURES	\$147,400,976

Section II.

- A. Special appropriations to non-profit organizations shall be distributed after the execution of an agreement which ensures that all County funds are used for statutorily permissible public purposes.
- B. The County Manager or designee is hereby authorized to transfer appropriations within or between funds, or modify revenue and expenditure projections as contained herein under the following conditions:
 - 1. The Manager may transfer amounts between objects of expenditure and revenues within a function without limitation.
 - 2. The County Manager may transfer amounts up to \$500,000 between functions of the same fund.
 - 3. The County Manager may transfer amounts between contingency funds which are set aside for a specific project for budgetary shortfalls or upon the appropriate approval of a change order.
 - 4. The County Manager is authorized to transfer funds from the General Fund or Capital Reserve Fund to the appropriate fund for projects approved within the Capital Improvement Plan for the current fiscal year.
 - 5. Upon notification of funding increases or decreases to existing grants or revenues, or the award of grants or revenues, the Manager or designee may adjust budgets to match, including grants that require a County match for which funds are available.
 - 6. The Manager or designee may adjust debt financing from estimated projections to actual funds received.
 - 7. The County Manager may enter into and execute change orders or amendments to construction contracts in amounts less than \$90,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.
 - 8. The County Manager may award and execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
 - 9. The County Manager may execute contracts with outside agencies to properly document budgeted appropriations to such agencies where G.S. 153 A-248(b), 259, 449 and any similar statutes require such contracts.
 - 10. The County Manager may reject formal bids when deemed appropriate and in the best interest of Cabarrus County pursuant to G.S. 143-129(a).
 - 11. The County Manager may reduce revenue projections consistent with prevailing economic conditions, and also reduce expenditures correspondingly.

Section III.

This ordinance and the budget documents shall be the basis of the financial plan for the County of Cabarrus.

- a. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the law.
- b. The Finance Director is directed to report, at the request of the Board, on the financial status of each project element in Section I and on the total revenues received or claimed.
- c. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and to the Finance Director for direction in carrying out this project.
- d. At the completion of a construction project, all unrestricted excess funds are transferred to the General Fund, Community Investment Fund or other Capital Project Fund and the portion of the Capital Project associated with the project is closed.

Adopted this 17th Day of October, 2022.

CABARRUS COUNTY BOARD OF COMMISSIONERS

BY: _____
Stephen M. Morris, Chairman

ATTEST:

Clerk to the Board

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Finance - Budget amendment for purchase of Generator at Government Center

BRIEF SUMMARY:

The replacement of the generator at the Government Center was originally in Fiscal Year 2022's budget. The project was not complete at the end of the fiscal year and the budget was inadvertently not appropriated in Fiscal Year 2023. We are asking the Board to approve the budget amendment to appropriate the funds from Fund Balance.

REQUESTED ACTION:

Motion to adopt the budget amendment.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kyle Bilafer, Assistant County Manager
James Howden, Finance Director

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

▢ Budget Amendment

Budget Revision/Amendment Request

Date: October 17, 2022

Amount: 461,500.00

Dept. Head: Rodney Harris (prepared by James Howden)

Department: FUND 001 - General Fund

- Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

The replacement of the generator for the Government Center was originally in Fiscal Year 2022's budget. The project was not complete at the end of the fiscal year and the budget was inadvertently not appropriated in Fiscal Year 2023.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	9	1952-9820	Building Improvements	-	461,500.00	-	461,500.00
001	6	1910-6901	General Fund - FB Appropriated	5,794,372.98	461,500.00	-	6,255,872.98

Budget Officer

- Approved
 Denied

Signature

Date

County Manager

- Approved
 Denied

Signature

Date

Board of Commissioners

- Approved
 Denied

Signature

Date

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Human Resources - EMS Staffing/Compensation Update

BRIEF SUMMARY:

Since the completion of our external market study with Catapult (presented in April 2022), there have been changes in pay rates for several local agency/competitors. We would like to revisit this group along with a potential funding option from Emergency Medical Services.

REQUESTED ACTION:

Motion to approve grade increase and market/compression adjustments for the EMS department.

Motion to approve changes to the fee structure for EMS services.

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Lundee Covington, HR Director
James Lentz, EMS Director

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- PowerPoint Presentation

EMS Market Study Follow Up

Board of Commissioners Work Session
October 3, 2022



CABARRUS COUNTY
America Thrives Here

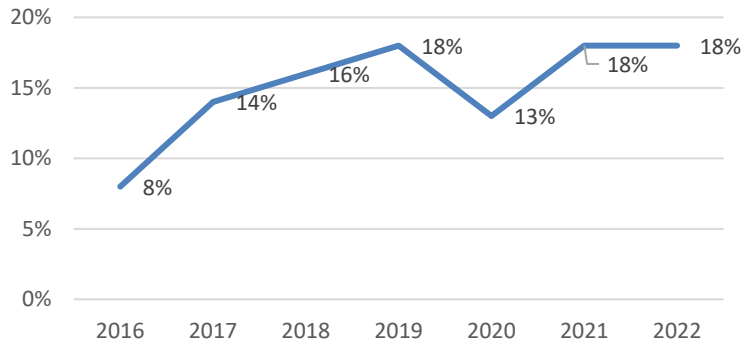


Project Methodology

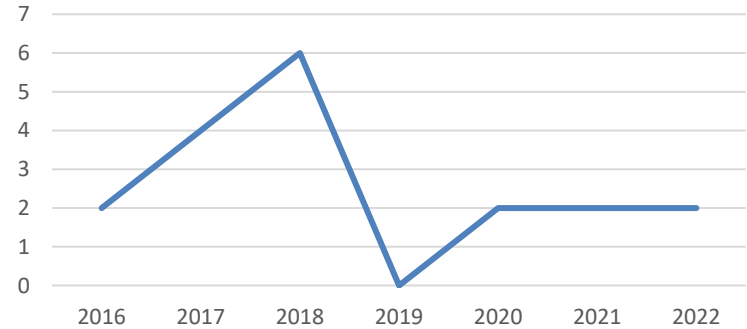
- Catapult was engaged to do a market study for Public Safety positions in FY 22.
- Results at the time of presentation indicated need to move only one position.
- Since that time the market has continued to evolve and a follow up study was requested and completed by Catapult compensation consultant Becky Drozd.
- Departmental information and project details described in the following slides.

EMS Attrition – Full Time

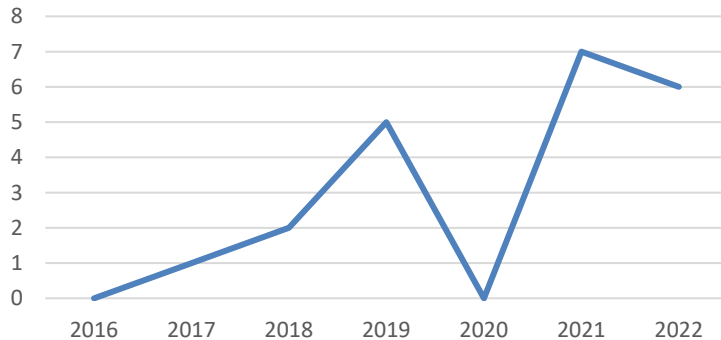
Attrition Percentage



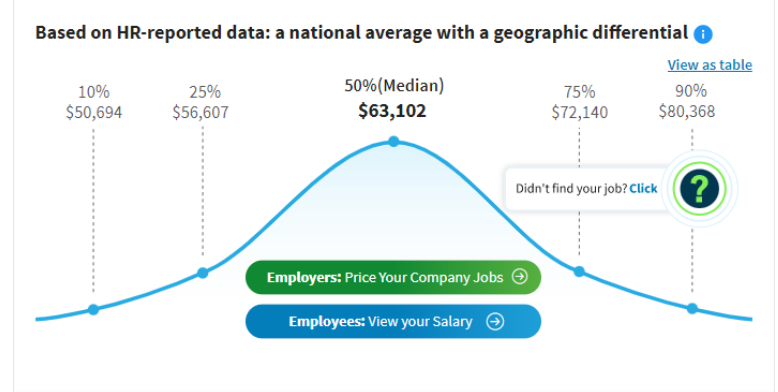
Other EMS



Other healthcare



New Graduate Registered Nurse Salary in North Carolina



EMS Vacancies / Recruitment

- Currently 12 full time vacancies (10%)
- Currently 8 part time vacancies (17%)
- While recruiting efforts and applications remain average, we have seen a reduction in tenured paramedics who are applying with the agency.

Current Structure / Market Shifts

Position	Current Grade	Current Min	Current Min	Market Highs
			(w OT)	
EMT	11	\$16.52	\$17.61	\$20.00
Paramedic	14	\$19.13	\$20.56	\$28 - \$28.75
Sr. Paramedic	15	\$20.08	\$21.59	
Master/Community	16	\$21.09	\$22.67	
Relief Sup/Lt.	17	\$22.16	\$23.82	
Captain	19	\$24.42	\$26.25	
Deputy (Exempt)	24	\$31.16	\$31.16	

Overtime for Full Time

- EMS employees work 84 hours per pay period versus the 80 hours required for a typical 2080 hours per year schedule.
- Short week = 36 hours; long week = 48 hours (3 or 4 twelve-hour shifts per week)
- 4 hours from long week are needed to balance the short week to 40 hours
- Result is 4 extra scheduled hours of OT per pay period
- Utilizing this extra compensation for full time staff we have calculated an adjusted pay rate that is applicable on weeks all scheduled hours are worked

Compensation Methodology

- Custom survey completed in August with data returned from these counties:
 - Catawba
 - Forsyth
 - Gaston
 - Mecklenburg
 - Nash
 - Robeson
 - Stanley
 - Wake

Results

- Market data supports 2 grade increase for entry positions.

Position	Current Grade	Current Min	Proposed Grade	Proposed Min	Market Average
					August 2022 Catapult
EMT	11	\$16.52	13	\$18.20	\$18.35
Paramedic	14	\$19.13	16	\$21.09	\$23.06

Compensation Methodology Cont.

- Positions were adjusted starting at the EMT level
- Additional grades were added at the level of Paramedic and beyond to spread out grades that were tightly bunched
- Personnel Ordinance approved reclassification was applied to each impacted position/individual

Proposed New Structure

Position	Current Grade	Current Min	Proposed Grade	Proposed Min	Proposed Min (w OT)
EMT	11	\$16.52	13	\$18.20	\$19.56
Paramedic	14	\$19.13	16	\$21.09	\$22.67
Sr. Paramedic	15	\$20.08	18	\$23.25	\$24.99
Master/Community	16	\$21.09	20	\$25.62	\$27.54
Relief Sup/Lt.	17	\$22.16	22	\$28.26	\$30.37
Captain	19	\$24.42	24	\$31.16	\$33.49
Deputy (Exempt)	24	\$31.16	28	\$37.86	\$37.86

Compensation Methodology Cont.

- A retention factor was applied to move incumbents further from the start of the new range to allow hiring room for experienced external candidates

County Service	Retention factor
0-4 yrs	1%
5-9 yrs	2%
10-14 yrs	3%
15-19 yrs	4%
20 + years	5%

Proposal Cost

Market cost for range moves would be approximately \$761,820

Internal equity adjustments approximate \$178,022

Total salary cost approximately \$952,504

Estimated loaded costs (retirement, SS, WC, etc.) of \$320,075

All-in estimate - **\$1,272,579**

Revenue Proposal

Rate Comparison	Wake	Mecklenburg	Gaston	Union	Rowan	Cabarrus	Iredell	Lincoln	Average
BLS Non-Emergency	\$ 354.93	\$ 818.00	\$ 600.00	\$ 425.00	\$ 300.00	\$ 363.57	\$ 350.00	\$ 575.00	\$ 429.64
BLS Emergency	\$ 567.89	\$ 1,095.00	\$ 750.00	\$ 525.00	\$ 450.00	\$ 581.71	\$ 450.00	\$ 575.00	\$ 621.46
ALS Non-Emergency	\$ 425.91	\$ 818.00	\$ 900.00	\$ 550.00	\$ 350.00	\$ 436.29	\$ 425.00	\$ 575.00	\$ 535.89
ALS Emergency	\$ 674.36	\$ 1,095.00	\$ 900.00	\$ 650.00	\$ 525.00	\$ 690.78	\$ 525.00	\$ 625.00	\$ 730.72
ALS 2	\$ 976.05	\$ 1,095.00	\$ 1,200.00	\$ 756.00	\$ 750.00	\$ 999.82	\$ 750.00	\$ 650.00	\$ 966.08
SCT	\$ 1,153.22	\$ 1,321.00	\$ 1,200.00	\$ 1,250.00	\$ 725.00	\$ 1,181.60	\$ 875.00	\$ 925.00	\$ 1,189.98
BLS Treatment No Transport	\$ 150.00	n/a	\$ 375.00	\$ 200.00	\$ 200.00	\$ 200.00	n/a	n/a	
ALS Treatment No Transport	\$ 200.00	n/a	\$ 375.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	\$ 450.00	
Mileage	\$ 12.15	\$ 27.00	\$ 15.00	\$ 12.44	\$ 10.00	\$ 12.30	\$ 13.50	\$ 18.00	\$ 15.10

\$200 rate increase, and itemized supply billing

Reasonableness Factor		65%	85%	100%
	Estimated Gain	423,999.45	554,460.81	652,306.84
	CPT	\$ 383.67	\$ 390.18	\$ 395.07
	Est. Gain	\$ 21.17	\$ 27.69	\$ 32.57
	Estimated Supply Collections	39,104.52	51,136.68	60,160.80
	Total Estimated Gain	463,103.97	605,597.49	712,467.64

Recommendations

- Adjust EMS ranges to be market competitive for recruitment
- Address current employees' compensation through proposed range and retention adjustments
- Adopt proposed EMS rate increase and itemized supply billing to be more in line with market data. This would also offset the pay adjustment proposal potentially as much as 50%.

Questions or Concerns?

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Infrastructure and Asset Management - Courthouse Expansion GMP-3 Rejection of Plumbing Bid

BRIEF SUMMARY:

County staff and Messer Construction will present the current bidding situation with the plumbing package bid (BC-22A) for the GMP-3 on the Courthouse Expansion project. GMP-3 is the renovations of the current 1975 courthouse. The low bidder (SPC Mechanical Corporation) for the plumbing package has come in at \$1,800,000 over budget. The budget was formulated in the preconstruction portion of the project. Per North Carolina General Statute 143-129(b), we will need Board of Commissioners approval to reject the bid. County and Messer staff will explain the bidding process, outcome, and statute.

REQUESTED ACTION:

Motion to suspend the Rules of Procedure due to time constraints.

Motion to reject and rebid the BC-22A Plumbing package pursuant to North Carolina General Statute 143-129(b).

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Kyle Bilafer, Assistant County Manager
Rodney Harris, Deputy County Manager
Jason Harris, Messer Construction Project Executive

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ NCGS 143-129(b)
- ▣ SOG Blog about Rejecting Bids

§ 143-129. Procedure for letting of public contracts.

(a) Bidding Required. - No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars (\$500,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with; provided that The University of North Carolina and its constituent institutions may award contracts for construction or repair work that requires an estimated expenditure of less than five hundred thousand dollars (\$500,000) without complying with the provisions of this section.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager, school superintendent, chief purchasing official, or other employee the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

(b) Advertisement and Letting of Contracts. - Where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board.

The advertisements for bidders required by this section shall appear at a time where at least seven full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

Proposals may be rejected for any reason determined by the board or governing body to be in the best interest of the unit. However, the proposal shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or political subdivision thereof may assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and the board or governing body shall award the contract to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

In the event the lowest responsible bids are in excess of the funds available for the project or purchase, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work or provide the apparatus, supplies, materials, or equipment at the negotiated price within the funds available

therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project or purchase within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal for construction or repair work may be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein.

Bids shall be sealed and the opening of an envelope or package with knowledge that it contains a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a Class 1 misdemeanor.

(c) Contract Execution and Security. - All contracts to which this section applies shall be executed in writing. The board or governing body shall require the person to whom the award of a contract for construction or repair work is made to furnish bond as required by Article 3 of Chapter 44A; or require a deposit of money, certified check or government securities for the full amount of said contract to secure the faithful performance of the terms of said contract and the payment of all sums due for labor and materials in a manner consistent with Article 3 of Chapter 44A; and the contract shall not be altered except by written agreement of the contractor and the board or governing body. The surety bond or deposit required herein shall be deposited with the board or governing body for which the work is to be performed. When a deposit, other than a surety bond, is made with the board or governing body, the board or governing body assumes all the liabilities, obligations and duties of a surety as provided in Article 3 of Chapter 44A to the extent of said deposit.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivisions of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

(d) Use of Unemployment Relief Labor. - Nothing in this section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or federal government.

(e) Exceptions. - The requirements of this Article do not apply to:

- (1) The purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment from: (i) the United States of America or any agency thereof; or (ii) any other government unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may designate any officer or employee of the State or political subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment, or other

property owned by: (i) the United States of America or any agency thereof; or (ii) any other governmental unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may authorize the officer or employee to make any partial or down payment or payment in full that may be required by regulations of the governmental unit or agency disposing of the property.

- (2) Cases of special emergency involving the health and safety of the people or their property.
- (3) Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.
- (4) Construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section.
- (5) Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to G.S. 143-131.
- (6) Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

In the case of purchases by hospitals, in addition to the other exceptions in this subsection, the provisions of this Article shall not apply when: (i) a particular medical item or prosthetic appliance is needed; (ii) a particular product is ordered by an attending physician for his patients; (iii) additional products are needed to complete an ongoing job or task; (iv) products are purchased for "over-the-counter" resale; (v) a particular product is needed or desired for experimental, developmental, or research work; or (vi) equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the equipment should be purchased. The governing body of a hospital shall keep a record of all purchases made pursuant to this subdivision. These records are subject to public inspection.
- (7) Purchases of information technology through contracts established by the Department of Information Technology as provided in Article 15 of Chapter 143B of the General Statutes.
- (8) Guaranteed energy savings contracts, which are governed by Article 3B of Chapter 143 of the General Statutes.
- (9) Purchases from contracts established by the State or any agency of the State, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the State contract.
- (9a) Purchases of apparatus, supplies, materials, or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the federal contract.
- (10) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subdivision, remanufactured, refabricated or demo

apparatus, supplies, materials, or equipment are not included in the exception. A demo item is one that is used for demonstration and is sold by the manufacturer or retailer at a discount.

(11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1.

(12) Build-to-suit capital leases with a private developer under G.S. 115C-532.

(f) Repealed by Session Laws 2001-328, s. 1, effective August 2, 2001.

(g) Waiver of Bidding for Previously Bid Contracts. - When the governing board of any political subdivision of the State, or the person to whom authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

(1) The United States of America or any federal agency;

(2) The State of North Carolina or any agency or political subdivision of the State; or

(3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing political subdivision of the State at a regularly scheduled meeting of the governing body no fewer than 10 days after publication of notice that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular contract or for all contracts under this subsection shall be approved by the governing board of the political subdivision. Rules issued by the Secretary of Administration pursuant to G.S. 143-49(6) shall apply with respect to participation in State term contracts.

(h) Transportation Authority Purchases. - Notwithstanding any other provision of this section, any board or governing body of any regional public transportation authority, hereafter referred to as a "RPTA," created pursuant to Article 26 of Chapter 160A of the General Statutes, or a regional transportation authority, hereafter referred to as a "RTA," created pursuant to Article 27 of Chapter 160A of the General Statutes, may approve the entering into of any contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without competitive bidding and without meeting the requirements of subsection (b) of this section if the following procurement by competitive proposal (Request for Proposal) method is followed.

The competitive proposal method of procurement is normally conducted with more than one source submitting an offer or proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. If this procurement method is used, all of the following requirements apply:

(1) Requests for proposals shall be publicized. All evaluation factors shall be identified along with their relative importance.

(2) Proposals shall be solicited from an adequate number of qualified sources.

- (3) RPTAs or RTAs shall have a method in place for conducting technical evaluations of proposals received and selecting awardees, with the goal of promoting fairness and competition without requiring strict adherence to specifications or price in determining the most advantageous proposal.
- (4) The award may be based upon initial proposals without further discussion or negotiation or, in the discretion of the evaluators, discussions or negotiations may be conducted either with all offerors or with those offerors determined to be within the competitive range, and one or more revised proposals or a best and final offer may be requested of all remaining offerors. The details and deficiencies of an offeror's proposal may not be disclosed to other offerors during any period of negotiation or discussion.
- (5) The award shall be made to the responsible firm whose proposal is most advantageous to the RPTA's or the RTA's program with price and other factors considered.

The contents of the proposals shall not be public records until 14 days before the award of the contract.

The board or governing body of the RPTA or the RTA shall, at the regularly scheduled meeting, by formal motion make findings of fact that the procurement by competitive proposal (Request for Proposals) method of procuring the particular apparatus, supplies, materials, or equipment is the most appropriate acquisition method prior to the issuance of the requests for proposals and shall by formal motion certify that the requirements of this subsection have been followed before approving the contract.

Nothing in this subsection subjects a procurement by competitive proposal under this subsection to G.S. 143-49, 143-52, or 143-53.

RPTAs and RTAs may adopt regulations to implement this subsection.

(i) Procedure for Letting of Public Contracts. - The Department of Transportation ("DOT") and the Department of Administration ("DOA") shall monitor all projects in those agencies that are let without a performance or payment bond to determine the number of defaults on those projects, the cost to complete each defaulted project, and each project's contract price. Beginning March 1, 2011, and annually thereafter, DOT and DOA shall report this information to the Joint Legislative Committee on Governmental Operations.

(j) [Use of E-Verify Required. -] No contract subject to this section may be awarded by any board or governing body of the State, institution of State government, or any political subdivision of the State unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes. (1931, c. 338, s. 1; 1933, c. 50; c. 400, s. 1; 1937, c. 355; 1945, c. 144; 1949, c. 257; 1951, c. 1104, ss. 1, 2; 1953, c. 1268; 1955, c. 1049; 1957, c. 269, s. 3; c. 391; c. 862, ss. 1-4; 1959, c. 392, s. 1; c. 910, s. 1; 1961, c. 1226; 1965, c. 841, s. 2; 1967, c. 860; 1971, c. 847; 1973, c. 1194, s. 2; 1975, c. 879, s. 46; 1977, c. 619, ss. 1, 2; 1979, c. 182, s. 1; 1979, 2nd Sess., c. 1081; 1981, c. 346, s. 1; c. 754, s. 1; 1985, c. 145, ss. 1, 2; 1987, c. 590; 1987 (Reg. Sess., 1988), c. 1108, ss. 7, 8; 1989, c. 350; 1993, c. 539, s. 1007; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 367, s. 6; 1997-174, ss. 1-4; 1998-185, s. 1; 1998-217, s. 16; 2001-328, s. 1; 2001-487, s. 88; 2001-496, ss. 4, 5; 2005-227, s. 1; 2006-232, s. 2; 2007-94, s. 1; 2007-322, s. 4; 2007-446, s. 6; 2010-148, s. 1.2; 2011-234, s. 1; 2013-418, s. 2(c); 2015-241, s. 7A.4(s); 2017-81, s. 1; 2021-80, s. 2.8.)

<https://canons.sog.unc.edu/2011/04/rejecting-bids-who-can-and-when-can-they/>



Coates' Canons NC Local Government Law

Rejecting Bids – Who Can and When Can They?

Published: 04/13/11

Author Name: Norma Houston

Pauline Purchaser has advertised a contract and is pleased by the number of bids she's received. When she opens the bids, much to her dismay, she discovers that all are way over budget. As Pauline regroups to figure out what went wrong, she realizes there was a flaw in the specifications. She decides to reject all bids, rewrite the specs, and start over. It won't take long – the flaw in the specs is easy to fix – so she can proceed quickly and keep the project on track. As Pauline reports her plan to her manager, he says, "Wait! Don't we have to take all this to the board?" Do they?

The answer is, "it depends." Since that's not a very helpful answer, let's break the original question down into three questions that are key to determining what Pauline should (and should not) do:

1. What kind of contract is it and what is its amount?
2. Has the authority to reject bids been delegated and if so, to whom?
3. What do local policies say?

What kind of contract is it and what is its amount?

Basically, the authority to reject bids and readvertise is the same as that for awarding contracts.

Governing boards are required by statute to approve construction or repair contracts in the formal bidding range (\$500,000 and above) and purchase contracts in the formal bidding range (\$90,000 and above). However, **G.S. 143-129(a)** authorizes a governing board to delegate awarding, rejecting, and readvertising *formal purchase contracts (but not formal construction contracts)* to the manager, chief purchasing official, school superintendent (for local boards of education), or any "other employee" named by the governing board.

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There are several types of contracts for which local government boards are *not required* by statute to approve awards or reject bids. These include (1) purchase contracts in the informal bidding range (\$30,000 to \$90,000) [**G.S. 143-131**], (2) construction or repair contracts in the informal bidding range (\$30,000 to \$500,000) [**G.S. 143-131**], and (3) service contracts of any amount. Some local governments may require formal board approval for these and other contracts either by practice or in their written policies. However, a board can still choose to delegate its authority to award and reject informal purchase and construction or repair contracts just as it can formal purchase contracts.

There are three kinds of contracts for which the governing board *cannot* delegate its authority to award or reject bids:

1. construction or repair contracts in the formal range [**G.S. 143-129(a)**];
2. sole-source purchase contracts in the informal and formal ranges [**G.S. 143-129(e)(6)**]; and
3. previously bid or “piggybacking” purchase contracts in the formal range [**G.S. 143-129(g)**].

So, if the bids Pauline wants to reject are for a formal or informal purchase contract (except sole-source or piggybacking), or an informal construction contract, she can do so without board approval *assuming her board has delegated this authority to her* for formal purchase contracts (at a minimum), and preferably for informal contracts as well.

Has the authority been delegated and if so, to whom?

For a purchasing officer, manager, or other employee to have the legal authority to award, reject, or readvertise formal purchase contracts, that authority must actually be delegated by the governing board.

And, even though delegated authority is not legally required for informal purchase and informal construction or repair contracts, having this authority made clear through an actual delegation by the board can be helpful (even reassuring). How does this authority get delegated?

A governing board can delegate its authority to award contracts, reject bids, and readvertise either explicitly or implicitly. *Explicit* delegation is made in writing such as through a provision in a city charter, a formal resolution adopted by the governing board, or in a job description or personnel or purchasing policy approved by the board. Authority can also be delegated *implicitly* through the practices of the governing board, such as regularly making payments on contracts that were awarded by an employee.

It is always best to have authority to award contracts and reject bids *explicitly* delegated to a specific employee or employees, such as the manager and the purchasing officer. An explicit delegation provides clear authority for the employee and can confirm the validity of the contract if challenged.

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Explicit delegation may also be necessary if local policies impose contract award or bid rejection requirements beyond those of state law.

What do local policies say?

Some local governments have purchasing policies that go beyond the requirements of state law, such as imposing competitive bidding requirements for projects below the informal bidding range or requiring board approval for informal contracts. Even if state law authorizes delegated authority, local policies may still require board approval of those contracts. If this is the case, for an employee to award contracts and reject bids, it is best to make sure the board clearly and explicitly delegates its authority that employee. This delegation can be blanket for entire categories of purchasing and contracting activities or specific to one particular project (unless otherwise prohibited by state law as discussed above).

What if an employee rejects a bid without the authority to do so?

Oops – Pauline rejected the bids, readvertised, and *then* her attorney advises that the bid rejection should have gone to the board. What to do?

Don't panic. The board can, in some instances, approve actions after the fact – this is called “ratification.” Unless otherwise prohibited by law, unauthorized actions taken by an employee can be made legally valid after the fact if the board formally approves those actions. Ratification is limited, however, to actions that the board itself is legally allowed to take. If the board itself doesn't have the authority to take a particular action, it cannot ratify that action if taken by an employee. For example, a board cannot ratify a contract entered into in violation of the prohibition against self-dealing under **G.S. 14-234**.

So, let's go back to Pauline's discussion with her manager. Does she have to go to her board to reject the bids and readvertise the project? If the project is for construction or repair in the formal range, a formal or informal sole-source purchase, or a formal piggybacking purchase, there is no choice – *the board has* to reject the bids and authorize readvertisement. However, if it is a formal purchase contract, Pauline *might* have the authority to reject the bids and readvertise without board approval *if* her board has delegated that authority to her (remember, explicit delegation is always preferable to implicit delegation). Pauline *might* also have the authority to reject bids for informal purchase and construction or repair contracts depending on her local policies. If it is unclear whether a board has explicitly delegated its authority, it's probably safest to assume that it *has not*. In this case, Pauline should first

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get board approval for this contract. Then, assuming the board *wants* her to have this authority for future contracts, the board should explicitly delegate to help ensure that the legal validity of her actions can't be challenged.

Finally, Pauline should check her local policies to see what, if any, additional requirements may be imposed that might exceed those found in state law, especially for informal (and below) contracts, and determine whether her existing authority (assuming she has it) encompasses those additional requirements. If not, she might need specific authorization from her board. And, last but by no means least, if Pauline has already rejected the bids and readvertised, and *then* discovers that she didn't have the legal authority to do so without board approval, she can always take the matter to her board to have it ratify her actions after the fact.

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CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Infrastructure and Asset Management - Milestone Building Improvement Projects Funding

BRIEF SUMMARY:

Since the acquisition of the former Cardinal Innovations building located at 4855 Milestone Avenue in Kannapolis, Infrastructure and Asset Management and ITS have been working on programming the space with County departments, managing various maintenance projects, as well as modular furniture installations. Additionally, the County has worked with a design firm on a stand alone server room for Partners, whom we will be leasing space to as well as a back up 911 center and customer service window minor renovation. The budget amendment is needed to replenish the General Fund for expenses already incurred to keep the project on schedule and upcoming expenses. These expenses include technology, equipment, furniture, and minor building renovations.

REQUESTED ACTION:

Motion to adopt the budget amendment.

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Kyle Bilafer, Assistant County Manager
Rodney Harris, Deputy County Manager
Todd Shanley, Chief Information Officer

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ Budget Amendment

Budget Revision/Amendment Request

Date: October 17, 2022

Amount: 625,000.00

Dept. Head: Rodney Harris (prepared by James Howden)

Department: FUND 380 - County Capital Projects

Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

Budget amendment for continued building improvements at the Milestone Building. Building out technology infrastructure, space needs, modular furniture installations, maintenance and minor renovations.

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
380	9	1810-9830-SECUR	Other Improvements - Security	495,608.99	107,000.00	-	602,608.99
380	9	1810-9830-TECH	Other Improvements - Technology	560,486.09	79,000.00	-	639,486.09
380	9	1952-9501-DM	Building & Grounds Maintenance	2,190,948.26	400,000.00	-	2,590,948.26
380	6	1950-6932-BUILD	Contribution from CIF	-	586,000.00	-	586,000.00
001	9	1810-9342-DEPT	Minor Technology Equipment	323,900.00	14,000.00	-	337,900.00
001	9	1230-9860-WELL	Equipment & Furniture	21,752.00	25,000.00	-	46,752.00
001	6	1910-6932	Contribution from CIF	-	39,000.00	-	39,000.00
100	6	0000-6901	Fund Balance Appropriated	10,054,435.00	625,000.00	-	10,679,435.00
100	9	9120-9704	Contribution to General Fund	-	39,000.00	-	39,000.00
100	9	0000-9708	Contribution to Capital Project Fund	23,425,611.00	586,000.00	-	24,011,611.00

Budget Officer

County Manager

Board of Commissioners

Approved
 Denied

Approved
 Denied

Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Infrastructure and Asset Management - NC DOT Acquisition of Right-of-Way and Request for Easements at 2700 St. Stephens Church Road

BRIEF SUMMARY:

The NC DOT (North Carolina Department of Transportation) is planning to replace bridge #247 over Butcher Branch on St. Stephens Church Road (SR 2444). To provide those improvements the DOT will need to acquire right-of-way and easements from various properties. Our future park property is one of those properties that will be affected.

Vaughn & Melton Consulting Engineers have prepared a proposed deed and submitted a contingent offer to purchase the right-of-way for \$1,775.00 based on fair market value of the property.

The County's property is approximately 615.960 acres of which 0.029 acres is being acquired as right-of-way, leaving 615.931 acres remaining on the right with access to St. Stephens Church Road. Also being acquired would be two permanent utility easements containing approximately 0.052 acres; a permanent drainage easement containing approximately 0.026 acres; and two temporary construction easements containing approximately 0.027 acres.

A review by the legal department has been completed.

REQUESTED ACTION:

Motion to approve the easements and authorize the County Manager to negotiate the sale of the property for the purpose of a right-of-way, subject to review and revision by the County Attorney.

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Michael Miller, Infrastructure and Asset Management Director

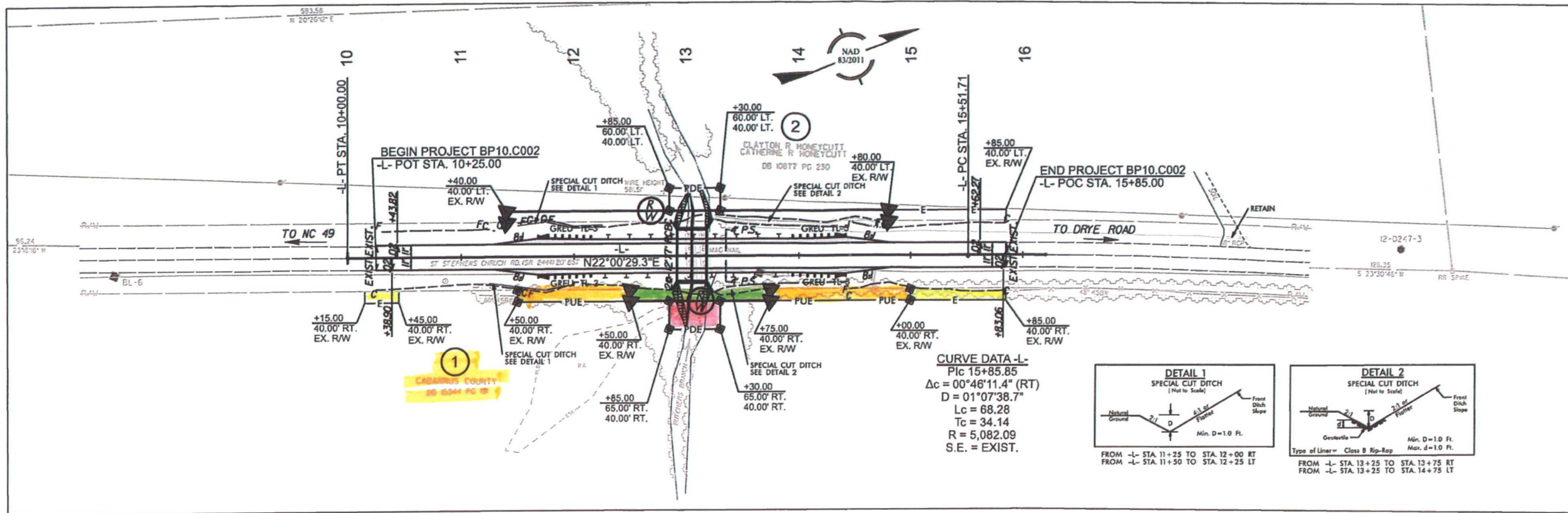
BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ V&M Sketch
- ▣ Proposed Deed
- ▣ Contingent Offer
- ▣ St. Stephens Butcher Branch Aerial

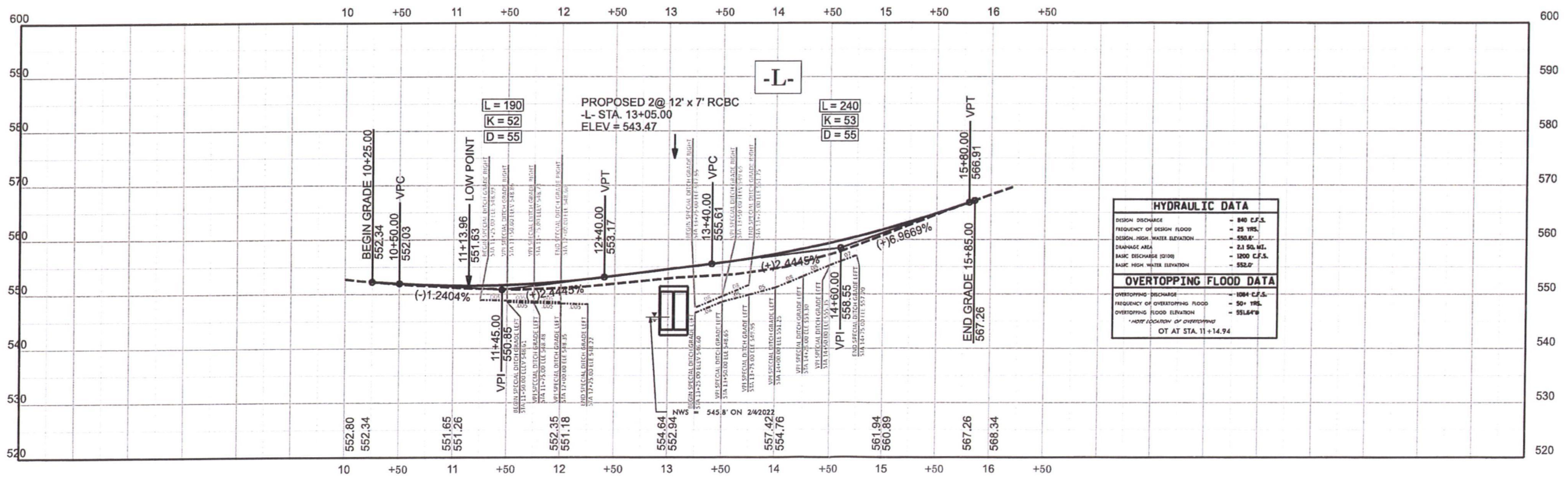


BP10.C002.1
 R/W 4
 NORTH CAROLINA
 DEPARTMENT OF TRANSPORTATION
 CAROLINA COUNTY

ROADWAY DESIGN UNIT
 ROADWAY DESIGN ENGINEER

NORTH CAROLINA PROFESSIONAL SEAL
 15435
 ENGINEER
 JOHN C. LAMBERT

HYDRAULICS ENGINEER
 NORTH CAROLINA PROFESSIONAL SEAL
 047435
 ENGINEER
 JOHN C. FORD



REVISIONS

Revenue Stamps \$ _____

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Trent Culp CHECKED BY Dean A. Smith, V&M

The hereinafter described property Does Does not include the primary residence of the Grantor

RETURN TO: Dean A. Smith, V&M
2815 Coliseum Centre Drive, Suite 550
Charlotte, NC 28217

NORTH CAROLINA
COUNTY OF Cabarrus
TAX PARCEL 5682 81 6183

TIP/PARCEL NUMBER: 013SR2444 001
WBS ELEMENT: BP10.C002.2
ROUTE: Bridge #247 on SR 2444

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20____
by and between Cabarrus County (a body politic and political Subdivision of the State of North Carolina)
PO Box 707, Concord, NC 28026-0707

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 1,775.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Number Seven (7) Township, Cabarrus County, North Carolina, which is particularly described as follows:

Point of beginning being N 31^44'8.6" E, 177.553 feet from -L- Sta 12+00 thence to a point on a bearing of S 22^0'29.3" W 125.000 feet thence to a point on a bearing of S 67^59'30.7" E 10.000 feet thence to a point on a bearing of N 22^0'29.3" E 125.000 feet thence to a point on a bearing of N 67^59'30.7" W 10.000 feet returning to the point and place of beginning.

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Permanent Drainage Easement described as follows:

Point of beginning being N 59°24'48.6" E, 107.005 feet from -L- Sta 12+00 thence to a point on a bearing of N 22°0'29.3" E 45.000 feet thence to a point on a bearing of N 67°59'30.7" W 25.000 feet thence to a point on a bearing of S 22°0'29.3" W 45.000 feet thence to a point on a bearing of S 67°59'30.7" E 25.000 feet returning to the point and place of beginning.

Said Permanent Drainage Easement in perpetuity is for the installation and maintenance of drainage facilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a drainage facility with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said drainage facility and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said drainage facility, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described Permanent Drainage Easement area(s). It is further understood and agreed that Permanent Drainage Easement shall be used by the Department for additional working area during the above-described project. The underlying fee owner shall have the right to continue to use the Permanent Drainage Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

Permanent Utility Easement described as follows:

Area One

Point of beginning being N 52°58'18.9" E, 58.310 feet from -L- Sta 12+00 thence to a point on a bearing of S 22°0'29.3" W 100.000 feet thence to a point on a bearing of S 67°59'30.7" E 10.000 feet thence to a point on a bearing of N 22°0'29.3" E 100.000 feet thence to a point on a bearing of N 67°59'30.7" W 10.000 feet returning to the point and place of beginning.

Area Two

Point of beginning being N 27°43'11.5" E, 301.437 feet from -L- Sta 12+00 thence to a point on a bearing of S 22°0'29.3" W 124.941 feet thence to a point on a bearing of S 67°59'30.7" E 10.000 feet thence to a point on a bearing of N 21°59'14.3" E 124.923 feet thence to a point on a bearing of N 67°53'16.9" W 9.955 feet returning to the point and place of beginning.

Said Permanent Utility easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described Permanent Utility Easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above-described project. The underlying fee owner shall have the right to continue to use the Permanent Utility Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

Temporary Construction Easement described as follows:

Area One

Point of beginning being N 26°28'55.4" E, 385.979 feet from -L- Sta 12+00 thence along a curve 33.092 feet and having a radius of 5052.093 feet. The chord of said curve being on a bearing of S 22°11'44.9" W, a distance of 33.092 feet thence to a point on a bearing of S 22°0'29.3" W 51.771 feet thence to a point on a bearing of S 67°53'16.9" E 9.955 feet thence to a point on a bearing of N 22°6'43.1" E 84.815 feet thence to a point on a bearing of N 67°36'59.6" W 10.000 feet returning to the point and place of beginning.

COUNTY: Cabarrus WBS ELEMENT: BP10.C002.2 TIP/PARCEL NO.: 013SR2444 001

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described area(s) until such time that the property owners alter the adjacent lands in such a manner that the lateral support of the cut and/or fill slopes are no longer needed. Any additional construction areas lying beyond the beyond the right of way limits and beyond any permanent easement areas will terminate upon completion of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

Area Two

Point of beginning being S 11°3'14.7" W, 157.877 feet from -L- Sta 12+00 thence to a point on a bearing of S 22°0'29.3" W 30.000 feet thence to a point on a bearing of S 67°59'30.7" E 10.000 feet thence to a point on a bearing of N 22°0'29.3" E 30.000 feet thence to a point on a bearing of N 67°59'30.7" W 10.000 feet returning to the point and place of beginning.

This construction easement(s) shall expire upon completion and acceptance of the aforementioned project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:

NONE

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Cabarrus County Registry in Deed Book 15344 Page 0191 .

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The Grantors acknowledge that the project plans for Project # BP10.C002.2 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # BP10.C002.2 , Cabarrus County, and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions:

Restrictive covenants and easements of record, government regulations, and the lien of property taxes for the current year.

COUNTY: Cabarrus WBS ELEMENT: BP10.C002.2 TIP/PARCEL NO.: 013SR2444 001

IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated _____, has caused this instrument to be signed in its corporate name by its Chairman of the Cabarrus County Board of Commissioners, its corporate seal hereto affixed, and attested by the Clerk of the Cabarrus County Board of Commissioners, by order of the Cabarrus County Commissioners, this the day and year first above written

CABARRUS COUNTY

(CORPORATE SEAL)

BY: _____

Stephen M. Morris, Chairman of Cabarrus County Board of Commissioners

ATTEST: _____

Lauren Linker, Clerk of Cabarrus County Board of Commissioners

	North Carolina, _____ County I, _____, a Notary Public for _____ County, North Carolina, certify that Lauren Linker personally came before me this day and acknowledged that she is the CLERK of the Cabarrus County Board of Commissioners, and that by authority duly given, the foregoing instrument was signed in its name by Stephen M. Morris , its CHAIRMAN of the Cabarrus County Board of Commissioners, sealed with its corporate seal, and attested by Lauren Linker as its CLERK. Witness my hand and official seal this the _____ day of _____, 20 ____ . _____ Notary Public My commission expires: _____
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES**

TO: Cabarrus County
PO Box 707
Concord, NC 28026-0707

DATE: 9/1/22
TO: Lessee, if Applicable
N/A

TIP/PARCEL NO.: 013SR2444 001
COUNTY Cabarrus
DESCRIPTION: Bridge #247 over Butcher Branch on SR 2444 (St. Stephens Church Road)

WBS ELEMENT: BP10.C002.2

Dear Property Owner:

The following contingent offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The contingent offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. **Please retain this form as it contains pertinent income tax information.**

Value of Right of Way to be Acquired	\$ <u>450.00</u>
Value of Permanent Easements to be Acquired	\$ <u>1,200.00</u>
Value of Temporary Easement (Rental of Land) to be Acquired	\$ <u>125.00</u>
Value of Improvements to be Acquired	\$ <u>0.00</u>
Damages, if any, to Remainder	\$ <u>0.00</u>
Benefits, if any, to Remainder	minus \$ <u>0.00</u>
TOTAL CONTINGENT OFFER	\$ <u>1,775.00</u>

The total contingent offer includes all interests other than leases involving Federal Agencies and Tenant owned improvements.

(A) Description of the land and effects of the acquisition

Subject property described in Deed Book 15344, page 0191, Cabarrus County Registry, contains approximately 615.960 acres of which 0.029 acres is being acquired as right of way, leaving 615.931 acres remaining on the right with access to St. Stephens Church Road. Also being acquired are two Permanent Utility Easements containing approximately 0.052 acres; a Permanent Drainage Easement containing approximately 0.026 acres; and two Temporary Construction Easements containing approximately 0.027 acres.

(B) The TOTAL CONTINGENT OFFER includes payment for the improvements and appurtenances described below:
NONE


Provided there is sufficient time remaining in the project schedule, you may repurchase these improvements for a retention value, with the stipulation that you remove them from the acquisition area at no expense to the Department.

(C) Should you desire to sell the Department the portion of your property considered to be an uneconomic remnant or buildable lot, as explained to you by the Right of Way Agent, the total contingent offer would be: \$ N/A. Please note that any contingent offer to purchase a remnant/buildable lot is conditioned upon the remnant/buildable lot being environmentally clean prior to the conveyance to the Department. You may be required to provide the Department with a release from the appropriate environmental agency stating that all contaminants have been remediated and/or removed to their standards.

The original of this form was mailed, to Michael Miller, Cabarrus County Director of Infrastructure & Asset Management on September 1, 20 22. Owner was furnished a copy of the Right of Way Brochure/Owner's Letter.

I will be available at your convenience to discuss this matter further with you. My telephone number is 828-779-4631

Please be advised that the agent signing this form is only authorized to recommend settlement to the North Carolina Department of Transportation, and any recommended settlement is not a binding contract unless and until accepted by the North Carolina Department of Transportation by its formal execution of documents for conveyance of Right of Way, Easements, and/or other interests.

(Signed) 
Dean A. Smith - Right of Way Agent



CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Kannapolis City Schools - PayGo Capital Budget

BRIEF SUMMARY:

Kannapolis City Schools is asking to use Fiscal Year 2023 PayGo to fund the overage in construction at McKnight, Life Safety across the district, and Activity Buses.

FY23 allocation = \$1.5 million

\$900,000 for McKnight Head Start

\$400,000 for miscellaneous (generators, door security, building security, cameras) \$200,000 for (2) activity buses

Kannapolis City Schools would also like to consolidate the Fiscal Year 2022 PayGo remaining funds to cover the track overage and system-wide furniture.

\$122,871 for AL Brown Track

\$87,344 for furniture

REQUESTED ACTION:

Motion to approve the use of the PayGo funds for these projects.

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Kevin Garay, KCS Superintendent

Chip Buckwell, Interim Director of Operations

Scott Rodgers, Assistant Director of Operations

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Planning and Development - Proposed Realignment for Planning and Zoning Commission Areas

BRIEF SUMMARY:

Planning and Zoning Commission membership is currently based on a map that includes small planning areas. Several of these areas overlap with land use plans currently adopted and administered by the cities and towns. The current areas also do not match up with established service areas and future annexation areas.

Staff is requesting that the Board of Commissioners consider realigning membership areas based on annexation and service area mapping instead of the current mapping. The proposed area map is attached.

REQUESTED ACTION:

Motion to adopt the planning and zoning commission member area map.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Susie Morris, Planning and Zoning Manager

BUDGET AMENDMENT REQUIRED:

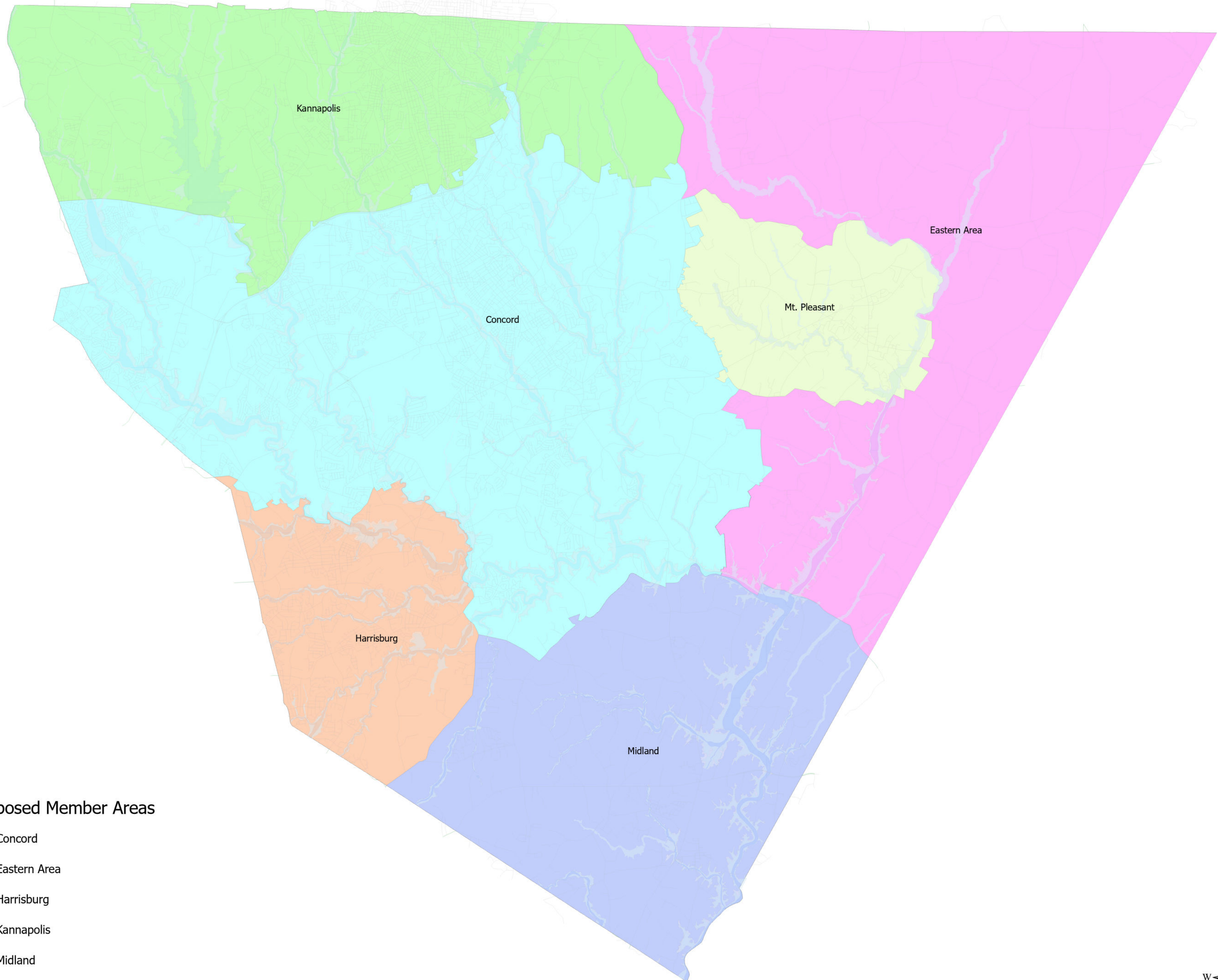
No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ Map of Areas
- ▣ Memo for BOC

Proposed Planning and Zoning Commission Member Areas

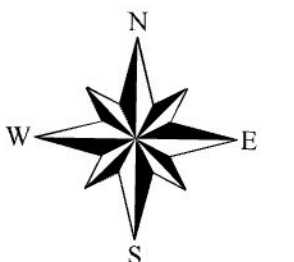


Proposed Member Areas

- Concord
- Eastern Area
- Harrisburg
- Kannapolis
- Midland
- Mt. Pleasant

Cabarrus County shall not be held liable for any errors in these data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. These data cannot be construed to be a legal document. Primary sources from which these data were compiled must be consulted for verification of information contained within the data. Map Prepared by Cabarrus County Planning Services September 2022

1 inch equals 2 miles



Memo

To: Cabarrus County Board of Commissioners
From: Susie Morris, Planning and Zoning Manager
cc: File
Date: 8/31/2022
Re: Proposed Planning and Zoning Commission Realignment

Planning and Zoning Commission membership is currently based on a map that includes small planning areas. Several of these areas overlap with land use plans currently adopted and administered by the cities and towns. The current areas also do not match up with established service areas and future annexation areas.

Staff is requesting that the Board of Commissioners consider realigning membership areas based on annexation and service area mapping instead of the current mapping. The proposed area map is attached.

Using annexation and service area mapping better aligns with boundaries that have been adopted and are used by the cities and towns. It will also allow additional flexibility for finding members since there will be three at-large member positions available with the new structure of the Commission.

The only change to the official roster would be proposed changes to the areas represented. Current terms for service would remain the same.

Should the Board of Commissioners approve the request, the composition of the Planning and Zoning Commission would continue to be 12 members, with area assignments as follows:

Area	Current Area Representative	New Area Representative
Kannapolis	Brent Rockett	Brent Rockett
Concord Area	Holly Grimsley	Holly Grimsley
Midland Area	Kevin Crutchfield	Kevin Crutchfield
Harrisburg Area	Chuck Paxton	Chuck Paxton
Eastern Area	Chris Pinto	Chris Pinto
Central Area	Jeff Corley	N/A (Part of Concord Area)
Mount Pleasant Area (New Area)	NEW	Adam Dagenhart
Northwest Area	Vacant	N/A (Part of Kannapolis Area)
At-Large Member Positions	Andrew Nance, Adam Dagenhart	Jeff Corley, Andrew Nance, Vacant (new)
At-Large Alternate Positions	Steve Wise, David Hudspeth, Ingrid Nurse	Steve Wise, David Hudspeth, Ingrid Nurse
Total Number of Members	12	12

Planning and Zoning Commission members are aware of the proposed changes and are in favor of the new structure.

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Sheriff's Office - Acceptance of Direct Justice Assistance Grant

BRIEF SUMMARY:

The City of Concord (Police Department), being the fiscal agency for this Direct Justice Assistance Grant, and by virtue of an interlocal agreement between the City of Concord, City of Kannapolis, and Cabarrus County, are paying Cabarrus County the sum of \$4,685.35 of Justice Assistance Grant funding. \$1,806.16 from the City of Concord and \$2,879.19 from the City of Kannapolis for us by the Cabarrus County Sheriff's Office. These funds have been earmarked to host training from Dolan Consulting titled, "Body Worn Cameras, Civilian Recordings, and Social Media - New Legal Challenges".

REQUESTED ACTION:

Motion to accept the grant award and adopt the associated budget amendment.

EXPECTED LENGTH OF PRESENTATION:

1 Minute

SUBMITTED BY:

Chief Deputy James N. Bailey

BUDGET AMENDMENT REQUIRED:

Yes

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- ▣ JAG Agreement
- ▣ JAG BA 2022

The State of North Carolina

City Clerk
Contract No. _____

County of Cabarrus

Interlocal Agreement

Between the City of Concord, North Carolina, City of Kannapolis, North Carolina and
County of Cabarrus, North Carolina

Direct Justice Assistance Grant (JAG) Program Award

This Agreement is made and entered into this day 3rd of **August, 2022**, by and between The COUNTY of CABARRUS, acting by and through its governing body, the County Commissioners Court, hereinafter referred to as COUNTY, and the City of CONCORD and City of KANNAPOLIS, State of North Carolina, acting by and through their governing bodies, the City Councils, hereinafter referred to as CITIES, both of CABARRUS County, State of North Carolina, witnesseth:

WHEREAS, this Agreement is made under the authority of Sections 160A-460, et seq. of North Carolina General Statutes: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from legally available to that party: and

WHEREAS, Concord Police Department (City of CONCORD) is the fiscal agency and

WHEREAS, the CITIES agree to provide the COUNTY \$4,685.35 to host training from Dolan Consulting entitled, "Body Worn Cameras, Civilian Recordings and Social Media-New Legal Challenges."

WHEREAS, the CITIES and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOWTHEREFORE, the COUNTY and CITIES agree as follows:

Section 1.

CITIES agree to pay COUNTY a total of \$4,685.35 of JAG funds. The breakdown of payment is as follows, CITY of CONCORD agrees to pay COUNTY \$1806.16 of its \$10,112.00 and CITY OF KANNAPOLIS agrees to pay COUNTY \$2,879.19 of its \$11,398.00.

Section 2.

COUNTY agrees to use \$4,685.35 to host training from Dolan Consulting entitled, "Body Worn Cameras, Civilian Recordings and Social Media-New Legal Challenges."

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by G.S. 153A-435.

Section 4.

Nothing in performance of this Agreement shall impose any liability for claims against CITIES other than claims for which liability may be imposed by G.S. 160A-485.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF CONCORD

CITY OF KANNAPOLIS

COUNTY OF CABARRUS

City Manager

City Manager



Deputy County Manager

ATTEST:

ATTEST:

ATTEST:

City Clerk

City Clerk



County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

APPROVED AS TO FORM:

City Attorney

City Attorney



Deputy County Attorney

Budget Revision/Amendment Request

Date: 10/17/2022

Amount: 4,685.35

Dept. Head: Sheriff Van W. Shaw

Department: 2110-Sheriff

Internal Transfer Within Department
 Transfer Between Departments/Funds
 Supplemental Request

Purpose: Budget Amendment to record JAG Grant receipt from Concord Police Department JAG Grant. Grant will be used for specialized training through the Dolan Consulting Group entitled "Body Worn Cameras, Civilian Recordding and Social Media-New Legal Challnges"

Fund	Indicator	Department/ Object/ Project	Account Name	Approved Budget	Increase Amount	Decrease Amount	Revised Budget
001	6	2110-6361-JAG	Office of Justice Grants	-	4,685.35		4,685.35
001	9	2110-9361-JAG	Office of Justice Grants	-	4,685.35		4,685.35
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
Total							0.00

Budget Officer

Approved
 Denied

County Manager

Approved
 Denied

Board of Commissioners

Approved
 Denied

Signature

Signature

Signature

Date

Date

Date

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Discussion Items for Action

SUBJECT:

Tax Administration - Use of In Rem Foreclosure in the Collection of Delinquent Property Taxes

BRIEF SUMMARY:

The Cabarrus County Tax Administrator is requesting a resolution authorizing the use of In Rem Foreclosure as an alternative method of delinquent tax collection pursuant to N.C.G.S. § 105-375. The In Rem Foreclosure method provides a more expedited and cost-effective foreclosure process, while protecting the rights of taxpayers.

REQUESTED ACTION:

Motion to adopt the resolution.

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

David Goldberg, Deputy County Attorney
David Thrift, Tax Administrator

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Resolution



A RESOLUTION AUTHORIZING THE USE OF IN REM FORECLOSURE IN THE COLLECTION OF DELINQUENT PROPERTY TAXES

WHEREAS, in the interest of equity and fairness, it is the intent of the Cabarrus County Board of Commissioners to ensure the collection of delinquent taxes so that the tax burden is shared equally; and

WHEREAS, the power to foreclose on real property is a serious, but nonetheless critical, method for collecting delinquent property taxes, that is used as a last resort; and

WHEREAS, Cabarrus County has historically used mortgage-style proceedings under N.C.G.S. § 105-374 with the assistance of outside counsel to execute tax foreclosures; and

WHEREAS, the expense and complexity of mortgage-style foreclosure proceedings makes the collection of certain low value properties uneconomical; and

WHEREAS, N.C.G.S. § 105-375 authorizes the use of an alternative In Rem Foreclosure method, which provides a more expedited and cost-effective foreclosure process, while protecting the rights of taxpayers; and

WHEREAS, using the In Rem Foreclosure method will help collect delinquent taxes and facilitate the transfer of often abandoned properties to owners interested in using and improving such properties; and

WHEREAS, in order to employ this delinquent tax collection method, the Board of Commissioners must authorize its use by the Tax Administrator.

NOW, THEREFORE BE IT RESOLVED that the Cabarrus County Board of Commissioners hereby authorize and direct the Cabarrus County Tax Administrator to pursue collection of delinquent taxes by In Rem Foreclosure as set forth in N.C.G.S. § 105-375 and Mortgage-Style Foreclosure as set forth in N.C.G.S. § 105-374, using the method he or she deems most appropriate on each case.

ADOPTED this 17th day of October, 2022.

Stephen M. Morris, Chairman
Cabarrus County Board of Commissioners

Attest:

Clerk to the Board

CABARRUS COUNTY



BOARD OF COMMISSIONERS WORK SESSION

**October 3, 2022
4:00 PM**

AGENDA CATEGORY:

Approval of Regular Meeting Agenda

SUBJECT:

BOC - Approval of Regular Meeting Agenda

BRIEF SUMMARY:

The proposed agenda for the October 17, 2022 regular meeting is attached.

REQUESTED ACTION:

Motion to approve the agenda for the October 17, 2022 regular meeting as presented.

EXPECTED LENGTH OF PRESENTATION:

1 Minute

SUBMITTED BY:

Lauren Linker, Clerk to the Board

BUDGET AMENDMENT REQUIRED:

No

COUNTY MANAGER'S RECOMMENDATIONS/COMMENTS:

ATTACHMENTS:

- Approval of Regular Meeting Agenda

CABARRUS COUNTY



BOARD OF COMMISSIONERS REGULAR MEETING

**October 17, 2022
6:30 PM**

MISSION STATEMENT

THROUGH VISIONARY LEADERSHIP AND GOOD STEWARDSHIP, WE WILL ADMINISTER STATE REQUIREMENTS, ENSURE PUBLIC SAFETY, DETERMINE COUNTY NEEDS, AND PROVIDE SERVICES THAT CONTINUALLY ENHANCE QUALITY OF LIFE

CALL TO ORDER BY THE CHAIRMAN

PRESENTATION OF COLORS

INVOCATION

Mr. Dan Marshall, Capital Ministries

A. APPROVAL OR CORRECTIONS OF MINUTES

1. Approval or Correction of Meeting Minutes

B. APPROVAL OF THE AGENDA

C. RECOGNITIONS AND PRESENTATIONS

1. BOC - Red Ribbon Week 2022 Proclamation
2. Communications and Outreach - Introduction of new Cabarrus County Podcast
3. DHS - Proclamation for Adoption Awareness Month
4. Planning and Development - Weatherization Day 2022
5. Veterans Services - Veterans Day Proclamation

D. INFORMAL PUBLIC COMMENTS

E. OLD BUSINESS

F. CONSENT AGENDA

(Items listed under consent are generally of a routine nature. The Board may take action to approve/disapprove all items in a single vote. Any item may be withheld from a general action, to be discussed and voted upon separately at the discretion of the Board.)

1. Active Living and Parks - Cabarrus Thread Trail Participation
2. Appointments and Removals - Cabarrus County Youth Commission
3. Appointments and Removals - Early Childhood Task Force Advisory Board
4. Appointments - Juvenile Crime Prevention Council
5. Appointments (Removals) - Planning and Zoning Commission
6. BOC - Resolution Amending the Board of Commissioners' 2022 Meeting Schedule
7. Cabarrus County Schools - R. Brown McAllister
8. County Manager - American Rescue Plan Funding
9. County Manager - Transfer of Property to the City of Concord for WW Flowe Park
10. DHS - Appropriation of Funding Request for Families First, Inc.
11. DHS - Appropriation of LINKS funding
12. DHS - Transportation FY23 Rural Operating Assistance Program (ROAP)
13. DHS - Transportation Title VI Policy
14. Finance - Budget Amendment - Capital Projects
15. Finance - Budget amendment for purchase of Generator at Government Center
16. Human Resources - EMS Staffing/Compensation Update
17. Infrastructure and Asset Management - Milestone Building Improvement Projects Funding
18. Infrastructure and Asset Management - NC DOT Acquisition of Right-of-Way and Request for Easements at 2700 St. Stephens Church Road
19. Kannapolis City Schools - PayGo Capital Budget
20. Planning and Development - Proposed Realignment for Planning and Zoning Commission Areas
21. Sheriff's Office - Acceptance of Direct Justice Assistance Grant
22. Tax Administration - Refund and Release Reports - September 2022
23. Tax Administration - Use of In Rem Foreclosure in the Collection of Delinquent Property Taxes

G. NEW BUSINESS

H. REPORTS

1. Active Living and Parks - Annual Report
2. BOC - Receive Updates from Commission Members who Serve as Liaisons to Municipalities or on Various Boards/Committees
3. BOC - Request for Applications for County Boards/Committees
4. Budget - Monthly Budget Amendment Report
5. Budget - Monthly Financial Update
6. County Manager - Monthly Building Activity Reports
7. County Manager - Monthly New Development Report
8. EDC - September 2022 Monthly Summary Report

- I. GENERAL COMMENTS BY BOARD MEMBERS
- J. WATER AND SEWER DISTRICT OF CABARRUS COUNTY
- K. CLOSED SESSION
- L. ADJOURN

Scheduled Meetings

October 19	Cabarrus Summit	6:00 p.m.	Cabarrus Arena
November 7	Work Session	4:00 p.m.	Multipurpose Room
November 21	Regular Meeting	6:30 p.m.	BOC Meeting Room
December 5	Organizational	6:00 p.m.	BOC Meeting Room
December 5	Work Session	6:15 p.m.	BOC Meeting Room
December 19	Regular Meeting	6:30 p.m.	BOC Meeting Room

Mission: Through visionary leadership and good stewardship, we will administer state requirements, ensure public safety, determine county needs, and provide services that continually enhance quality of life.

Vision: Our vision for Cabarrus is a county where our children learn, our citizens participate, our dreams matter, our families and neighbors thrive, and our community prospers.

**Cabarrus County Television Broadcast Schedule
Cabarrus County Board of Commissioners' Meetings**

The most recent Commissioners' meeting is broadcast at the following days and times. Agenda work sessions begin airing after the 1st Monday of the month and are broadcast for two weeks up until the regular meeting. Then the regular meeting begins airing live the 3rd Monday of each month and is broadcast up until the next agenda work session.

Sunday - Saturday	1:00 P.M.
Sunday - Tuesday	6:30 P.M.
Thursday & Friday	6:30 P.M.

In accordance with ADA regulations, anyone who needs an accommodation to participate in the meeting should notify the ADA Coordinator at 704-920-2100 at least forty-eight (48) hours prior to the meeting.