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# CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

## BOARD OF COMMISSIONERS

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

### MEMORANDUM

TO: Policy Committee Members (Chairman Council, Adams, Evans and Lancaster)

FROM: Kellie Beam, Deputy Clerk to the Board *KB*

DATE: August 25, 2016

SUBJECT: Policy Committee Meeting – September 1, 2016

The regular meeting of the Policy Committee has been CANCELLED and rescheduled as a SPECIAL MEETING on Thursday, September 1, 2016 to begin at 10:45 AM or immediately following adjournment of the 9:30 AM Finance Committee meeting in Room 564 of the Cumberland County Courthouse located at 117 Dick Street, Fayetteville, NC.

### AGENDA

1. Approval of Minutes – August 4, 2016 Policy Committee Regular Meeting (Pg. 2)
2. Consideration of Approval of NCACC Legislative Goals Recommendations (Pg. 24)
3. Other Items of Business (NO MATERIALS)

cc: Board of Commissioners  
Administration  
Legal  
Communications Manager  
County Department Head(s)  
Sunshine List

CUMBERLAND COUNTY POLICY COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
AUGUST 4, 2016 – 10:30 A.M.  
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council  
Commissioner Glenn Adams  
Commissioner Charles Evans  
Commissioner Larry Lancaster

OTHER COMMISSIONERS  
PRESENT: Commissioner Marshall Faircloth  
Commissioner Kenneth Edge  
Commissioner Jimmy Keefe

OTHERS PRESENT: Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Tracy Jackson, Assistant County Manager  
Melissa Cardinali, Assistant County Manager for Finance/  
Administrative Services  
Sally Shutt, Governmental Affairs and Public Information  
Officer  
Rick Moorefield, County Attorney  
Vicki Evans, Finance Director  
Deborah Shaw, Budget Analyst  
Heather Harris, Budget Analyst  
Kim Cribb, Budget Analyst  
Jeffery Brown, Engineering and Infrastructure Director  
Joel Strickland, FAMPO  
Ifetayo Farrakhan, Transportation Coordinator  
Tom Lloyd, Planning and Inspections Director  
Cecil Combs, Deputy Planning and Inspections Director  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – JUNE 2, 2016 POLICY COMMITTEE REGULAR  
MEETING

MOTION: Commissioner Lancaster moved to approve the minutes.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS (4-0)

# DRAFT

## 2. CONSIDERATION OF APPROVAL OF STEERING COMMITTEE RECOMMENDATION FOR THE COMMUNITY TRANSPORTATION SERVICE PLAN (CTSP)

### BACKGROUND

This scope of work is developed around the central theme of making a strategically planned response to the projected mobility needs of the general public and targeted populations in Cumberland County, and continuously improving service delivery and management within the region. The CTSP will be developed through public education and involvement process that includes the general public, private and non-profit transportation providers, human service providers and targeted populations that include individuals with disabilities, low incomes and limited English proficiency.

A Consultant Team will present and discuss the Community Transportation Service Plan and engage steering committee members to provide comments and input. The Steering Committee will have the opportunity to share their knowledge or perception of unmet needs and the problems and/or concerns associated with the operation and/or management of the existing transportation system.

Six (6) individuals from among the target service providers here in Cumberland County have been identified and have agreed to serve on the steering committee which is to consist of 10 to 15 individuals. (1). Mr. Sam Hutchison (Cape Fear Valley Health), (2). Ms. Kasey E. Ivey (Sunshine Senior Center), (3). Ms. Meagan Honaker (St. Joseph of the Pines), (4). Ebou Sankareh (Famiks Transport, Inc.), (5). Barbara Canady (B & W Transporting, Inc.), and (6). Ms. Rosalind Woods (RDL Therapeutic Solutions & Action Pathways, Inc.). County Commissioners have expressed their desire to make further recommendations and final approvals for the steering committee members.

### RECOMMENDATION/PROPOSED ACTION

Consider the six (6) individuals as recommended and approve 10 to 15 individuals to serve on the steering committee to provide input for the Community Transportation Service Plan.

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Tracy Jackson, Assistant County Manager, introduced Joel Strickland and Ifetayo Farrakhan, both with the Community Transportation Department, and Ms. Farrakhan reviewed the background information and recommendation as recorded above.

Ms. Farrakhan stated the State is seeking to create a regional transportation coordination effort and create a steering committee which would involve elected officials and various stakeholders throughout the community. Ms. Farrakhan further stated she has attended several meetings regarding the State's proposal and has met several candidates that have agreed to serve on the steering committee. Ms. Farrakhan stated she would also like the full board to submit any other recommendation to fill the 15 spots.

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Commissioner Council stated she would like to suggest there be a diverse group of committee members. Commissioner Evans stated he would be interested in serving on the steering committee.

Ms. Cannon stated no formal action is needed today but the committee members should consider the six names Ms. Farrakhan suggested and to begin to think of any names as the board goes through a formal nomination process at the next full board meeting on August 15, 2016.

## 3. APPROVAL OF THE COMMUNITY TRANSPORTATION TITLE VI PLAN

### BACKGROUND:

In previous years the Community Transportation Program was allowed to submit grant applications for the Section 5311 Administration Grants with the understanding that while using the FAMPO Title VI Plan that the Community Transportation Program was working on adopting its own Title VI Plan. This year along with other changes NCDOT has made the requirement that Community Transportation Program must have its Title VI Plan in place.

It is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

This plan was developed to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors.

### RECOMMENDATION:

Approve the Community Transportation Program Title VI Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

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### **Title VI Plan**

#### **Agency Name:**

Community Transportation Program

#### **Title VI Coordinator:**

Ifetayo Farrakhan

#### **Date Adopted:**

April 19, 2016

## **I. Plan Statement**

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Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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” (42 U.S.C. Section 2000d).

The Cumberland County Community Transportation Program (CTP) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency*, and related nondiscrimination statutes and regulations in all programs and services.

This plan was developed to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors.

## **Title VI Coordinator Contact Information**

Community Transportation Program  
Ifetayo Farrakhan, Title VI Coordinator  
130 Gillespie Street  
Fayetteville, NC 28301  
Phone: 910-678-7624  
Email: [ifarrakhan@co.cumberland.nc.us](mailto:ifarrakhan@co.cumberland.nc.us).

## **II. Title VI Information Dissemination**

The Title VI Policy Statement shall be prominently and publicly displayed on the CTP website and on the CTP office bulletin board. The name of the Title VI Coordinator is available on the CTP Web site, at <http://www.co.cumberland.nc.us/planning/ctp.aspx>

Title VI information shall be disseminated to CTP employees by the Title VI Coordinator outlining their responsibilities in their daily work. During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and CTP’s expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Attachment A).

## **III. Subcontracts and Vendors**

All subcontractors and vendors who receive payments from CTP and where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

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## IV. Record Keeping:

The Title VI Coordinator will maintain permanent records, which include but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the CTP's Title VI Plan(employee file); copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations.

## V. Title VI Complaint Procedures

### How to file a Title VI Complaint

1. **Applicability** – The complaint procedures apply to the beneficiaries of CTP's programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
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, or disability may file a written complaint with CTP's Title VI Coordinator. 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.

### Title VI complaints may be submitted to the following entities:

- **Cumberland County Community Transportation Program**, Title VI Coordinator, 130 Gillespie Street, Fayetteville, NC 28301; (910) 678-7624 or <http://www.co.cumberland.nc.us/planning/ctp.aspx>
- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance 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 Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8<sup>th</sup> Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752

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**Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

**Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5<sup>th</sup> 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, however, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination. Complaints will be accepted in other languages.

**5. Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant's membership in a protected group category.

| Protected Categories | Definition                                                                                                                                                             | Examples                                                                                                               |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 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 |
| Color                | Color of skin, including shade of skin within a racial group                                                                                                           | Black, White, light brown, dark brown, etc.                                                                            |
| National Origin      | Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered by national origin.                                 | Mexican, Cuban, Japanese, Vietnamese, Chinese                                                                          |
| Sex                  | Gender                                                                                                                                                                 | Women and Men                                                                                                          |
| Age                  | Persons of any age                                                                                                                                                     | 21 year old person                                                                                                     |
| Disability           | Physical or mental impairment, permanent or temporary, or perceived.                                                                                                   | Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic                                                         |

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## COMPLAINT PROCESS

1. **Initial Contact** – The Title VI Coordinator will provide complainants with an explanation of the filing options, information concerning the discrimination complaint process and a Title VI Discrimination Complaint Form. (see Attachment C)
2. **The Complaint Review Process**
  - a. The Title VI Coordinator will review complaints upon receipt to ensure that relevant information is provided, the complaint is timely, and satisfies jurisdictional requirements.
  - b. All complaints shall be investigated unless:
    - The complaint is withdrawn;
    - The complainant fails to provide required information in a timely manner;
    - The complaint is not filed timely; and
    - Any issues that do not involve discrimination, or are not based on a protected basis will be directed to the appropriate entity. Under no circumstances will complainants be discouraged from filing a complaint.
  - c. The Title VI Coordinator will investigate all complaints filed against CTP's contractors, subcontractors, consultants, and other sub-recipients.
  - d. Complaints filed against CTP will be forwarded to the North Carolina Department of Transportation for processing and investigation.
  - e. Upon determination that the complaint warrants an investigation, the complainant is sent a letter acknowledging receipt of the complaint within 7 days of receipt of the complaint. (see Attachment D)
  - f. The respondent is notified by mail that he/she has been named in a complaint and is provided with his/her rights under Title VI and related statutes.

Note: CTP encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily.

CTP shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, CTP shall make every effort to address all complaints in an expeditious and thorough manner.

### **How will the complainant be notified of the outcome of the complaint?**

CTP will send a final written response letter (see Attachment E or F) to the complainant. In the letter notifying the complainant that the complaint is not substantiated (Attachments F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from CTP, and/or 2) file a complaint externally with any applicable State and/or Federal offices listed above. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

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## **VI. Limited English Proficiency (LEP) Plan**

CTP provides a training program for new hires and an annual refresher for existing employees. This program makes employees aware that our organization's practices and procedures cannot have the effect of restricting meaningful participation in our program by an LEP person.

In addition CTP has an LEP Policy and a separate LEP Plan that includes a four factor analysis based on Department of Justice guidance on how to address the requirements of Executive Order 13166.

## **VII. Community Outreach**

As an agency receiving federal financial assistance, CTP has made the following community outreach efforts:

Along with other programs, The CTP provides community outreach with regular meetings publicized under the guidance of NCGS §143-318.12. Public notice of official meetings, including posting of meetings and notice, can be found on the CTP's website <http://www.co.cumberland.nc.us/planning/ctp.aspx>.

### **Limited English Proficiency (LEP) Policy**

Executive Order (E.O.)13166 and Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are Limited English Proficient (LEP).

All recipients and sub-recipients of federal funding are required to take reasonable steps to provide meaningful access to LEP individuals. The Cumberland County Community Transportation Program is a recipient of federal funds and executes its Title VI and LEP plans and policies.

It is important to ensure that written materials routinely provided by CTP in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law. Vital documents include, for example: applications, consent and complaint forms, notices of rights and disciplinary action, notices advising LEP persons of the availability of free language assistance, and letters or notices that require a response from the beneficiary or client.

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Vital documents must be translated when 1000 people or 5% (whichever is less) of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. It is impossible from a practical and cost effective perspective to translate every piece of outreach material into every language, and Title VI and EO 13166 do not require this of their recipients. However, in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access. It is important for recipients, sub-recipients and contractors to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communications between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provisions of written materials may not be allowing LEP persons “effectively to be informed of or to participate in the program.”

There are several steps which can assist recipients in providing such oral assistance. They range from hiring bilingual staff or staff interpreters competent in the skill of interpreting, to contracting qualified outside in-person or telephonic interpreter services, to arranging formally for the services of qualified voluntary community interpreters who are bound by confidentiality agreements. Generally, it is not acceptable for agencies or recipients to rely upon an LEP individual’s family members or friends to provide the interpreter services. The agency or recipient should meet its obligations under EO 13166 and Title VI by supplying competent language service free of cost.

**CTP will comply with this federal requirement by assigning responsibility for LEP assistance as follows:**

- **Requests for Translation of Vital Documents --** LEP services will be provided by CTP in accordance with that CTP's LEP policy and plan.
- **Requests for Oral Interpretation Assistance at Public Meetings and Workshops -**
  - All ads for a public meeting sponsored by the CTP will contain the following language: “Persons who require special accommodations under the Americans with Disabilities Act or persons who require interpretation services (free of charge) should contact (*name of CTP contact*) at (*telephone number of contact*) at least 10 working days in advance of the Public Meeting.”

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As covered under Title VI requirements for nondiscrimination, at each meeting CTP will provide the Title VI material and will include this material in an alternate language when applicable.

- **Maintaining Files** – CTP's will maintain LEP status for its communities in files to assure consistent communication in the appropriate language. The CTP will maintain a follow-up report as to how individual LEP requests, complaints or issues were resolved and/or what assistance was provided.
- **Review Process** -- CTP will review its delivery process to determine whether any program process denies or limits participation by LEP persons within CTP's community.
- **Discrimination-Complaint Procedures** -- LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral interpretation/translation of vital information that CTP will provide upon request.
- **LEP Update** -- Assessment of language needs will be conducted by CTP when this policy is updated by review of census and/or other demographic data, or at a minimum upon update of CTP's Public Involvement Plan.

## Limited English Proficiency (LEP) Plan

### Introduction

The purpose of this Limited English Proficiency (LEP) plan is to clarify CTP's (as recipient of federal financial assistance from the U.S. Department of Transportation) responsibilities and duties to its customers, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**; and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

**Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency,"** directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English

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Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write or understand English may be a type of national origin discrimination.

E.O. 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments, private and non-profit entities and sub-recipients.

## **Definitions**

Limited English Proficiency - The LEP program provides assistance for people whom English is not their primary language and who have a limited ability to read, speak, write or understand English.

Vital Document – Forms that include (but are not limited to) applications, consent forms, all compliance plans, public participation plans, letters containing important information regarding participation in a program, appeal forms, other outreach materials.

Substantial Number of LEP – 1000 people or 5% (whichever is less) of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

Title VI Officer – The person or persons responsible for compliance of Title VI LEP policies, in the case of the CTP, the Title VI Coordinator.

## **Plan Summary**

This document will describe CTP's responsibilities to offer language assistance and to support the LEP activities of the local programs.

All documents that are vital are included under the LEP provision. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law.

## **Identification of LEP Population**

An LEP Person does not speak English as a primary language AND has limited ability to read, speak, write or understand English. The threshold for translation services is 1,000 persons or 5% of the population (whichever is less) eligible to be served based on CTP's LEP Policy. The US Census Bureau's American Community Survey 5-year estimates are the basis for determination.

- Hearing or visual impairments - sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.
- Illiteracy - LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write in a language other than English

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CTP will use the following to gauge LEP population participation in its activities:

- Examine records requests for language assistance from past events
- Have the U.S. Department of Justice's "I Speak" cards at each CTP's reception area or area at which CTP employees greet the general public.
- LEP requests for translation/oral interpretation services

When CTP sponsors events, workshops or conferences where it is anticipated that LEP people will attend and may need assistance, staff will:

- Set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee in order to informally gauge the attendee's ability to speak and understand English. (see Attachment H)
- Have the Census Bureau's "I Speak" cards at the event. While staff may not be able to provide translation assistance at that particular day's meeting, the cards are an excellent tool to identify language needs for future meetings. (see Attachment H)

## **Vital Documents or Materials included for Translation**

Vital documents must be translated when the LEP population meets the threshold described above. For the purposes of CTP, the following documents will be translated:

- an Executive Summary of the Public Involvement Plan,
- the Title VI Plan,
- this LEP Plan,
- meeting schedules for all committees and subcommittees of CTP,
- CTP's informational brochure, and
- an informational pamphlet about translation services.

## **Public Meetings / Workshops / MPO Website and Social Media**

All ads for a public meeting will contain the following language: "Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact CTP at 910.678.7624 at least 10 working days in advance of the Public Meeting".

All ads for public meetings will also be published in the language of the qualifying LEP population.

## **Monitoring and Updating the LEP Plan**

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This plan is designed to be flexible and easily updated. CTP will review and update LEP policies and procedures every third year beginning in January, 2015, and will review and update LEP Plan on an as needed basis.

## **CTP Staff Training**

All CTP staff will be provided with the LEP Policy and Plan during regularly scheduled staff meetings. Handouts containing access information of LEP individuals and providers will be distributed to all staff and updated as necessary. CTP will also canvass and maintain a list of employees with translation/interpreter capabilities, to be called upon whenever their specific services are needed.

## **Dissemination of the CTP Limited English Proficiency Plan**

Copies of the LEP Policy and Plan will be provided on request to any one requesting the document via phone, in person, by mail, or by e-mail, and by website, <http://www.co.cumberland.nc.us/planning/ctp.aspx>. CTP will also post the offer for translation services for LEP individuals. CTP will also create and maintain its Spanish language resources at <http://www.co.cumberland.nc.us/planning/ctp.aspx>.

Any person or agency, including social service, non-profit and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the CTP's LEP Plan will also be made available to the North Carolina Department of Transportation, Federal Highway Administration, the Federal Transit Administration, and to any person or agency requesting a copy.

Any questions or comments regarding this plan should be directed to:

Ifetayo Farrakhan  
CTP Title VI Coordinator  
130 Gillespie Street,  
Fayetteville, NC 28301  
Phone: (910) 678-7624  
E-mail: [ifarrakhan@co.cumberland.nc.us](mailto:ifarrakhan@co.cumberland.nc.us).

## **Four-Factor Analysis**

The U.S. Department of Justice LEP Guidance advises each federal agency to “take reasonable steps to ensure meaningful access to the information and services they provide.” The DOJ guidance document instructs agencies to consider four factors in developing LEP guidance and plans:

1. the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs;
2. the frequency with which LEP individuals come into contact with the program;
3. the importance of the service or information provided by the program; and
4. the resources available to the recipient of the federal funds.

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## **Analysis of Factors for the CTP area**

- Factor 1: Number or Proportion of LEP Individuals in the Eligible Population

CTP examined the 2008-2012 American Community Survey Estimates and was able to determine that one significant language usage population exists which speaks a language other than English and that population is Spanish. Of the people who indicated they spoke Spanish, approximately 8,775 indicated they spoke English "not well" or "not at all", meaning that those 8,775 likely qualify as LEP people. CTP evaluated non-English speakers in the counties that make up the Metropolitan Area (Cumberland, portions of Harnett and Hoke) and generated a table of LEP persons by language, number and percentage of the population (see Attachment I) and a map (Attachment J).

- Factor 2: Frequency of Contact with the Program

All contacts with CTP are made through its office in Fayetteville or at public outreach meetings that support a specific project. These contacts are potentially made through telephone calls, mail, Internet web site, e-mail, and in person. The CTP estimates that fewer than five persons with limited English proficiency have contacted the agency in the past five years.

- Factor 3: Nature and Importance of the Program

According to the United States Census bureau, 2008 – 2012 American Community Survey, CTP has no large geographic concentration of any one type of LEP individuals in its service area. The overwhelming majority of the population speaks only English. The Spanish speaking population is predominantly bi-lingual, however, 8,775 Spanish speaking people indicated they speak English "not well", or "not at all." The "safe harbor" provisions stated in Federal LEP guidelines require that service providers translate vital documents into languages which are spoken by populations of LEP persons greater than 5% of the total population, or populations greater than 1,000 people.

- Factor 4: Resources Available

In public meetings where there is need to handle languages other than English, the CTP staff is assisted by a staff member from the Cumberland County Joint Planning Board who is fluent in Spanish. We are able to assist callers who are better served by speaking with staff in a language (Spanish) other than English. This staff member fluent in the language (Spanish) of callers or correspondents is asked to deal directly with LEP persons in responding to inquiries. Technical staff is called upon as necessary in order to assist in providing requested information. Thus, the CTP's current policy of using multi-lingual staff members is an efficient and effective use of resources.

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Ms. Farrakhan reviewed the background information, recommendation and Community Transportation Title VI Plan recorded above.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the Community Transportation Program Title VI Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (4-0)

## 4. APPROVAL OF THE COMMUNITY TRANSPORTATION SYSTEM SAFETY PLAN UPDATE

### BACKGROUND:

This plan has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The purpose of this plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents.

The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance and Security.

### RECOMMENDATION/PROPOSED ACTION:

Approve the Community Transportation System Safety Program Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

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## **GENERAL SYSTEM SAFETY PLAN MANAGEMENT DESCRIPTIONS OF ELEMENTS**

### **1. POLICY STATEMENT AND AUTHORITY FOR SYSTEM SAFETY PROGRAM PLAN**

- A. Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation to develop and implement a safety plan. As defined by MAP-21 public transportation is regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
- B. North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSPP).

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- C. Establish the SSPP as an operating document that has been prepared for and approved by the transit system top management, chief executive officer or the governing board.
- D. The authority statement in the SSPP should define, as clearly as possible, the following:
  - 1. The authority for establishment and implementation of the SSPP
  - 2. How that authority has been delegated through the organization
- E. The SSPP must adequately address the SIX CORE ELEMENTS.

## **2. DESCRIPTION OF PURPOSE FOR SYSTEM SAFETY PROGRAM PLAN**

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

## **3. CLEARLY STATED GOALS FOR VEHICLE SAFETY MANAGEMENT PROGRAM**

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

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3. Provide appropriate action and measures to obtain necessary safety-related agreements, permits and approvals from outside agencies, where applicable.

## 4. IDENTIFIABLE AND ATTAINABLE OBJECTIVES

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

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

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

## 5. SYSTEM DESCRIPTION/ORGANIZATIONAL STRUCTURE

- A. System Description
  1. Briefly describe the system's characteristics. The information should be sufficient to allow non-technical person and those not employed in transit to understand the system and its basic operation.
  2. Components that should be included in the system description:
    - a. History
    - b. Scope of service
    - c. Physical features
    - d. Operations
    - e. Maintenance
    - f. System Modifications
- B. Organizational Structure
  1. Organizational diagrams showing the title of each position.
  2. Diagram showing the structure of the system safety unit identifying the key positions.
  3. Diagrams showing the relationships and lines of communication between the system safety unit and other departments in the organization.
  4. Describe the relationship of the transit system to local political jurisdictions.

## SYSTEM SAFETY PROGRAM PLAN

### **Program Description:**

The System Safety Program Plan (SSPP) was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation

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Standard Operating Procedure SSPP-001 and the State Management Plan. The SSPP consists of and addresses the required six (6) core elements:

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

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

## **Driver/Employee Selection Element:**

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

## **Driver/Employee Training Element:**

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

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

## **Safety Data Acquisition Analysis Element:**

The goal of the Safety Program is the reduction of accidents and injuries to customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of the Cumberland County Community Transportation Program to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include behaviors that threaten the safety of employees, customers and

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

## **Drug Alcohol and Abuse Program Element:**

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

## **Vehicle Maintenance Element:**

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

## **Security Element:**

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

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

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

This operational policy was adopted by the Cumberland County Board of Commissioners.

Date \_\_\_\_\_

Month \_\_\_\_\_

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Year \_\_\_\_\_

System Manager (Signature) \_\_\_\_\_

Governing Board Chairman (Signature) \_\_\_\_\_

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

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

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

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

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

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

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

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

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

### **THEREFORE BE IT RESOLVED AS FOLLOWS:**

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

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Ms. Farrakhan reviewed the background information, recommendation and Community Transportation System Safety Plan Update key elements as recorded above.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the Community Transportation System Safety Program Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (4-0)

## 5. CONSIDERATION OF OPTIONS TO ADDRESS TALL WEED COMPLAINTS

### BACKGROUND:

Approximately, 20-30 times per year on average, the County receives complaints about tall weeds on residential lots in unincorporated areas. The majority of the time, officials are able to work with the property owner to resolve the issue, but it can be troublesome and frustrating to neighbors in situations where it is hard to locate and notify a property owner. Staff has looked into this matter and developed the following suggestions based upon current state law and processes utilized by municipalities for handling tall weed complaints.

1. Continue the current practice of contacting property owners and requesting the lot be mowed. Voluntary compliance is utilized as a first step in lieu of more stringent enforcement measures.
2. Create a specific ordinance, as provided by NCGS 153A-121, which prohibits: “The uncontrolled growth of weeds, grass or noxious growth to a height of twelve (12) inches or more within one hundred (100) feet of any residential structure or any occupied nonresidential structure.” Noxious growth is defined as: uncontrolled growth of grasses or vines (such as kudzu, honeysuckle, ivy or similar vines), and any growth of poisonous plants (poison ivy, poison oak, or related vegetation).
3. Seek assistance from the NCACC and the local Legislative Delegation to create a statute that allows counties the same authority as municipalities to address nuisances such as noxious growth/tall weeds. It is difficult to address this type of nuisance in a timely manner when a property owner cannot be located and properly notified. This problem will likely become more widespread as growth continues across North Carolina and more residential development occurs in unincorporated areas.

### RECOMMENDATION/PROPOSED ACTION:

For information only. No formal action is requested at this time.

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Ms. Cannon stated the County periodically receives complaints from citizens regarding tall weeds especially during the summer months. Ms. Cannon further stated there has been one specific area this summer that has been addressed and staff would like to provide some options for future considerations when dealing with tall weed complaints.

Mr. Jackson reviewed the background information and recommendation as recorded above. Mr. Jackson stated complaints are typically from residential areas in the unincorporated areas of the County. Mr. Jackson further stated staff have been looking into this issue and talking with other counties across the state. Mr. Jackson reviewed the three different options recorded above.

Commissioner Evans stated he has received many calls regarding tall weeds and he feels this is a nuisance to the community as well as some of the rental properties in the County. Commissioner Evans stated he had the opportunity to visit some of the areas and he feels some of the houses are not conducive for people to live comfortably and safely in and he would like to see something brought back to the Policy Committee regarding upkeep and maintenance of rental properties to make sure the property owners maintain the properties to the best of their abilities.

Rick Moorefield, County Attorney, stated the County's existing minimum housing code applies to rental properties. Mr. Moorefield stated the minimum housing code does not provide for an inspection program. Commissioner Council stated she would like the County to continue to observe tall weed and rental complaints and keep the full board informed.

No action taken.

## 6. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:16 AM



**PUBLIC INFORMATION OFFICE**

**MEMO FOR SEPTEMBER 1, 2016, POLICY COMMITTEE MEETING**

**TO:** POLICY COMMITTEE MEMBERS  
**FROM:** SALLY SHUTT, GOVERNMENTAL AFFAIRS OFFICER  
**THROUGH:** JAMES LAWSON, DEPUTY COUNTY MANAGER  
**DATE:** AUGUST 24, 2016  
**SUBJECT:** NCACC LEGISLATIVE GOALS RECOMMENDATIONS

**Requested by:** County Manager Amy Cannon  
**Presenter(s):** Sally Shutt  
**Time Estimate:** 10 minutes

**BACKGROUND:** The N.C. Association of County Commissioners has outlined its state legislative goals development process for 2017-2018. September 23 is the deadline for counties to submit their legislative proposals to the association for consideration.

As part of Cumberland County's process, we asked the Leadership Team to submit their recommendations and have compiled the attached list for your consideration. Your recommended goals will go to the full Board of Commissioners for approval at the September 19 meeting.

**RECOMMENDATION/PROPOSED ACTION:** Consider the attached goals and make a recommendation to the full Board of Commissioners for approval of the County's state legislative goals to be forwarded to the NCACC by the September 23 deadline.

## **Environment/ General Government**

**Solid Waste Management Department Goal** – *(submitted by interim Solid Waste Management Director Jeffery Brown)*

**Repeal the electronics recycling program and the ban on disposing computers, televisions and other electronics in the landfill.**

Cumberland County Solid Waste Management supports efforts to end the state's electronics recycling program and a related ban on disposing computers, televisions and other electronics in landfills. Televisions in particular are a drain on the Solid Waste Management budget.

North Carolina banned electronics from going into landfills effective July 1, 2011. In April 2016, the N.C. Department of Environmental Quality released a [study](#) of electronics recycling, which stated, "The intention of North Carolina's electronics recycling legislation was to create recycling opportunities for citizens largely through the existing infrastructure of local recycling programs supported through producer responsibility obligations. This study finds that producer support is inadequate to the needs of the system. As a result, local governments are directly bearing a high level of electronics recycling costs."

The report made the following legislative recommendation:

"The General Assembly should consider legislation to repeal Part 2H Discarded Computer Equipment and Television Management of GS Article 9 and to repeal GS 130A-309.10 (14) and (15) based on EPA's acknowledgement that electronics can be safely disposed of in municipal solid waste landfills, the fact that electronics recycling is currently not cost effective, and the fact that electronic wastes constitute such a small percentage (0.2%) of the annual solid waste stream."

## **Health & Human Services**

**Department Of Social Services Goal** – *(submitted by Social Services Director Brenda Jackson)*

**Oppose unfunded mandates and shifts of state responsibilities to counties:**

**Prevent the *Temporary Financial Assistance for Facilities Licensed to Accept State-County Special Assistance Payments* from becoming a permanent mandate.**

Effective Oct. 1, 2016, through June 30, 2017, the State-County Special Assistance rate will increase to \$1,216 for adult care homes. This is a \$34 increase per month per resident, with 50 percent of the \$34 increase coming from the county.

To be eligible for special assistance, individuals must be age 65 or older, or disabled and live in a residential facility approved for special assistance. The facility must agree to accept the state rate for special assistance residents. Individuals who are eligible for special assistance are automatically eligible for Medicaid.

The North Carolina Association of County Directors of Social Services and the North Carolina Association of County Commissioners lobbied against this unfunded mandate; however, the legislation was included in the budget bill.

Based on the point-in-time number of 656 Special Assistance cases, Cumberland County DSS projects the County will pay \$100,368 during the nine-month period (\$17 per person per month.)

Counties can try to prevent this from becoming a permanent assistance payment with a 50 percent county match after the nine-month period expires.

## **Public Education**

### **School System Goals**

- **Increase capital funding by allocating 40 percent of the lottery proceeds to counties for school capital needs.**
- **Oppose any shifting of the state's responsibility for replacing school buses.**
- **Seek legislation that would place any program administered by the local school system under the Department of Public Instruction's facilities guidance and requirements.**

Some school system facilities must meet a different set of standards based on the programs housed in them. For example, pre-K programs fall under the North Carolina Department of Health and Human Services Division of Child Development and Early Education.

### **Library Goal – *(submitted by Library Director Jody Risacher)***

**Support legislation to restore state aid funding of public libraries to the pre-2011 level of \$15.7 million.**

Impact: State Aid for Public Libraries for Cumberland County Public Library is budgeted at \$311,976. These funds are critical for the purchase of materials for residents, including books, audio-visual and electronic resources.

Library Director Jody Risacher noted that Cumberland County Public Library and Information Center is a member of the N.C. Cardinal consortium, which means most library materials are now shared across 30 plus counties. The citizens of each participating county are able to access a wider variety of materials and there are efficiencies inherent in the system.

## **Tax & Finance**

**Continue to seek legislation to authorize local option revenue sources already given to other jurisdiction.**

Work to expand the use of the Article 43 transit tax to all counties for education purposes and provide counties the option to seek up to ½ cent through Article 46, which is currently limited to ¼ cent.

**Support legislation that would create a loan fund to assist local economic development organizations and communities with the development of industrial sites and buildings.**  
*(submitted by Russ Rogerson, president of the Fayetteville-Cumberland County Economic Development Corporation)*

HB108 (Site and Building Development Fund) did not pass during the 2016 session. The legislation would create a loan fund to assist local economic development organizations and communities with developing buildings and shovel-ready industrial sites.