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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 (Commissioners Boose, Evans and Lancaster)

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

DATE: April 19, 2018

SUBJECT: Policy Committee Meeting – Thursday, May 3, 2018

There will be a regular meeting of the Board of Commissioners' committees (Finance, Policy and Facilities Committees) on Thursday, May 3, 2018 beginning at 8:30 a.m. in room 564 of the Judge E. Maurice Braswell Cumberland County Courthouse. All committee meetings will start as soon as the previous committee adjourns.

### AGENDA

1. Approval of Minutes – March 1, 2018 Regular Meeting (Pg. 2)
2. Consideration of Cumberland Road Small Area Plan (Pg. 16)
3. Submission of Board of Commissioners Policy Document for Future Review and Consideration (Pg. 34)
4. Consideration of Policy Governing Special Assessment Projects (Pg. 130)
5. Consideration of State CDBG-DR Waiver (Pg. 133)
6. Other Items of Business (NO MATERIALS)

# DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE  
JUDGE E. MAURICE BRASWELL CUMBERLAND COUNTY COURTHOUSE  
117 DICK STREET, 5TH FLOOR, ROOM 564  
MARCH 1, 2018  
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans  
Commissioner Larry Lancaster

MEMBERS ABSENT: Commissioner Michael Boose

OTHER COMMISSIONERS  
PRESENT: Commissioner Glenn Adams  
Commissioner Jeannette Council

OTHERS PRESENT: Amy Cannon, County Manager  
Tracy Jackson, Assistant County Manager  
Sally Shutt, Assistant County Manager  
Duane Holder, Assistant County Manager  
Melissa Cardinali, Assistant County Manager  
Rick Moorefield, County Attorney  
Brenda Jackson, Social Services Director  
Jeffery Brown, Engineering & Infrastructure Director  
Deborah Shaw, Budget Analyst  
Heather Harris, Budget Analyst  
Jon Soles, Public Information Specialist  
Michael Gibson, Parks & Recreation Director  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Commissioner Lancaster called the meeting to order.

1. APPROVAL OF MINUTES – FEBRUARY 1, 2018 REGULAR MEETING AND  
FEBRUARY 15, 2018 SPECIAL MEETING

MOTION: Commissioner Evans moved to approve the February 1, 2018 regular meeting minutes and the February 15, 2018 special meeting minutes as presented.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (2-0)

2. CONSIDERATION OF NUISANCE ACTION AGAINST HOTELS ON  
HIGHWAY 301

## DRAFT

### BACKGROUND

At its February 15, 2018 meeting the Policy Committee received a report from Sheriff Wright on the number of calls his officers were dispatched to the Carolina Motor Inn and the Coliseum Inn during the last six months of 2017. The Committee directed the county attorney to work with the sheriff's attorney to develop a plan of action for addressing these two properties in close proximity to the Crown Coliseum as nuisances. The county attorney requested the sheriff's attorney to obtain more detailed information on the number and nature of these dispatches. The sheriff's attorney provided that information for the period from January 1, 2015 through February 12, 2018. The county attorney's office has summarized those dispatches and categorized each as to whether the event could be a chargeable criminal offense recorded below. The characterization of these calls as to chargeable criminal offenses is an important element of the way the County might pursue nuisance actions against these properties.

As to the Carolina Motor Inn, Exhibit 1 shows there were 732 total calls dispatched with 223 of those being for events that may have been chargeable criminal offenses. These resulted in 36 incident reports made by the investigating officers and 11 arrests for criminal charges. None of these arrests resulted in a conviction or guilty plea.

As to the Coliseum Inn, Exhibit 1 shows there were 1,081 total calls dispatched with 297 of those being for events that may have been chargeable criminal offenses. These resulted in 62 incident reports made by the investigating officers and 12 arrests for criminal charges. Of these 12 arrests, one defendant pled guilty to injury to real property and ethnic intimidation. Six of these 12 cases are still pending in court.

There are only two methods the county may use to pursue nuisance abatement under these circumstances. Each is discussed separately as follows:

#### **G.S. 153A-140. Abatement of public health nuisance:**

This is a very straightforward, short statute that authorizes the county "to remove, abate or remedy everything that is dangerous or prejudicial to the public health or safety." The county attorney is not aware of any cases that have been brought under this statute for activities conducted on a property. It is typically used for conditions located upon a property. If, however, the evidence supports proceeding under this statute, the action could be undertaken this way. This process begins with the Board of Commissioners declaring the existence of a public nuisance. The Board must give notice to the owner and conduct a hearing for the owner to present evidence and be heard. The Board makes findings of fact based on the evidence submitted at the hearing and enters an order appropriate to those findings of fact. The owner may appeal the Board's order to the Superior Court, at which point the process becomes a judicial process. If the court rules that the conditions do not constitute a public nuisance, the county may be held liable for the owner's attorney's fees and litigation cost.



# DRAFT

## Chapter 19. Offenses Against Public Morals:

This is very detailed group of statutes contained in Chapter 19 of the General Statutes which authorizes counties to pursue nuisance actions against properties on which specified sorts of criminal activity is regularly occurring. When there is evidence to support the existence of the specified criminal activity, this is the most appropriate process to use. The Board of Commissioners is only involved in declaring the nuisance. It then proceeds as a civil court action brought in the name of the State of North Carolina, typically by a request to the District Attorney. A very significant aspect of this process is that an admission or finding of guilt against any person under the criminal laws against lewdness, assignation, prostitution, gambling, breaches of the peace, illegal possession or sale of alcoholic beverages or controlled substances is admissible for proving the existence of the nuisance. This is the evidence that is typically used to pursue these actions. Like the other statutory nuisance abatement process, if the court rules the activity does not constitute a public nuisance, the county may be liable for the owner's attorney's fees and litigation costs.

### Exhibit 1

#### NUISANCE ABATEMENT RESEARCH

The incident events shaded light green are referenced numerically by statute and type of incident, while the events shaded dark green were listed without a statute reference but are consistent with the numerically-listed charges. The blue shaded events are items such as 911 hang-ups, area checks, community policing, and traffic stops that were not assigned a numerical categorization.

The time period encompasses January 1, 2015 through February 12, 2018.

#### CAROLINA MOTOR INN

Carolina Motor Inn Event	Frequency	Totals
25A1 PSYCH NON SUICIDAL	1	223
25B6 PSYCHIATRIC UNK STAT	1	
29B1 ACCIDENT WITH INJURI	1	
113C1 LOUD PARTY/MUSIC	1	
113B2 PAST VERBAL DISTURB	1	
106B1 PAST SEXUAL ASLT AD (S) (N)	1	
106D4 ASLT INDIV/SMALL GR	2	
107B1 NON URGENT ASSIT	1	
107D1 ASSIST URGENT REQUE	2	
110D1 HOME INVASION	1	
111D2 DAMAGE/VANDALISM SM	2	
113 DISTURBANCE / NUISANC	8	



## DRAFT

<b>Carolina Motor Inn Event</b>	<b>Frequency</b>	<b>Totals</b>
113B3 OTHER NOISE COMPLAI	2	
113B4 NUISANCE	1	
113D2 PHYSICAL DIST SMALL	10	
113D2 VERBAL DIST	5	
113D3 VERBAL DIST LARGE G	1	
113D4 VERBAL DIST SMALL G	32	
114B1 PAST DOMESTIC PHYSI	1	
114 DOMESTIC DIST / VIOLE	3	
114D1 DOMESTIC DIST PHYSI	6	
114D2 DOMESTIC DIST VERBA	6	
115D1 DUI (IMPAIRED DRIVI	1	
116D1 DRUG USE OR POSSESS	6	
116D2 DRUG SALE	4	
118B2 PAST FRAUD/FORGERY	1	
119 HARASSMENT/ STALK	1	
120C1 PROSTITUTION	5	
120D1 INDECENCY/LEWDNESS	1	
122 MISCELLANEOUS PD	1	
123B1 MISSING PERSON	1	
125 PR/STANDBY/WELLBECHK	3	
125C1 STANDBY	8	
125D1 URGENT WELL BE CHEC	3	
126B1 PAST PERSONAL ROBBE	1	
128 SUPPLEMENTAL / FOLLOW	1	
128A2 VEHICLE SUPPLEMENTA	1	
128B2 EVIDENCE SUPPLEMENT	2	
129 SUSPICIOUS/WANTED PER	1	
129B1 PAST SUSPICIOUS PER	1	
129C1 SUSPICIOUS PERSON	9	
129C2 WANTED PERSON	3	
129C3 SUSPICIOUS VEHICLE	2	
129C5 SUSPICIOUS CIRCUMST	3	
130 THEFT / LARCENY	1	

## DRAFT

Carolina Motor Inn Event	Frequency	Totals
130B1 PAST THEFT (LARCENY	6	
130B2 PAST VEHICLE THEFT	2	
130B3 PAST THEFT FROM VEH	1	
130D1 THEFT (LARCENY)	5	
130D2 VEHICLE THEFT	1	
130D3 THEFT FROM VEHICLE	1	
131B1 ACCIDENT PROPERTY	2	
131B2 HIT AND RUN PROP DA	3	
131B3 HIT AND RUN NO INJ	1	
131D1 ACCIDENT WITH INJUR	1	
133D2 TRESPASSING/UNWANTE	3	
135 WEAPONS / FIREARMS	1	
135C1 SHOT FIRED (HEARD	3	
135D1 WEAPONS ASSIST	1	
SEXUAL ASSAULT	1	
ASSAULT BY MOTOR VEHICLE	1	
INCIDENT	3	
DOMESTIC DISTURBANCE	1	
INVESTIGATING SUSPICIOUS	4	
INVESTIGATE SUSPICIOUS SU	4	
NUISANCE ABATEMENT (CHRON	1	
DOMESTIC VIOLENCE ORDER	1	
SOLICITORS	1	
WANTED SUBJECT	15	
SEARCH WARRANT	1	
ASSIST	10	
AREA CHECK	220	509
SECURITY CHECK	33	
FOLLOW UP	36	
INFORMATION	33	
COMMUNITY POLICING	3	
EXTRA PATROL REQUEST	2	
PUBLIC RELATIONS COMMUNIC	4	



## DRAFT

Carolina Motor Inn Event	Frequency	Totals
TRAFFIC STOP	32	
ID CALL	4	
TRANSFERRED CALLER	10	
911 HANG UP CALL ABANDONE	73	
911 ABANDONED CALL	22	
911 HANG UP CALL NO VOICE	10	
SERVE PAPERS (WARRANTS, E	12	
CMF WRECKER CALL	1	
BOLO / ATTEMPT TO LOCATE	1	
NONURGENT WELL BE	1	
FLAGGED DOWN	5	
FLAG DOWN (S)WATE	1	
CK ON SEX OFFENDER	3	
ANIMAL CONTROL CALL	1	
REPO VEHICLE	2	
		<b>732</b>

Out of **732** total calls over a 3-year period, **223 (30%)** were statutorily referenced or consistent with statutorily referenced incidents.

There were **36 incident reports**.

From the incident reports, there were **11 arrests/criminal cases**, of which **1 is pending**. Of the criminal cases, there were **0 GUILTY convictions** from charges that occurred at the Motel.



## DRAFT

### COLISEUM INN

Coliseum Inn Event	Frequency-	Totals
23C7 OVERDOSE UNKNOWN STATUS	1	297
25A2 SUICIDAL NOT THREATENING	1	
29B4 ACCIDENT UNKNOWN STATUS	1	
102B2 PAST NEGLECT	1	
106B1 PAST SEXUAL ASLT ADULT	1	
106B3 PAST ASSAULT	2	
106C5 ASSAULT JUST OCCUR	1	
106D4 ASLT INDIV/SMALL GROUP	3	
107D1 ASSIST URGENT REQUEST	2	
107 ASSIST OTHER AGENCIES	2	
107B1 NON URGENT ASSIST REQ	2	
111B1 PAST DAMAGE/VANDALISM	2	
111D2 DAMAGE/VANDALISM SML GRP	1	
112B1 EXPECTED DEATH	1	
113D2 VERBAL DIST	2	
113 DISTURBANCE / NUISANCE	2	
11301 PHYSICAL DIST	1	
113B2 PAST VERBAL DISTURBANCE	1	
113B3 OTHER NOISE COMPLAINT	2	
113B4 NUISANCE	3	
113C1 LOUD PARTY/MUSIC	2	
113C2 NUISANCE INTOX/IMPAIRED	2	
113D1 PHYSICAL DIST LARGE GRP	3	
113D2 PHYSICAL DIST SMALL GRP	7	
113D3 VERBAL DIST LARGE GRP	2	
113D4 VERBAL DIST SMALL GRP	29	
114 DOMESTIC DIST / VIOLENCE	2	
114B1 PAST DOMESTIC PHYSICAL	2	
114D1 DOMESTIC DIST PHYSICAL	16	

## DRAFT

Coliseum Inn Event	Frequency-	Totals
114D2 DOMESTIC DIST VERBAL	5	
116 DRUGS / NARCOTIC ACTIVITY	1	
116D1 DRUG USE OR POSSESSION	1	
116D2 DRUG SALE	8	
118D2 FRAUD/FORGERY	1	
119 HARASSMENT/ STALK / THREAT	2	
119D3 THREAT	1	
120B2 URINATING / DEFECATING	1	
120D1 INDECENCY/LEWDNESS	1	
120C1 PROSTITUTION	10	
123B1 MISSING PERSON	2	
125A1 PREARRANGED STANDBY	1	
125B1 NONURGENT WELL BE CHECK	4	
125C1 STANDBY	6	
125D1 URGENT WELL BE CHECK	2	
126D1 PERSONAL ROBBERY	2	
128A2 VEHICLE SUPPLEMENTAL	1	
128A4 OTHER INFO SUPPLEMENTAL	2	
128B2 EVIDENCE SUPPLEMENTAL	1	
129 SUSPICIOUS/WANTED PERSON	4	
129B3 PAST SUSP CIRCUMSTANCE	1	
129C1 SUSPICIOUS PERSON	19	
129C2 WANTED PERSON	5	
129C3 SUSPICIOUS VEHICLE	3	
129C4 WANTED VEHICLE	1	
129C5 SUSPICIOUS CIRCUMSTANCES	4	
130 THEFT / COUNTED	3	
130D1 THEFT (LARCENY)	6	
130D2 VEHICLE THEFT	1	
130B1 PAST THEFT (LARCENY)	8	
130B2 PAST VEHICLE THEFT	4	



## DRAFT

Coliseum Inn Event	Frequency-	Totals
130B3 PAST THEFT FROM VEHICLE	1	
131A2 PAST HIT AND RUN	1	
131B1 ACCIDENT PROPERTY DAMAGE	2	
132B2 PARKING NOT IN TRAFFIC	1	
132C1 HAZARD HIGH DANGER AREA	1	
133B1 PAST TRESPASSING	1	
133D1 TRESPASS/UNWANTED	1	
133D2 TRESPASSING/UNWANTED	5	
135 WEAPONS / FIREARMS	1	
135C1 SHOT FIRED (HEARD ONLY)	2	
135D1 WEAPONS INCIDENT	3	
13502 SHOTS FIRED SUSPECT SEEN	1	
ASSIST	6	
DOMESTIC ASSIST	1	
DOMESTIC DISTURBANCE	1	
DOMESTIC VIOLENCE ORDER	2	
SEXUAL ASSAULT	1	
CHILD NEGLECT/ABUSE	1	
LARCENY	5	
REPO VEHICLE	6	
UNAUTHORIZED USE OF MOTOR VEH	2	
FAIL TO REG SEX OFFENDER	1	
CK ON SEX OFFENDER	1	
WANTED SUBJECT	22	
INVESTIGATING SUSPICIOUS VEHIC	6	
INVESTIGATING SUSPICIOUS ACTIV	7	
INVESTIGATE SUSPICIOUS SUBJECT	7	
AREA CHECK	317	784
SECURITY CHECK	49	
COMMUNITY POLICING	8	



## DRAFT

Coliseum Inn Event	Frequency-	Totals
INFORMATION	99	
FOLLOW UP	62	
TRAFFIC STOP	32	
ACCIDENT	1	
FLAG DOWN	2	
FLAGGED DOWN	4	
BOLO / ATTEMPT TO LOCATE	2	
EXTRA PATROL REQUEST	1	
SERVE PAPERS (WARRANTS, ETC)	18	
CRIMINAL PAPERS	1	
ID CALL	14	
PUBLIC RELATIONS COMMUNICATION	3	
CONVOY/ESCORT	1	
PROJECT LIFESAVER/MAINTENANCE	1	
911 HANG UP CALL ABANDONED	119	
911 ABANDONED CALL	30	
911 HANG UP CALL NO VOICE	8	
TRANSFERRED CALLER	7	
911 WIRELESS PHONE	3	
ANIMAL CONTROL CALL	2	
		1081

Out of **1081** total calls over a 3-year period, **297** calls (**27%**) were statutorily referenced or consistent with statutorily referenced incidents.

There were **61 incident reports**.

Of the incident reports, there were **12 arrests/criminal cases**, of which **6 are pending**.  
Of the criminal cases, there was **1 person with GUILTY convictions** from charges that occurred at the Motel.

**Dustin Charles Taylor Page 16CR059493**

Injury to Real Property	Disposed 10/3/16	GUILTY
Ethnic Intimidation	Disposed 10/3/16	GUILTY

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## DRAFT

Commissioner Evans stated this has been an ongoing problem out near the Crown Coliseum regarding motels. Commissioner Evans stated he invited individuals that are very concerned about this area to come to the meeting to share their concerns. Commissioner Evans stated he would like to see a nuisance abatement started on these facilities.

Ms. Kimberly Griffin, part of the Community Watch program for the area, stated the motels on Gillespie Street affects their neighborhood in a very negative way. Ms. Griffin stated drug dealers, drug users, prostitutes and sex offenders are attracted to this area. Ms. Griffin stated she believes the motels are bad for her neighborhood and bad for the future growth of Fayetteville.

Commissioner Evans stated there are several small children living at these facilities and it is not safe. Commissioner Adams stated he does not think deplorable living areas means you have the right to abate someone and he does not think that is what the statute calls for in this situation. Commissioner Adams stated he would like to see the county exhaust all remedies available before we look into abatement. Commissioner Adams stated the statute should be followed closely and he does not want to see this done hastily to be sure everyone is protected. Commissioner Evans stated he believes the Sheriff's Office has already exhausted all means and avenues.

Commissioner Lancaster asked the county attorney what the latest recommendation is on this issue. Rick Moorefield, County Attorney, stated the evidence for this area is in the control of the Sheriff's Office. Mr. Moorefield stated Ronnie Mitchell, the Sheriff's Office Attorney, has indicated he will take the lead on this issue. Mr. Moorefield stated before he would recommend the board to declare a nuisance there would have to be admissible evidence and the Sheriff's Office is gathering information. Commissioner Lancaster stated the county attorney and the Sheriff's Office attorney should work together to find any evidence and information necessary to take appropriate action legally to address this problem. Commissioner Adams stated the information should be brought back to the full board to vote on the issue before anyone moves forward. Commissioner Lancaster stated the County will do whatever possible within the law to remedy the situation.

No action taken.

### 3. PUBLIC INFORMATION AND GOVERNMENTAL AFFAIRS MONTHLY UPDATE

#### BACKGROUND

Each month the Policy Committee will receive an update regarding County communications projects and governmental affairs topics. The March update looks at analytics for the redesigned County website; reports from three intergovernmental committees and legislative topics.

## DRAFT

### **Website Analytics**

The County launched its redesigned website on November 2, 2017. Since then, there have been 242,864 visits, with users visiting 2.4 pages and spending an average of 2 minutes per visit. More than 50 percent of the visits are “new visits”.

The six most popular pages are the homepage, Tax Administration page, GIS, Tax Administration bill payment options and Public Health.

The two weeks with the highest traffic coincide with the website municipal elections (19,709) and the property tax deadline for payments and listings (January: 19,234).

### **Intergovernmental Reports**

- *Homeless Committee*
  - An interlocal agreement between the City of Fayetteville and Cumberland County directed the establishment of a Homeless Committee. The purpose and positions were designated in the interlocal agreement approved by the City on June 26, 2017, and the County on October 16, 2017.
    - A Homeless Committee consisting of a member of City Council, a member of the County Commissioners, an Assistant County Manager, Governmental Affairs Officer, Deputy City Manager, Chairman of the Cumberland County Continuum of Care (CoC), City and County Community Development Directors, and the Data & Education Analyst will meet regularly to coordinate and develop strategies to address homelessness through community-wide programs and services.
    - Chairman Larry Lancaster and Councilmember Larry Wright will represent the elected boards on the committee. The first meeting is scheduled for early March.
- *Fayetteville Cumberland Liaison Committee*
  - The Fayetteville Cumberland Liaison Committee met January 31 at City Hall. The City is the host for the meetings this year. Representatives Billy Richardson and Marvin Lucas; Cumberland County Schools Chairman Carrie Sutton and Deputy Garrison Commander Justin Mitchell attended.
  - The committee directed City and County staff to study a potential City of Fayetteville Extra-Territorial Jurisdiction agreement for the Shaw Heights area authorized by Cumberland County that would give the City authority to regulate development. A report is expected at the next liaison meeting.
- *Mayor's Coalition:*
  - Robert Van Geons and Teddy Warner from the Fayetteville Cumberland County Economic Development Corporation (FCEDC) presented information on the corporation and its activities in the county and the need for “products” – buildings or sites that meet the operational requirements of



## DRAFT

companies. The FCEDC is seeking help from the mayors in finding property owners in the county who have sites, especially tracts of more than 250 acres.

- In addition, Falcon Mayor Clifton Turpin, the Coalition Chairman, has asked the County's Graphic Design Information Specialist to assist in creating a logo for the group.
- *Legislative Topics:*
  - NACO Conference – Appointments are being scheduled during the NACO Conference on March 3-7, 2018 for commissioners to meet with Representatives Hudson and Pittenger and staff of Senators Tillis and Burr to talk about funding for water lines in the areas affected by GenX contamination.

### **Agritourism Information**

During the public comment portion of the Board of Commissioners meeting on February 19, 2018 a citizen expressed concern about a proposed ATV park near Linden. Planning Director Tom Lloyd explained that a permit was not needed for the project because it is considered agritourism.

Information provided below was given to the committee from the County Attorney should commissioners have questions for the state delegation on March 9, 2018 when the board hosts the state legislative delegation.

### **BACKGROUND**

GS 153A-340 is the enabling statute for a county's zoning powers. The enabling statute has always exempted property that was used for bona fide farm purposes from zoning regulation. The statute was amended by S.L. 2017-108 to also exempt buildings or structures that are used for agritourism and defines "agritourism". The definition is so broad as to include, "to view or enjoy rural activities". The broadness of that definition is further demonstrated by the description of buildings that can be used for agritourism, which is, "A building or structure used for agritourism includes any building or structure used for public or private events...". It goes on to identify events such as weddings, receptions, meetings, demonstrations of farm activities, meals and other events that are taking place on the farm because of its farm or rural setting.

The zoning issue that arises from this definition of "agritourism" is that it is now difficult to identify any activity occurring on, or any use of, land that qualifies as a bona fide farm that would not be agritourism. Any activity done on rural land can be for viewing or enjoying rural activities and any human activity occurring in a building or structure can be characterized as a public or private event.

### **RECOMMENDED/PROPOSED ACTION**

No action is requested at this time.

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## DRAFT

Sally Shutt, Assistant County Manager, reviewed the background information, recommendation and presentation as recorded above.

### 4. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 10:38 AM

AMY H. CANNON  
County Manager

MELISSA C. CARDINALI  
Assistant County Manager



CUMBERLAND  
COUNTY  
NORTH CAROLINA

ITEM NO. 2

DUANE T. HOLDER  
Assistant County Manager

TRACY JACKSON  
Assistant County Manager

SALLY S. SHUTT  
Assistant County Manager

## OFFICE OF THE COUNTY MANAGER

### MEMORANDUM FOR THE AGENDA OF THE MAY 3, 2018 MEETING OF THE POLICY COMMITTEE

**TO:** POLICY COMMITTEE

**FROM:** TOM LLOYD, PLANNING AND INSPECTIONS DIRECTOR

**THROUGH:** AMY CANNON, COUNTY MANAGER

**DATE:** APRIL 23, 2018,

**SUBJECT:** CONSIDERATION OF CUMBERLAND ROAD BUSINESS STREET PLAN

**Requested by:** BOARD OF COMMISSIONERS

**Presenter(s):** Planning Staff

**Estimate of Committee Time Needed:** 20 Minutes

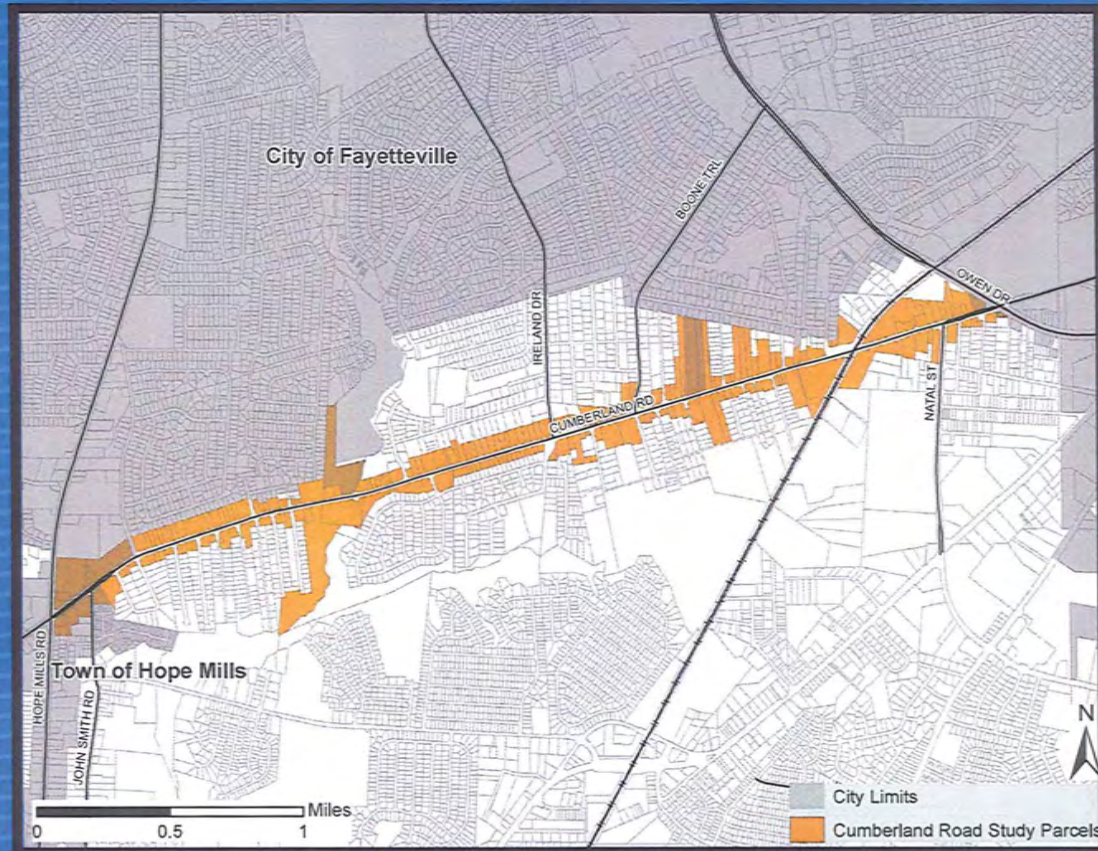
#### **BACKGROUND:**

At the December 18, 2017 Board of County Commissioners' meeting, a rezoning request, Case P17-49, was approved from Office & Institutional-Planned (O&I-P) to Commercial-Planned (C-P). During the Public Hearing, a question was asked if problems would occur if commercial development is added without sewer in the vicinity. As discussion ensued, the Board indicated it would like to see this portion of Cumberland Road reviewed for zoning consistency. It was determined that a study should be performed and presented to the Policy Committee.

#### **RECOMMENDATION/PROPOSED ACTION:**

The Planning staff is requesting the Policy Committee review and recommend approval of the Cumberland Road Plan, including any recommended changes, and forward to the Joint Planning Board for a recommendation to the full Board of Commissioners.





# Cumberland Road Business Street Plan

March 2018



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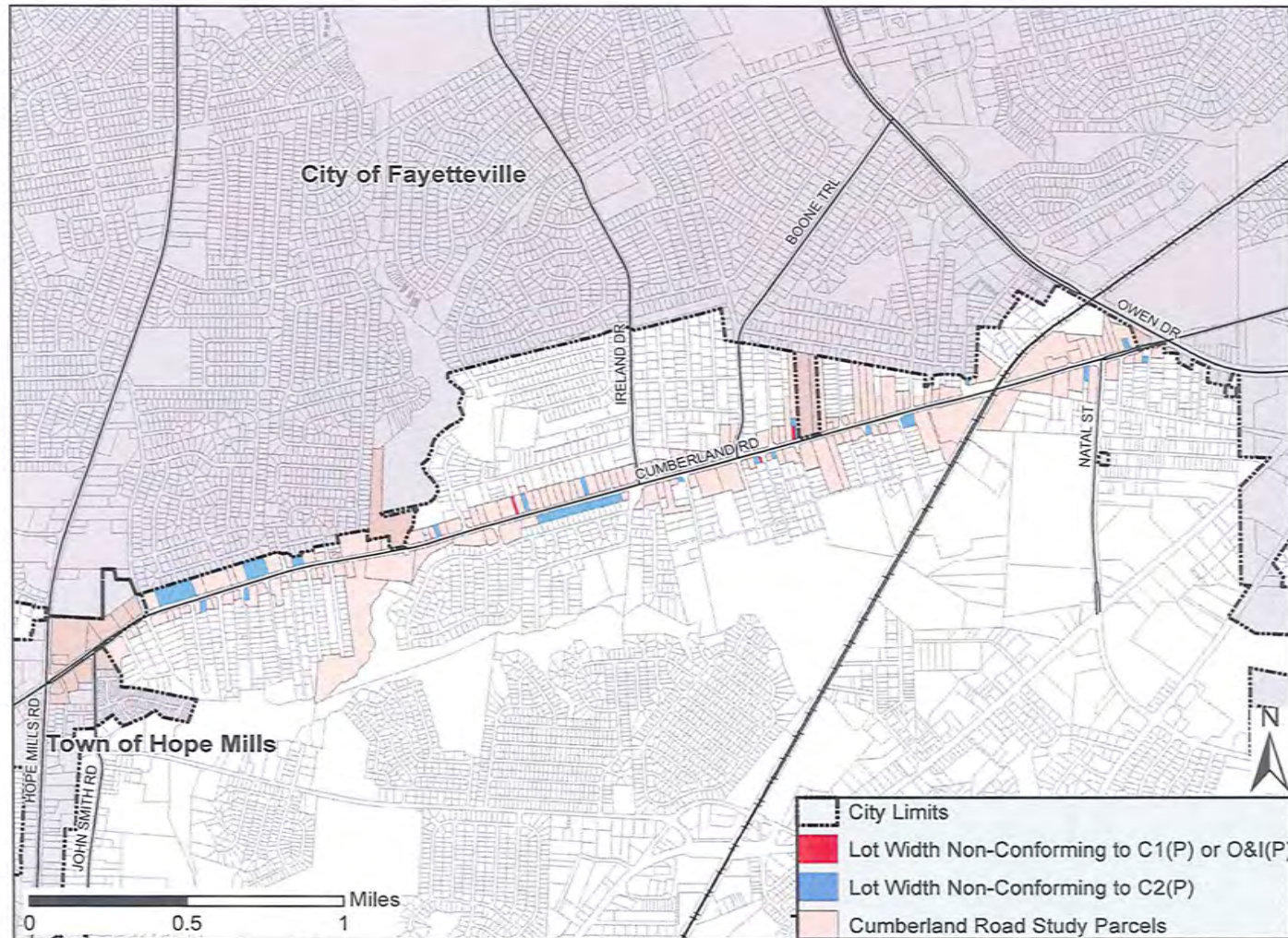
# Introduction

The Planning Department staff was directed by the County Commissioners to complete a study for the future land use of the area of Cumberland Road from Hope Mills Road to Owen Drive. In order to create a complete assessment of the study area, planning staff researched and compiled data describing characteristics of the area including curb cuts, current land use and zoning, and proximity and availability of utilities. The planning staff then used this data to create recommendations for future land use within the study area to be adopted as a Business Street Plan to supplement the existing Southwest Cumberland Land Use Plan, adopted in 2013.

# Map A

Most parcels would allow for conformity with the C1(P) or O&I (P) zoning districts and less than 25% would be nonconforming with the C2 (P) zoning district.

## Cumberland Road Study Lot Width Conformity

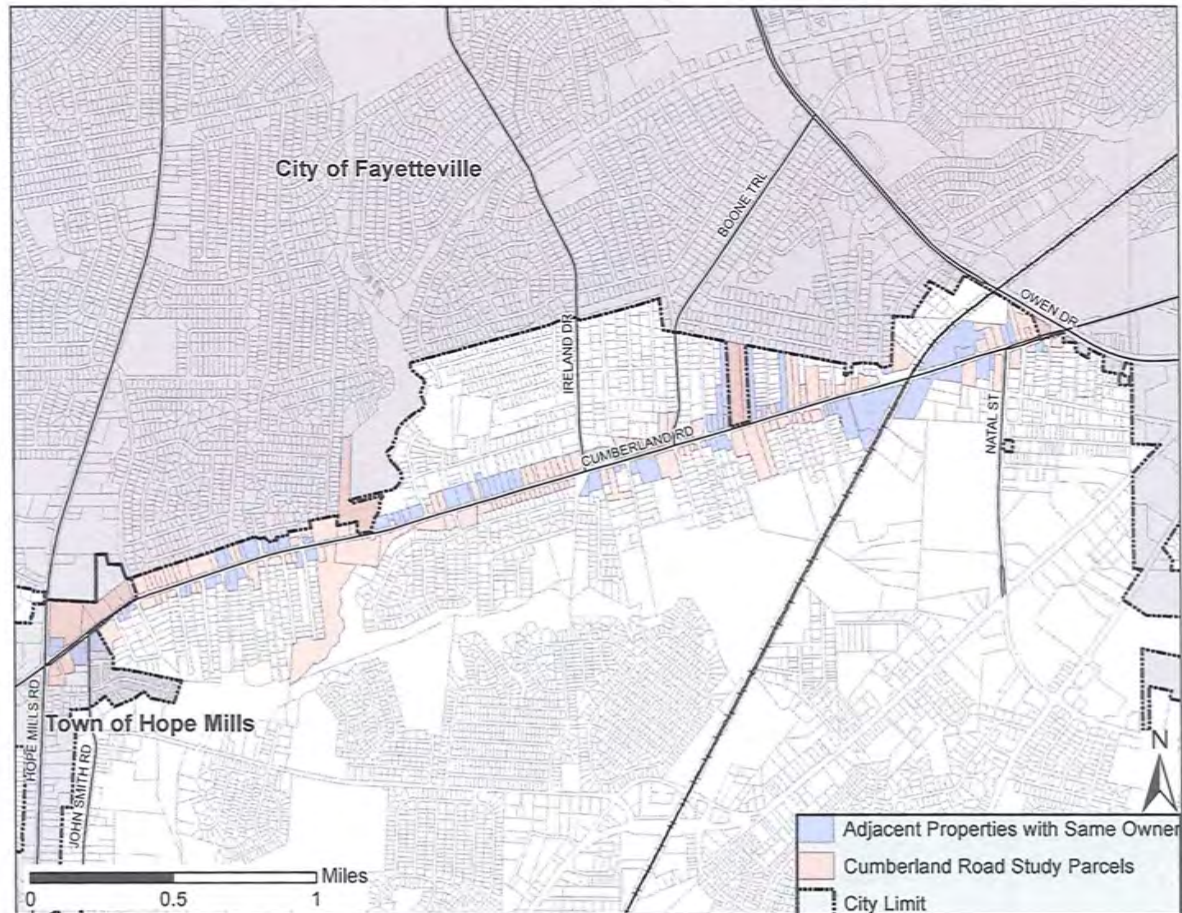




# Map B

Map B shows opportunities for landowners to recombine properties creating larger lots in order to accommodate commercial development. There are approximately 33 opportunities to recombine lots. Most of these properties are located in the western half of the study area.

**Cumberland Road Study Adjacent Landowners**

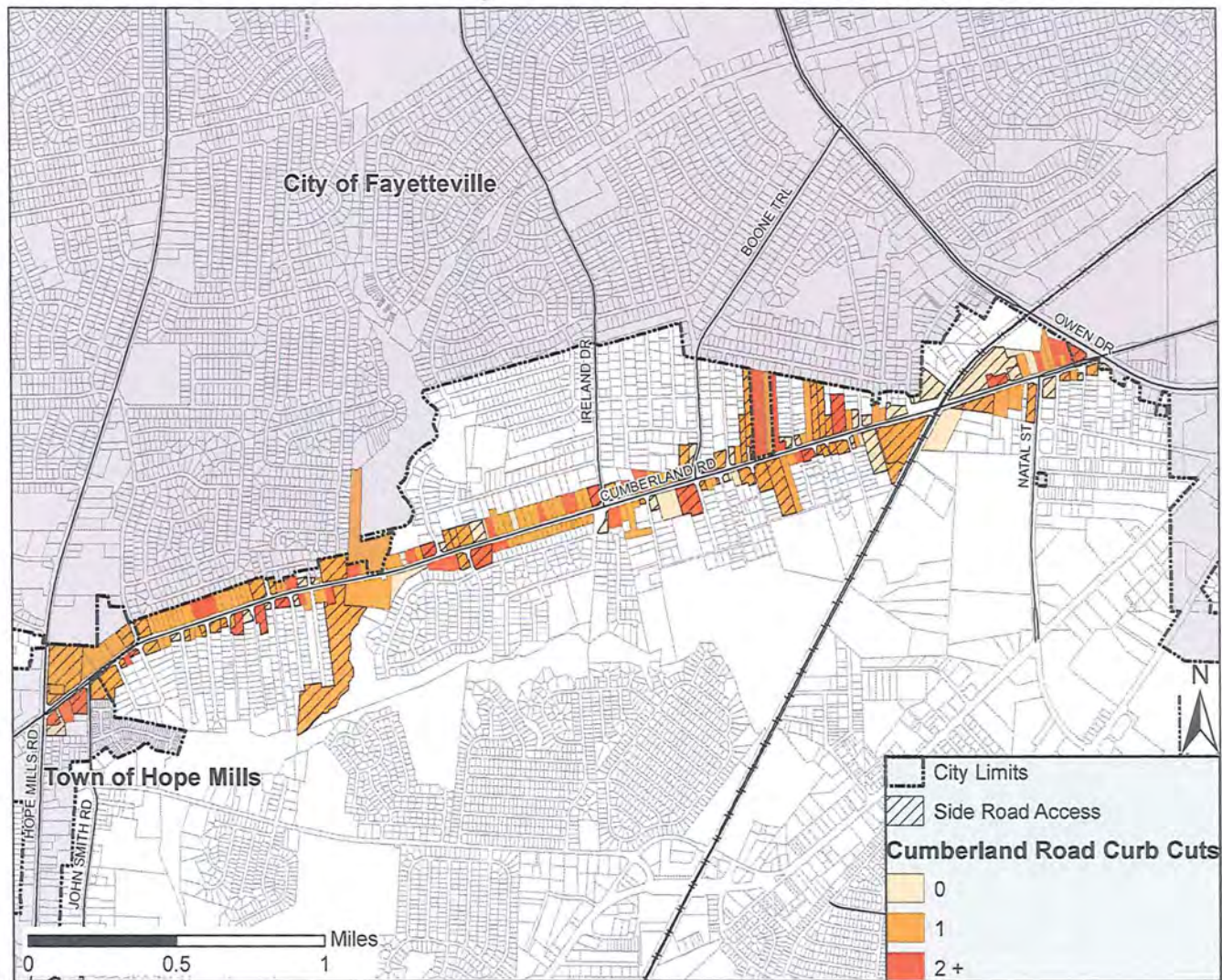




# Map C

Most parcels in the study area have at least one curb cut with around 15% having more than one.

**Cumberland Road Study Curb Cuts and Interior Road Access**

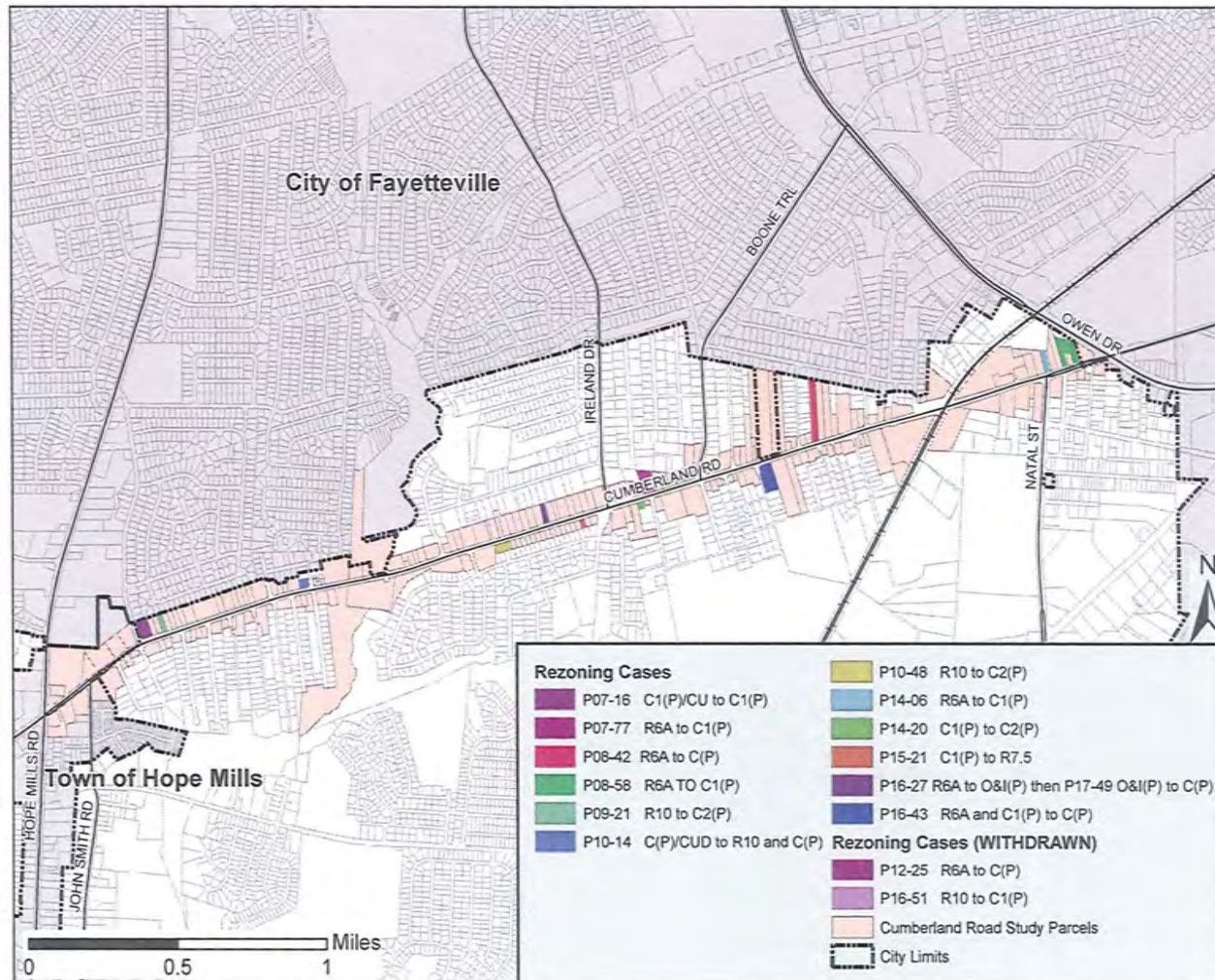




# Map D

There have been 12 rezoning requests in the study area within the last 10 years with all but one request being from residential to commercial.

## Cumberland Road Study Rezoning Cases

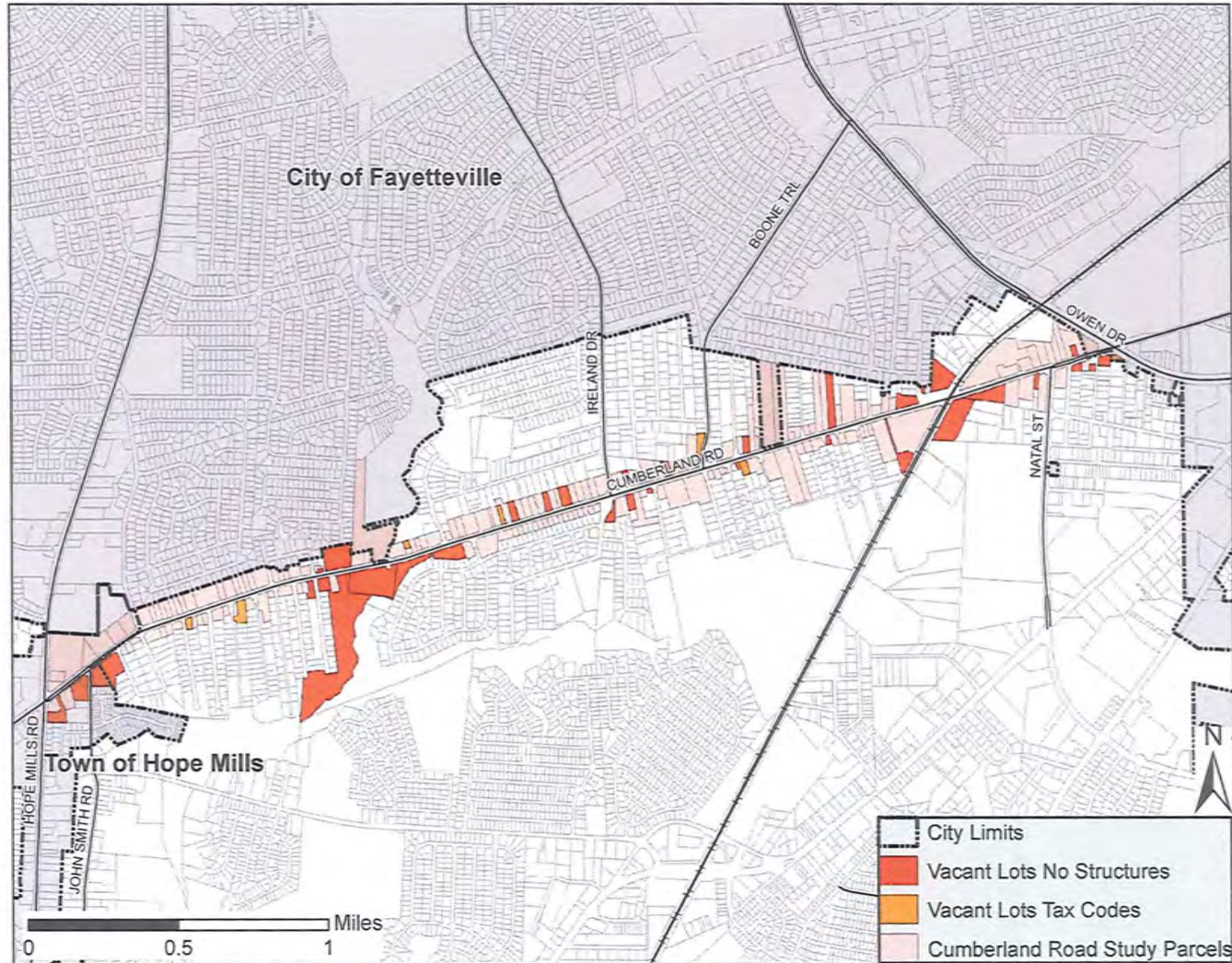




# Map E

Approximately 16% of the lots in the study area are currently vacant.

## Cumberland Road Study Vacant Lots

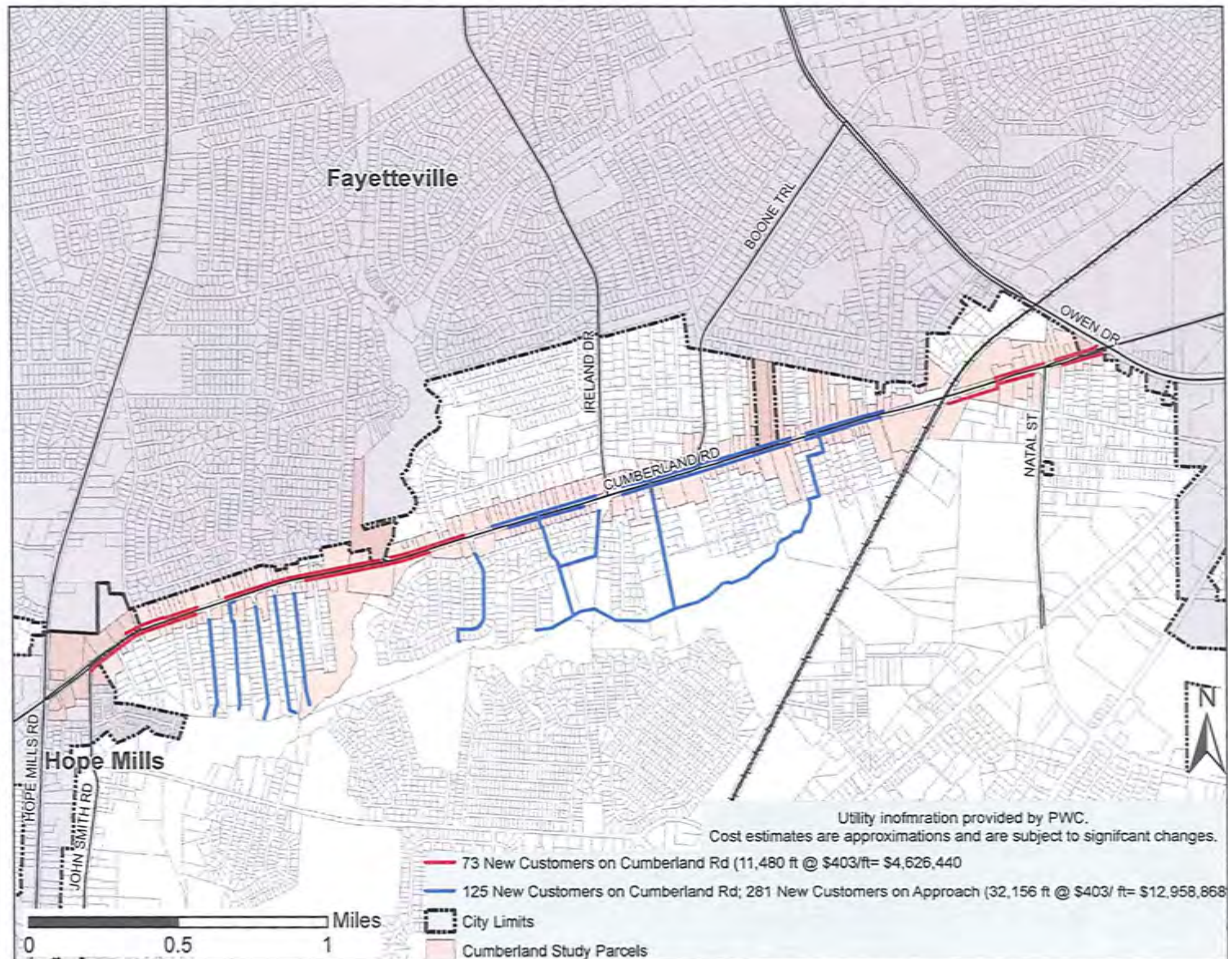




# Map F

Currently it would be more costly to extend sewer to the eastern half of the study area due to lack of existing sewer lines and topography. However, extending sewer to the western half would be less costly due to the closer proximity of existing sewer lines and the topography being more favorable.

## PWC Sewer Approximations

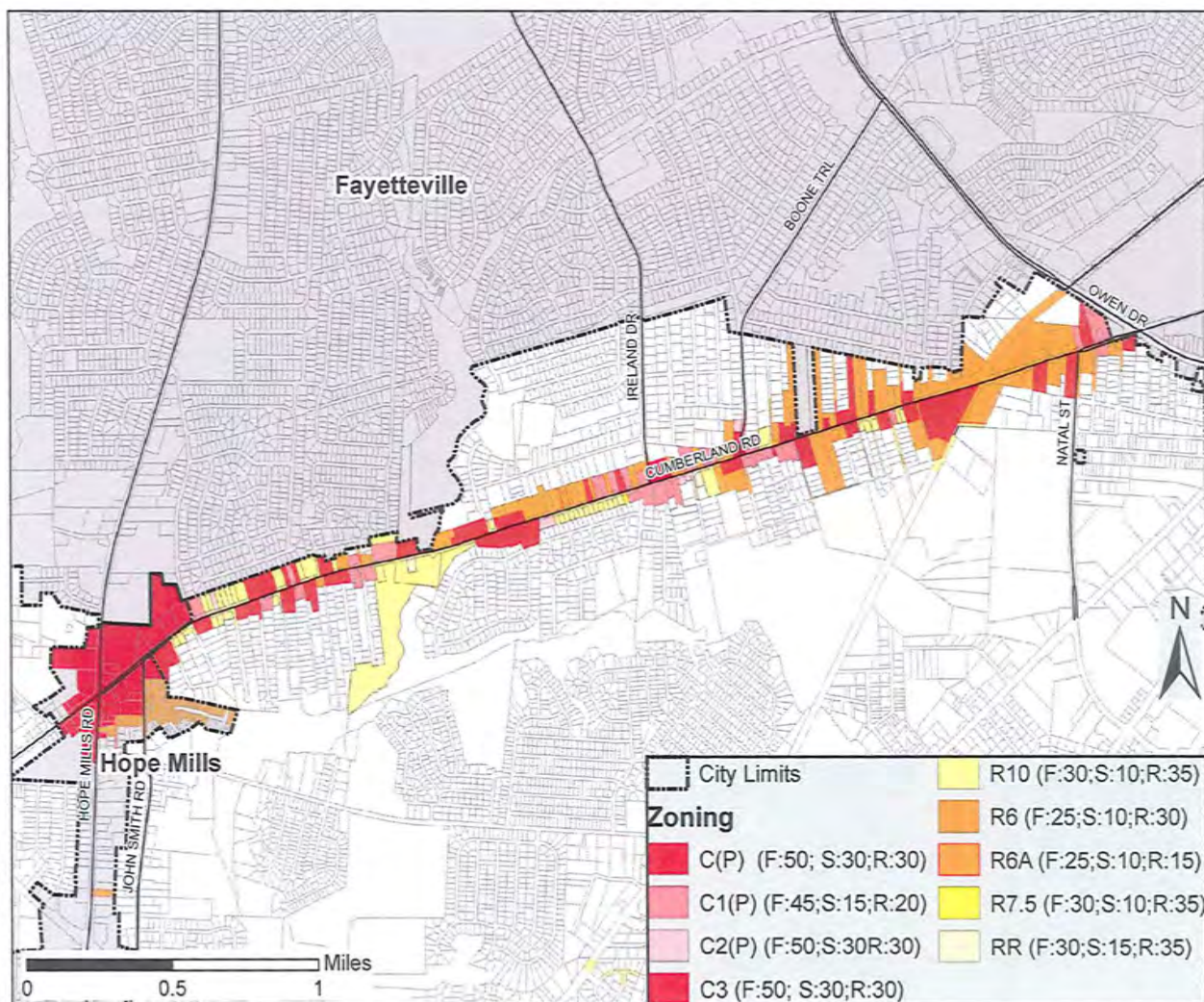




# Map G

Approximately half of the area is zoned Commercial with 32% of those being Heavy Commercial (CP). The remaining half is zoned Residential at a density of R10 or greater.

## Cumberland Road Study Property Setbacks

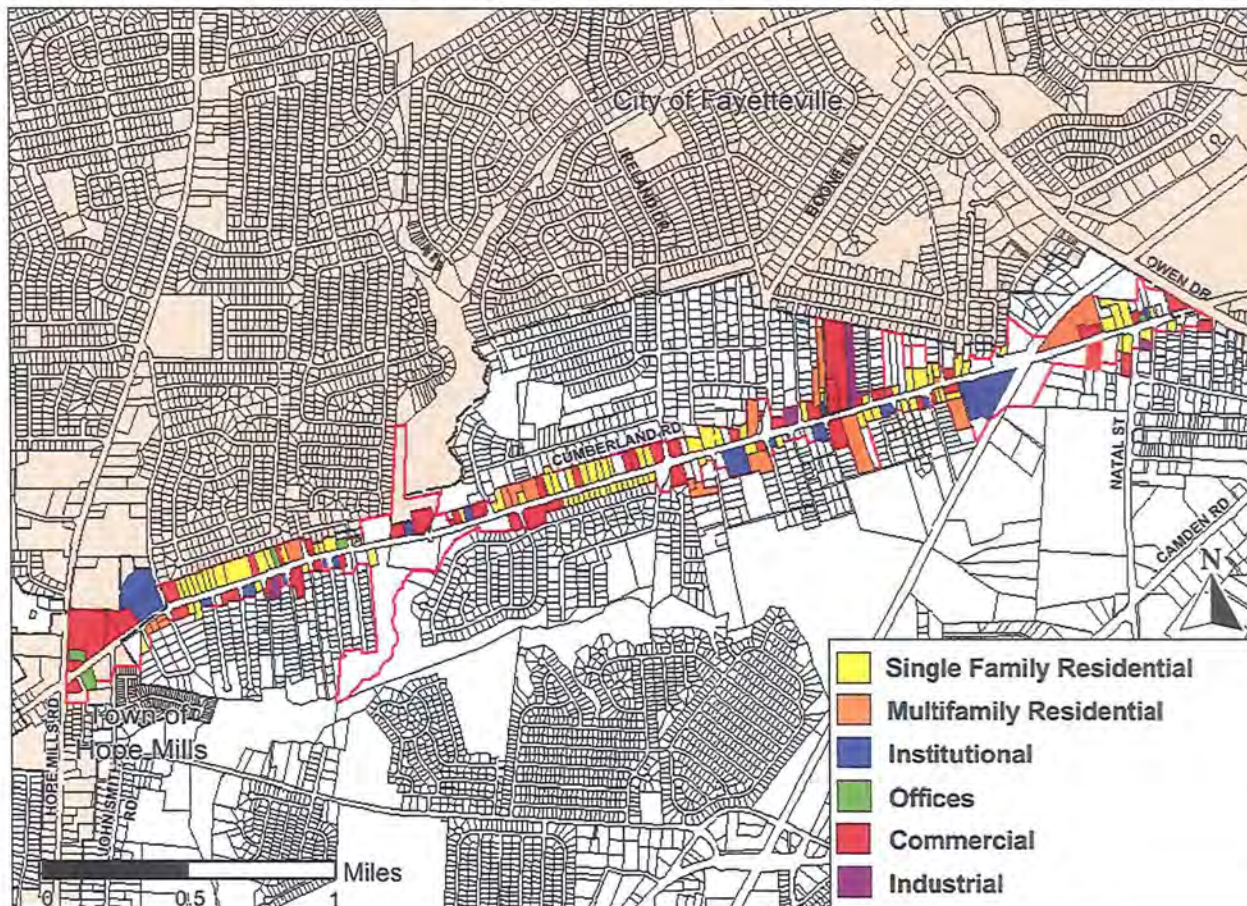




# Map H

Approximately half the study area's current land use is residential, with the majority (42%) being single family. The remaining portion of the area is a mix of commercial (25%), office and institutional and industrial uses, with around 16% of the parcels being vacant.

**Cumberland Road Study Current Uses**

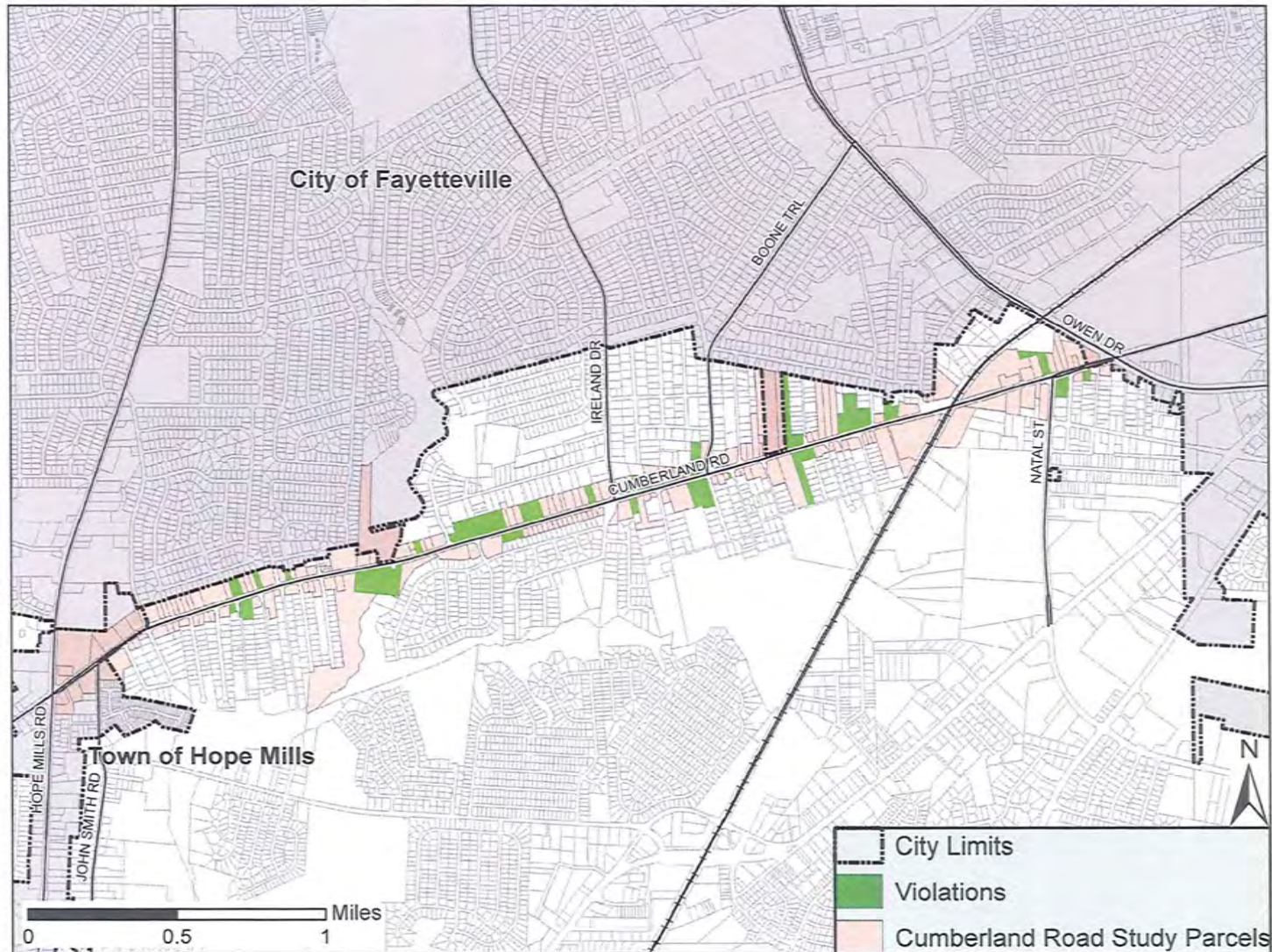




# Map I

Twenty percent (20%) of properties within study area have potential land use violations.

## Cumberland Road Study Possible Violations





# Recommendations

**The following recommendations for the study area were crafted by Planning Department Staff using data depicted in the maps previously discussed in this plan:**

- 1. Discourage straight rezonings and recommend conditional rezonings**
- 2. Promote rezoning properties to Heavy Commercial only where sewer is accessible**
- 3. Upon receipt of commercial rezoning request strongly promote recombination of adjoining parcels under same ownership as condition of approval**
- 4. Require mandatory sewer connection for rezoning requests located from Hope Mills Road east to Zareeba Drive and from the railroad east to Owen Drive per Section 2306 (A) of the Cumberland County Subdivision Ordinance**
- 5. Do not allow rezoning of properties where active land use violations exist (per Board policy)**
- 6. Target area for minimum housing and junk vehicle violations**
- 7. Work with NCDOT to limit curb cuts, recommend joint drives and use of lateral access**





# Conclusion

The Cumberland Road study area is currently an equal mix of commercial, office and residential uses. County Planning staff has determined that future development in the area should be more commercial than residential in nature. However, the availability and cost of sewer to the area is a significant factor in how this area will develop going forward. This is reflected in the recommendations of this plan by encouraging conditional rezonings in order to ensure that available utilities can support future development. The recommendations also acknowledge that the overall appearance of the area needs improvement and can be addressed, at least partially, by stricter enforcement of existing ordinances.

AMY H. CANNON  
County Manager

MELISSA C. CARDINALI  
Assistant County Manager



ITEM NO. 3

DUANE T. HOLDER  
Assistant County Manager

TRACY JACKSON  
Assistant County Manager

SALLY S. SHUTT  
Assistant County Manager

## OFFICE OF THE COUNTY MANAGER

### MEMO FOR THE AGENDA OF THE MAY 3, 2018 MEETING OF THE POLICY COMMITTEE

**TO:** POLICY COMMITTEE

**FROM:** AMY CANNON, COUNTY MANAGER *atc*

**DATE:** APRIL 24, 2018

**SUBJECT:** SUBMISSION OF BOARD OF COMMISSIONERS' POLICY DOCUMENT BY COUNTY MANAGEMENT AND THE CLERK TO THE BOARD FOR FUTURE REVIEW AND CONSIDERATION BY THE POLICY COMMITTEE

**Requested by:** Commissioner Boose

**Presenter(s):** Amy Cannon, County Manager

**Estimate of Committee Time Needed:** 10 Minutes

### BACKGROUND

The Board of Commissioners have periodically approved several different policies in various formats that impact all areas of County government. These policies have been reformatted into a standard policy format and compiled in a document by category.

The proposed format includes the policy purpose, scope, policy details, as well as the date the item was submitted to the respective Committee, if applicable, and when the policy was approved by the Board of Commissioners. The dates of any policy revisions are also incorporated in each policy.



If the Policy Committee approves the format, all future policies will follow the newly revised template. A review of these policies is timely as some policies need to be updated or revised. A notebook has been created for your convenience in making notations as we review and discuss each policy. Once the policy document has been reviewed, updated and approved, we will post the Policy document on the County's Website under the Board of Commissioner's page.

**RECOMMENDATION/PROPOSED ACTION:**

Receive the Policy document and review the individual policies over a series of Committee meetings and consider the standardized format and any desired revisions.

/ct

CM042418-2



# County of Cumberland

North Carolina

## Cumberland County Board Approved Policies

---

### Adopted Board of Commissioner Rules of Procedure

April 2018



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**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 1: Cumberland County Agenda / Committee**

**Policy No. 1-1: Public Forum Comment Policy**

**The following policy was approved at the August 5, 2005 Policy Committee Meeting and approved at the August 15, 2005 Board of Commissioners Meeting.**

The Board of Commissioners of the County of Cumberland establishes the following policy for public comment before the Board. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following guidelines.

- 1) The public comment period shall be held at the beginning of the meeting on the third Monday of each month at 6:45 PM and shall last no longer than 15 minutes. Time can be extended at the discretion of the Board.
- 2) Each speaker will have a maximum of THREE (3) minutes to make remarks.
- 3) No time will be yielded to a speaker by another speaker.
- 4) Persons who wish to address the Board will register on a sign-up sheet that will be available in the Commissioners' meeting room. The sign-up sheet will be available 15 minutes before the start of the comment period.
- 5) Speakers will be acknowledged by the Board in the order in which their names appear on the sign-up sheet. Speakers will address the Board from the lectern and begin their remarks by stating their name and address.
- 6) Public comment is not intended to require the Board to answer any impromptu questions. Any action on items brought up during the comment period will be at the discretion of the Board.
- 7) Speakers will discuss issues germane to Cumberland County.

- 8) Speakers shall not discuss matters deemed to be “closed session” type issues (PERSONNEL MATTERS, LITIGATION, PROPERTY ACQUISITION, ATTORNEY-CLIENT PRIVILEGE, MATTERS MADE CONFIDENTIAL BY LAW) and matters which are subject to public hearings.
- 9) Speakers will not discuss matters regarding the candidacy of any person seeking public office, including the candidacy of the person addressing the Board.
- 10) Speakers will be courteous in their language and presentation. Personal attacks will not be tolerated.
- 11) Written comments and/or supporting documents may be left with the Clerk to the Board.

Adopted: August 15, 2005.

<END>



**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 1: Cumberland County Agenda / Committee**

**Policy No. 1-2: Placing an Item on a Board of Commissioners Committee Agenda**

**The following policy was approved at the November 1, 2012 Policy Committee Meeting and approved at the November 19, 2012 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of this policy is to establish a standardized procedure for the placement of matters on the agenda for any meeting of a standing committee of the Board of Commissioners. Currently the standing committees are Facilities, Finance, Policy and Personnel. The policy is intended to avoid circumstances in which the committee cannot reach all items placed on the agenda during the time allotted for the meeting, with the result that the participation by persons in attendance is frustrated. The policy is further intended to promote the efficient use of the county's resources, including staff time.

**2.0 SCOPE**

This policy will apply to the placement of all matters on the agenda for any meeting of a standing committee of the Board of Commissioners.

**3.0 STATEMENT OF THE POLICY**

- 3.1 The Clerk to the Board shall be responsible for preparing and publishing the agenda for each standing committee of the Board of Commissioners, subject to the further terms of this policy.
- 3.2 The Clerk shall place matters on the agenda in the following order of priority:
  - 3.2.1 A matter which has been directed by a vote of the Board of Commissioners, regardless of the staff person presenting the matter;
  - 3.2.2 A matter which has been directed by a vote of any standing committee, regardless of the staff person presenting the matter;
  - 3.2.3 A matter which has been requested by the County Manager, regardless of the staff person presenting the matter;
  - 3.2.4 A matter which has been requested by an individual commissioner, regardless of the staff person presenting the matter.

- 3.3 No persons or organizations other than those listed in Section 3.2 shall be allowed to request the placement of a matter on an agenda. All other persons or organizations wishing to request that a matter be placed on an agenda may do so through the county manager or an individual commissioner, subject to the willingness of the County Manager or an individual commissioner to do so.
- 3.4 No matter shall be placed on the agenda unless it is supported with a memorandum signed by the County Manager or one of the persons who will present the matter. The memorandum shall provide the following:
  - 3.4.1 A statement of sufficient background information for the committee members to understand the reason the committee is being requested to consider the matter;
  - 3.4.2 A concise statement of what is being requested of the committee;
  - 3.4.3 The identity of who is requesting the matter;
  - 3.4.4 The identity of every person other than a staff person who will address the committee about the matter; and
  - 3.4.5 An estimate of the amount of time it will take the committee to consider the matter.
- 3.5 The Clerk shall only place the number of matters on the agenda which can be considered in the one hour of time allotted for a committee meeting using the time estimates stated in the memorandum for each matter and the priorities established in Section 3.2.
- 3.6 The Clerk shall establish and publish the deadline for the submission of matters for each agenda.
- 3.7 At each meeting, the Clerk shall advise the committee of any matters that were not placed on that meeting's agenda due to the time limitation. The committee may vote to direct that such matters be placed on the next available agenda. If the committee does not vote to direct placement of those matters on the next agenda, such matters shall be placed on any subsequent agenda in accordance with the terms of this policy.

#### **4.0 IMPLEMENTATION**

The Clerk to the Board shall be responsible for the implementation of this policy.

<END>



**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 2: Cumberland County Facilities**

**Policy No. 2-1: Renovations to County Facilities**

**The following policy was approved at the August 4, 2005 Policy Committee Meeting and approved at the August 15, 2005 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of this policy is to address renovation projects for County facilities and to ensure that any proposed renovation project is a justifiable expenditure of public funds while not hindering a department's ability to improve the functionality of its workplace. This policy was presented to the Board of Commissioners on August 15, 2005 and approved at that Board Meeting.

**2.0 SCOPE**

The scope of this policy is for renovation work to County facilities and would apply to all projects where the use or architectural treatment of the space is altered, and the estimated cost of the work is \$5,000 or greater.

**3.0 POLICY**

The Department Head shall submit to the County Manager a written request for the proposed renovation project containing the following information:

- 3.1 A description of the scope of the work. Indicate whether or not the project will be done in multiple phases.
- 3.2 The estimated cost of the work, including all phases. Indicate the funding source.
- 3.3 Justification for the project. How will the renovation work improve the operations of the department?
- 3.4 Indicate what, if any, alternatives there may be to undertaking the project.
- 3.5 If the department has a governing or policy board, such as the Civic Center Board, Library Board of Trustees, etc. indicate whether or not the proposed project has been reviewed and endorsed by such board.

The County Manager will review the request and take the following action:

- 1) Approve the request as submitted;
- 2) In consultation with the Department Head, approve a revised scope of work;
- 3) Disapprove the request. The Department Head may appeal the County Manager's decision to the County Facilities Committee.

<END>

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 2: Cumberland County Facilities**

**Policy No. 2-2: Public Use of Courtroom in the Historic Courthouse**

**The following policy was approved at the November 1, 2012 Policy Committee Meeting and approved at the November 19, 2012 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of this policy is to establish the conditions under which the courtroom in the Historic Courthouse may be used by groups, organizations and agencies other than county government. This policy is intended to make this historically significant facility available for the use of the citizens of Cumberland County, to which it belongs.

**2.0 SCOPE**

This policy shall apply to the use of the courtroom in the Historic Courthouse for any purpose by anyone other than county government or such other governmental agencies as the county may allow. Only the courtroom may be used. No other floors or portions of the Historic Courthouse shall be available for public use.

**3.0 STATEMENT OF THE POLICY**

- 3.1 This policy shall be administered by a county employee whom the county manager shall designate as the Facility Manager for the Historic Courthouse.
- 3.2 The facility may not be used for any political or religious purpose. For the purposes of this policy a political purpose is any purpose, function or event that is sponsored by, on behalf of, or against any candidate for elected office, any political party, or any political action committee. For the purposes of this policy a religious purpose is any purpose, function or event that is intended to promote the beliefs, ideology or tenets of a particular religion, religious group or religious sect.
- 3.3 The facility may only be used for purposes, functions or events that are available to the general public, with or without an admission charge.



- 3.4 Any group, organization or agency wishing to use the facility shall make a written application to the facility manager at least thirty (30) days in advance of the requested use in such form as may be prescribed by the facility manager.
- 3.5 The facility shall only be made available during such times as it is not being used for government purposes by the county or such other governmental agencies as the county may allow.
- 3.6 No foods or beverages may be dispensed or consumed within the facility at any function or event permitted under this policy.
- 3.7 No products, goods or services intended for off-premises consumption shall be sold or distributed at any function or event permitted under this policy.
- 3.8 No materials deemed to be hazardous by the facility manager, in consultation with the Director of Emergency Management and the County Fire Marshal, shall be allowed in the facility.
- 3.9 The furniture and fixtures within the courtroom shall not be moved unless approved by the facility manager in advance and only in accordance with the conditions under which this approval is granted.
- 3.10 Adequate security shall be provided for any function or event for which the facility is used. The facility manager shall arrange for security through the Sheriff's Office and the cost of the on-duty or off-duty officers used for security shall be included in the facility charge.
- 3.11 A facility use fee shall be charged for each use of the facility. The fee is intended to cover the cost of utilities and security for each event. The fee shall be established by the Board of Commissioners from time to time. The minimum fee shall be \$250 for functions and events that do not exceed two (2) hours. An additional fee of \$100 per hour shall be charged for each hour or portion of an hour that a function or event exceeds two (2) hours. If the facility manager determines that more than two (2) security officers shall be needed for any use, the use fee shall be increased by \$50 per hour of use for each additional security officer needed. All fees shall be paid in advance with the application.

#### **4.0     IMPLEMENTATION**

Implementation of this policy shall be the responsibility of Facility Manager for the Historic Courthouse as designated by the county manager.

**The Contact Person/Designee regarding the Public Use of the Historic Courthouse is:**

Jeffery Brown, Director of Engineering & Infrastructure  
Phone: (910) 678-7633

**This policy will be in effect until revoked by the Cumberland County Board of Commissioners.**

<END>

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 2: Cumberland County Facilities**

**Policy No. 2-3: Public Use of County-Owned Facilities**

**The following policy was approved at the October 3, 2002 Policy Committee Meeting and approved at the October 21, 2002 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The policy of the Cumberland County Board of Commissioners is that County-owned facilities are provided to conduct the business of the County and of its associated governmental agencies. County facilities are not unlimited public fora where anyone or any group can disseminate their messages. Public groups and individuals do not have an unlimited right to use County-owned facilities as a platform for propagation of their messages. Limited public use of County-owned facilities will be permitted, however, when consistent with the governmental use of such County-owned facilities and consistent with the provisions of this Policy

**2.0 POLICY**

Each County department or affiliated agency that has custody of a County-owned facility shall adopt a written policy governing public use of that facility. Each Facilities Use Policy shall be promulgated by the department head or chief executive officer of the affiliated agency. The Assistant County Manager for Operations shall be deemed the custodian of the New County Courthouse. Each official promulgating a Facilities Use Policy shall give consideration to reimbursement for incremental staffing and/or clean-up costs so that significant use is not made of taxpayer's funds to subsidize such expenses. Each Facilities Use Policy shall be consistent with the criteria set forth in paragraphs A and B below.

Every Facilities Use Policy for use of County-owned buildings shall be submitted to the Office of the County Attorney for review prior to its promulgation.

A Facilities Use Policy:

- 1) Shall not allow use of County-owned facilities for commercial or profitmaking purposes. This shall not include, however, a facility such as the Cumberland County Civic Center where the primary purpose of the facility is intended to be for a variety of commercial events for which patrons usually pay.
- 2) Shall not allow use of County-owned facilities for religious worship, proselytizing or other activities which actively promote religion.



- 3) Shall prohibit use of the facility for personal or group political proselytizing or lobbying.
- 4) Shall prohibit use of County-owned facilities for activities which are purely personal in nature.
- 5) Shall prohibit the distribution or use of alcoholic beverages or any smoking.
- 6) Shall prohibit the presence of weapons of any kind, except for law enforcement officers while on duty.
- 7) Shall prohibit obscene, disruptive, abusive or excessively loud conduct.
- 8) Shall ban discrimination on the basis of race, creed, sex, age, national origin, handicap or disability.
- 9) Shall be consistent with the particular mission and goals of the departments or associated governmental agency at the facility.
- 10) May allow the use of the facility by governmental organizations (including for recognition or award ceremonies for individual government employees) so long as such use does not interfere with the customary and usual business of the facility.
- 11) May, but need not, allow use of the facility by groups closely connected with the mission of the facility and complimentary to the mission and goals of the organizations at the facility.
- 12) May, but need not, allow use of the facility for training open to the public at large where no fee is charged (or only a nominal fee to recoup cost of supplies or equipment).
- 13) May allow non-profit, non-partisan groups to use the facility, such as for organizational meetings, seminars, study groups, planning sessions, training programs and similar type activities.

Each Facilities Use Policy shall reserve the right of reasonable inspection by the County Engineer, County Building Inspectors, and the Fire Marshall.

Notwithstanding the above, a Facilities Use Policy for facilities which by their nature are intended for widespread, diverse uses by the public, such as libraries and parks, may be flexible to accommodate uses which traditionally have been associated with such facilities.

<END>

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 2: Cumberland County Facilities**

**Policy No. 2-4: Policy on Naming County Facilities**

**The following policy was originally submitted to the May 4, 2017 Facilities Committee. This policy was referred to a Special Policy Committee Meeting on May 23, 2017. The Policy was approved at the September 7, 2017 Policy Committee Meeting and this policy was approved at the September 18, 2017 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of this policy is to establish a formal policy and process for naming public facilities owned by Cumberland County. A sound policy can add meaning and significance that embody the values and heritage of this County.

**2.0 AUTHORIZATION**

The Board of County Commissioners will be responsible for considering and recommending the naming/renaming of facilities that are owned by the County.

**3.0 SCOPE**

- A) This scope of this policy is to provide name identification wherever appropriate for public buildings, structures, facilities and specified areas.
- B) This policy will allow for citizen input into the process of naming facilities as described above.
- C) This policy will ensure control for the naming of facilities by the Cumberland County Board of Commissioners.

#### **4.0 QUALIFYING NAMES**

Names should provide some form of individual identity related to:

- A) The geographic location of the facility.
- B) A geologic, historical, botanical, horticultural, or scientific feature inherent to the area.
- C) An outstanding feature of the facility.
- D) Commonly recognized historical event, group, or individual.
- E) An adjoining subdivision, school or street.
- F) An individual, donor or group who contributed significantly to the acquisition or development of an individual facility.
- G) An individual who provided an exceptional service in the interest of the County as a whole.
- H) An individual who has provided at least 25 years of service to the County.
- I) An individual who has been deceased at least one year.

#### **5.0 NAMING PROCESS**

Names should provide some form of individual identity related to:

- A) At the time land or a facility is acquired, but before development or occupancy occurs, the County Manager will assign a non-descript working name for the area or facility.
- B) Once development is initiated, or occupancy of the facility occurs, the County Policy Committee will receive naming applications in writing for review. If approved by the Policy Committee, the recommendation of a Qualifying Name will go on to the full Board of Commissioners for further consideration.
- C) For an individual (excluding historically significant individuals) to be considered, that person must have contributed significantly to the acquisition or development of the facility or the overall County. Substantial contribution may consist of volunteer services, the provision of land, or a monetary donation. The recommended name should be submitted by a group and accompanied by:



- 1) A biographical sketch, which shall provide evidence of contributions to the department, facility, or County over all; and
  - 2) A petition demonstrating broad support for the person being recommended. The person must be of fine moral character with demonstrated leadership qualities.
- D) After a name is decided upon by the Board of Commissioners, public notice of the recommended Qualifying Name will occur twice in a 60-day public-notice period.

## **6.0 RENAMING**

- A. The renaming of a facility is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name or discount the value of prior contributors.
- B. Facilities named after individuals should never be changed unless it is found that the individual's personal character is or was such that the continued use of their name for a facility would not be in the best interest of the County.
- C. In order for a facility to be considered for renaming, the recommended name must qualify according to Section V of this policy.

## **7.0 OTHER NAMING ALTERNATIVES**

Real property may be donated to Cumberland County subject to any condition for naming the property as may be approved by the Board of Commissioners upon acceptance of the donated property.

## **8.0 PLAQUES, MARKERS AND MEMORIALS**

- A. All plaques, markers, and memorials are subject to the same naming criteria in Section 5.0 of this policy.
- B. Because of their proneness to vandalism and maintenance, plaques, markers, and memorials should be used sparingly.
- C. The Board of Commissioners shall determine the style, size, and placement of all plaques, signs, or markers on a case-by-base basis. In general, the plaques, signs, or markers shall blend or compliment their environment.

<END>

**Cumberland County**

**Section I – Board Approved Policies**

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

**Policy No. 3-1: Financial Policies**

**The original submission of the Cumberland County Financial Policies was approved by the Board of Commissioners on September 2, 2008.**

**The attached Financial Policies were brought back for revision and approved by the Finance Committee on March 3, 2011 and approved at the March 21, 2011 Board of Commissioners Meeting.**

**The 2011 policy revisions are summarized below and have been incorporated in the Financial Policy document attached. These revisions were required to comply with the Governmental Accounting Standards Board (GASB) Statement No. 54 and the Local Government Commission, Memorandum #2010-35.**

**Added Under Expenditure Policy:**

- VII. Cumberland County has a revenue spending policy that provides guidance for programs with multiple revenue sources. The Finance Officer will use resources in the following hierarchy: bond proceeds, federal funds, state funds, local fees, and then county funds. For purposes of fund balance classification expenditures are to be spent from restricted fund balance first, followed in-order by committed fund balance, assigned fund balance and lastly unassigned fund balance. The Finance Officer has the authority to deviate from this policy if it is in the best interest of the County.

**Revised Under Reserve / Fund Balance Policy:**

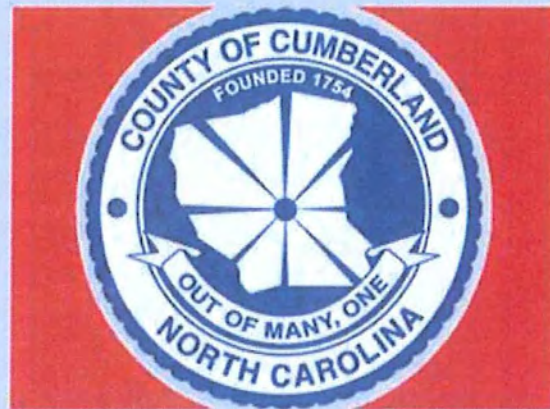
- II. Additionally, the target goal for total spendable fund balance will be at least 15% of total expenditures for the fiscal year. The annual appropriation for subsequent years' expenditures should not exceed 3% of budgeted recurring general fund expenditures.

**Revised and Added Under Operating Budget / Fund Balance Policies:**

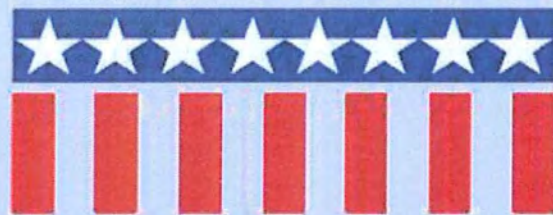
- V.     a     Based on the North Carolina Association of County Commissioner's methodology for calculating statutory Article 40 and 42 set asides for school construction, the Board has committed these sales tax funds to the purposed listed immediately above.
  
- VI.   Assigned for subsequent years' expenditures is the portion of fund balance that has been approved by formal action of the Board of County Commissioners for appropriation into the next fiscal year. A modification of this amount requires action by the Board. The Board may at its discretion, make other assignments of fund balance. The Board authorizes the County Manager to amend these assigned amounts to comply with the County's fund balance percentage policies.

<END>





CUMBERLAND  
COUNTY



# County of Cumberland

North Carolina

**Financial Policies 2008**  
**Revised March 2011**

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## Introduction

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The County of Cumberland has established comprehensive financial policies supporting management of our financial resources by providing effective control, prudent decision making and compliance with legal requirements. The essential goals to be accomplished through consistent application of these policies include:

- To align long-term financial planning with short-term daily operations and decision-making.
- To maintain and improve the County's financial position.
- To maintain the County's credit ratings by meeting or exceeding the requirements of rating agencies through sound, conservative financial decision making.
- To comply with the North Carolina Budget and Fiscal Control Act and the policies of the North Carolina Local Government Commission (the "LGC").
- To ensure cost effective, efficient and timely procurement of necessary goods and services to enable County departments in achieving their mission of effective service delivery to all citizens.
- To provide credibility to the citizens of the County regarding financial operations through active investment, debt and procurement management as well as financial planning and monitoring.

The Cumberland County Board of Commissioners (the "Board") is a seven-member board, with each member serving a four-year term. To enhance communication and effective decision making, four subcommittees of the Board have been in existence for many years. These three-member subcommittees have been structured to focus on the following areas; Finance, Policy, Personnel, and Facilities issues. Each committee meets monthly as needed, in a published, open meeting. The Finance Committee serves as the Audit Committee of the County and makes recommendations to the full Board upon review of issues that have a fiscal impact upon the County. Periodically, the Finance Director updates the Committee on the financial condition of the County as a part of their monthly agenda. The annual audit is presented in detail to the Board annually at a night meeting which is televised on a local channel for the citizens of Cumberland County.





## Operating Budget / Fund Balance Policies

### Budget Guidelines

- I. The County's Annual Budget Ordinance will be balanced in accordance with the Local Government Budget and Fiscal Control Act (G.S. 159-8(a)).
- II. The County's operating budget will be prepared in accordance with Generally Accepted Accounting Principles.
- III. The County's Annual Budget Ordinance will be adopted by each July 1 (G.S. 159-13(a)).
- IV. The annual budget shall be developed as a financial plan to achieve long-term and short-term goals adopted by the Governing Board and as an operational guide for provision of programs and services to the community.

### Revenue Policy

- I. Ad Valorem Tax – As provided by the North Carolina Budget and Fiscal Control Act, estimated revenue from the Ad Valorem Tax levy will be budgeted as follows:
  - a. Assessed valuation will be estimated based upon historical trends and growth patterns in a conservative manner.
  - b. The estimated percentage of collection will not exceed the actual collection percentage of the preceding fiscal year, in accordance with State law.
  - c. The property tax rate will be set each year based upon the costs of providing general governmental services, meeting debt service obligations and maintaining any reserves or fund balances the Board deems necessary.
- II. Economically Sensitive Revenues – The County has certain revenues, specifically occupancy, food and beverage, and sales taxes that can be adversely affected by regional and national economic conditions and military deployments. These revenues shall be budgeted in a conservative manner.
- III. User Fees – The Board will establish all user fees annually. The user fees will maximize charges for services that can be individually identified and where costs are directly related to the provision of or to the level of service provided.
  - a. Emphasis on user fees results in the following benefits:
    - i. The burden on the Ad Valorem tax is reduced.
    - ii. User fees are paid by all users, including those exempt from property taxes.
    - iii. User fees help minimize subsidization in any instance where there are requirements in order to qualify for the use of the service and the service is not provided to the general public.
    - iv. User fees produce information on the demand level for services and help to make a connection between the amount paid and the services rendered.
- IV. Interest Income – Interest income is subject to variability based upon changes in prevailing interest rates, which cannot be predicted with certainty. Such revenue shall therefore be budgeted in a conservative manner within the Annual Budget Ordinance and shall comply with Section III of this policy regarding Asset – Liability Management.
- V. Grant Funding – Staff will pursue opportunities for grant funding. Application for grant funding will be made after a grant has been evaluated for consistency with the Board's goals and compatibility with County programs and objectives. Staff must have prior approval from the County Manager to apply for a grant. All awarded grants can only be accepted by Board action at which time the related budget shall be established.
  - a. Grants that have been awarded in prior years and are recurring in nature will be included and addressed through the annual budget process.



## I. Operating Budget / Fund Balance Policies

- b. Grants that fund operating expenditures but have a funding termination date must fully disclose that fact to the Board prior to acceptance.
- c. The grant manager for each grant shall be the related department head. The grant manager is responsible for all grant monitoring, compliance and reporting. The grant manager will provide copies of all documents to the Finance Department. The Finance Department will maintain a grant file by fiscal year for each active grant.
- d. Existing exceptions that relate to annual allocation amounts must be approved by County Finance

### Expenditure Policy

- I. Expenditure budgets shall be monitored throughout the fiscal year by department heads, the Finance Department and the County Manager. Budget compliance is the responsibility of the department head and the Finance Director.
- II. Budgeted funds will only be spent for categorical purposes for which they are intended. The annual operating budget ordinance defines staff authorization for operating budget adjustments. Appropriations of debt proceeds will be made only for the purpose for which such debt instrument was issued or for the payment of debt principal and interest. Donations will be spent only toward the intent for which they were given.
- III. For continuing contracts, funds will be appropriated in the annual budget ordinance to meet current year obligations arising under the contract, in accordance with G.S. 160A-17.
- IV. Payroll will be processed in accordance with the requirements of the Fair Labor Standards Act. Overtime and benefit payments will be made in accordance with the County's Personnel Ordinance.
- V. The County will fund current expenditures with current resources and will strive to avoid balancing budgets utilizing one-time revenues, in accordance with the Fund Balance Policy below.
- VI. The County will employ the use of the carryover method for re-appropriating outstanding purchase orders and contracts as of the end of each fiscal year into the new fiscal year. The process shall be explained in detail in each year's budget ordinance.
- VII. Cumberland County has a revenue spending policy that provides guidance for programs with multiple revenue sources. The Finance Officer will use resources in the following hierarchy: bond proceeds, federal funds, state funds, local fees, and then county funds. For purposes of fund balance classification expenditures are to be spent from restricted fund balance first, followed in-order by committed fund balance, assigned fund balance and lastly unassigned fund balance. The Finance Officer has the authority to deviate from this policy if it is in the best interest of the County.

### Reserve / Fund Balance Policy

- I. In accordance with State statute, appropriated fund balance in any fund will not exceed the sum of cash and investments less the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts.
- II. The County will maintain a General Fund unassigned fund balance of no less than 10% which exceeds the minimum eight percent (8%) recommended by the LGC. Additionally, the target goal for total spendable fund balance will be at least 15% of total expenditures for the fiscal year. The annual appropriation for subsequent years' expenditures should not exceed 3% of budgeted recurring general fund expenditures.
  - a. Purpose of Reserve: These funds will be utilized to avoid cash flow interruptions, generate interest income, eliminate the need for short-term borrowing, and maintain the County's credit ratings.
  - b. Reserve Draw Downs: The fund balance may be purposefully drawn down below the target percentage for emergencies, nonrecurring expenditures, or major capital projects.
  - c. Reserve Replenishment: If the fund balance falls below the target percentage for two consecutive fiscal years, the County will replenish funds by direct appropriation beginning in the following fiscal year. In that instance, the County will annually appropriate 20% of the difference between the target percentage level and the actual balance until the target level is met.





I. Operating Budget / Fund Balance Policies

- III. Any General Fund unassigned fund balance that exceeds the 10% target goal may be reserved for onetime future projects.
- IV. The County will appropriate within the annual budget a General Fund Contingency appropriation each fiscal year of at least \$500,000.
- V. The County shall maintain a School Capital Reserve account and all funds accumulated shall be used for debt service on school related debt and other school capital needs.
  - a. Based on the North Carolina Association of County Commissioner's methodology for calculating statutory Article 40 and 42 set asides for school construction, the Board has committed these sales tax funds to the purposes listed immediately above.
  - b. All Public School Building Capital Fund ("ADM money") and Lottery proceeds shall be budgeted within the School Capital Reserve account and shall be used for debt service for school related debt and for school construction needs as appropriate.
- VI. Assigned for subsequent years' expenditures is the portion of fund balance that has been approved by formal action of the Board of County Commissioners for appropriation into the next fiscal year. A modification of this amount requires action by the Board. The Board may at its discretion, make other assignments of fund balance. The Board authorizes the County Manager to amend these assigned amounts to comply with the County's fund balance percentage policies.





## Asset Liability Management Policies

### Capital Investment and Debt Policy

#### I. Capital Improvements Plan

- a. The County will update a five-year capital improvements plan (CIP) which projects capital needs and details the estimated costs, description and anticipated funding sources for capital projects.
- b. The annual update of the CIP will be presented at the Board's Budget Planning retreat and included in the annual operating budget process.
- c. The first year of the five-year CIP will be the basis of formal fiscal year appropriations during the annual budget process.
- d. The CIP will generally address those capital assets with a value of \$100,000 or more and a useful life of five years or more.
- e. The County includes equipment and furnishings as well as projected annual operating costs in the appropriate year in the CIP.
- f. The County acknowledges pay-as-you-go financing as a significant capital financing source, but will ultimately determine the most appropriate financing structure for each capital project on an individual basis after examining all relevant factors of the project.

#### II. Ten Year School Facilities Plan

- a. The County requires an annual update from the Cumberland County Board of Education of its Ten Year School Facilities Plan. The County fully expects to see all new capital projects first appear in the ninth or tenth year of the school facilities plan unless dictated otherwise by State or Federal mandates of new sources of funds, such as a State bond issue for local consideration.

#### III. Fixed Assets

- a. The capitalization threshold for fixed assets shall be \$5,000 and \$7,500 for capital improvements. The threshold will be applied to individual fixed assets and not to groups of fixed assets. Fixed assets will be capitalized if they have a useful life of one year or more following the date of acquisition.

#### IV. Debt Policy

- a. Debt will only be incurred for financing capital assets that, because of their long-term nature or because of budgetary restraints, cannot be acquired from current or budgeted resources. Debt will not be used for operational needs. Debt financing can include general obligation bonds, revenue bonds, certificates of participation, lease/purchase agreements, special obligation bonds, or any other financing instrument allowed under North Carolina law.
- b. The County will seek to structure debt and to determine the best type of financing for each financing need based on the flexibility needed to meet project needs, the timing of the project, taxpayer or rate payer equity, and the structure that will provide the lowest interest cost in the circumstances. The following guidelines will be used when structuring debt:
  - i. Debt will be amortized on a level principal or level principal and interest basis, depending upon the specific nature of the financing.
  - ii. Maximum term of amortization of principal will be twenty-five years, twenty years for general obligation debt. Average life of outstanding debt will not exceed fifteen years.
  - iii. For general obligation debt, fifty percent of the total outstanding debt will be amortized in the first ten years of total debt outstanding.
  - iv. Fixed rate will be the predominant interest rate for County issuance. Variable rate debt will be considered on a case-by-case basis and will not exceed fifteen percent of total outstanding debt of the County. Issuance of variable rate debt will be undertaken after considering interest rate risk, ability to hedge risk in the annual budget, internal levels of fund balance, and other elements of interest rate risk management.
- c. Debt financing will be considered in conjunction with the County's CIP. Debt financing will also be considered in the Board's review of facility plans presented by the Board of Education.



## II. Asset Liability Management Policies



### II. Asset Liability Management Policies

- d. Upon Board approval of a capital project and a determination that the project will be financed through issuance of debt, The Board will increase the property tax rate in an amount equivalent to the additional annual operating costs and principal and interest payments in the upcoming fiscal year, if deemed necessary.
- e. The County will strive to maintain a high level of pay-as-you-go financing for its capital improvements.
- f. Debt Affordability
  - i. The net debt of the County, as defined in G.S. 159-55, is statutorily limited to eight percent of the assessed valuation of the taxable property within the County. The County will utilize a self-imposed ceiling of 4%.
  - ii. Total General Fund debt service will not exceed the limits imposed by the LGC. As a guide, formulas established by the LGC and rating agencies will be monitored and appropriately applied by the County. Debt service as a percentage of the general fund budget will be targeted not to exceed 15%.
- g. The County will seek to structure debt in the best and most appropriate manner to be consistent with Asset – Liability Management policies.
- h. The County will seek to employ the best and most appropriate strategy to respond to a declining interest rate environment. That strategy may include, but does not have to be limited to, delaying the planned issuance of fixed rate debt, examining the potential for refunding of outstanding fixed rate debt, and the issuance of variable rate debt. The County will seek to employ the best and most appropriate strategy to respond to an increasing interest rate environment. That strategy may include, but does not have to be limited to, the issuance of variable rate debt (a historically lower interest cost), or any other methodology deemed appropriate.
- i. The County will monitor the municipal bond market for opportunities to obtain interest rate savings by refunding on a current or advance basis for outstanding debt. The estimation of net present value savings for a traditional fixed rate refunding should be, at a minimum, in the range of 2.5% to 3% of the refunded maturities before a refunding process begins.
- j. The County will strive for the highest possible bond ratings in order to minimize the County's interest costs.
- k. The County will normally obtain at least two ratings (Moody's and Standard & Poor's) for all publicly sold debt issues.
- l. While some form of outstanding debt exists, the County will strive to have a portion of that debt in the form of general obligation debt.
- m. The County will provide annual information updates to each of the debt rating agencies.
- n. The County will use the Comprehensive Annual Financial Report (the "CAFR") as the disclosure document for meeting its obligation to provide certain annual financial information to the secondary debt market via various information repositories. The annual disclosure is a condition of certain debt covenants and contracts that are required by SEC Rule 15c2-12.

## Cash Management and Investment Policy

### I. Receipts

- a. Cash receipts will be collected as expediently as reasonably possible to provide secure handling of incoming cash and to move these monies into interest bearing accounts and investments.
- b. All incoming funds will be deposited daily as required by State law.
- c. The Finance Director is responsible for coordinating at least two random or risk based internal audits of cash receipting locations per fiscal year.

### II. Cash Disbursements

- a. The County's objective is to retain monies for investment for the longest appropriate period of time.
- b. Disbursements will be made timely in advance of or on the agreed-upon contractual date of payment unless earlier payment provides greater economic benefit to the County.
- c. Inventories and supplies will be maintained at minimally appropriate levels for operations in order to increase cash availability for investment purposes.



## II. Asset Liability Management Policies

- d. Dual signatures are required for County checks. Electronic signature of checks is approved.

### III. Investment Policy

#### a. Policy

- i. It is the policy of the County to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow requirements of the County and conforming to all State statutes governing the investment of idle funds.

#### b. Scope

- i. This investment policy applies to all financial assets of the County except authorized petty cash, trust funds administered by the Social Services Director, and debt proceeds, which are accounted for and invested separately from pooled cash. The County pools the cash resources of its various funds and participating component units into a single pool in order to maximize investment opportunities and returns. Each fund's and participating component unit's portion of total cash and investments is tracked by the financial accounting system.

#### c. Prudence

- i. The standard of prudence to be used by authorized staff shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- ii. Authorized staff acting in accordance with procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

#### d. Authorized Staff

- i. G.S. 159-25(a)6 delegates management responsibility for the investment program to the Finance Director. The Finance Director will establish and maintain procedures for the operation of the investment program that are consistent with this policy. Such procedures will include delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director. The Finance Director will be responsible for all transactions undertaken and will establish and maintain a system of controls to regulate the activities of subordinates.
- ii. In the absence of the Finance Director and those to which he or she has delegated investment authority, the County Manager or his or her designee is authorized to execute investment activities.

#### e. Objectives

- i. The County's objectives in managing the investment portfolio, in order of priority, are safety, liquidity, and yield.

##### 1. Safety

- a. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To best mitigate against credit risk (the risk of loss due to the failure of the security issuer) diversification is required. To best mitigate against interest rate risk (the risk that changes in interest rates will adversely affect the market value of a security and that the security will have to be liquidated and the loss realized) the second objective, adequate liquidity, must be met.

##### 2. Liquidity



## II. Asset Liability Management Policies



### II. Asset Liability Management Policies

- a. The investment portfolio shall remain sufficiently liquid to meet all operating and debt service cash requirements that may be reasonably anticipated. The portfolio will be structured so that securities mature concurrent with cash needs (static liquidity), with securities with an active secondary market (dynamic liquidity), and with deposits and investments in highly liquid money market and mutual fund accounts.

#### 3. Yield

- a. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary, economic and interest rate cycles, taking into account investment risk constraints and liquidity needs.

#### f. Ethics and Conflicts of Interest

- i. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose to the County Manager any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial or investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the County.

#### g. Authorized Financial Dealers and Financial Institutions

- i. The Finance Director will maintain a list of financial institutions that are authorized to provide investment services. Authorized financial institutions will be selected by credit worthiness. These may include "primary" dealers or regional dealers that qualify under SEC Rule 15C3-1 (uniform net capital rule).

#### h. Any financial institutions and broker dealers that desire to become qualified to conduct investment transactions with the County must supply the Finance Director with the following:

- i. Audited financial statements;
- ii. Proof of National Association of Securities Dealers certification;
- iii. Proof of State registration; and
- iv. Certification of having read the County's Investment Policy.

#### i. Any previously qualified financial institution that fails to comply or is unable to comply with the above items upon request will be removed from the list of qualified financial institutions.

#### j. The Finance Director shall have discretion in determining the number of authorized financial institutions and may limit that number based upon the practicality of efficiently conducting the investment program. The Finance Director shall also have the discretion to add or remove authorized financial institutions based upon potential or past performance.

#### i. Internal Control

- 1. The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and that the valuation of costs and benefits requires the use of estimates and judgments by management.



ii. Collateralization

1. Collateralization is required for certificates of deposit. North Carolina General Statutes allow the State Treasurer and the Local Government Commission to prescribe rules to regulate the collateralization of public deposits in North Carolina banks. These rules are codified in the North Carolina Administrative Code – Title 20, Chapter 7 (20 NCAC 7). The Pooling Method of collateralization under 20 NCAC 7 allows depositories to use an escrow account established with the State Treasurer to secure the deposits of all units of local government. This method transfers the responsibility for monitoring each bank's collateralization and financial condition from the County to the State Treasurer. The County will only maintain deposits with institutions using the Pooling Method of collateralization.

iii. Delivery and Custody

1. All investment security transactions entered into by the County shall be conducted on a delivery versus payment basis. Securities will be held by a third party custodian designated by the Finance Director and each transaction will be evidenced by safekeeping receipts and tickets.

iv. Authorized Investments

1. The County is empowered by North Carolina G.S. 159-30(c) to invest in certain types of investments. The Board of Commissioners approves the use of the following types, the list of which is more restrictive than G.S. 159-30(c):
  - a. Obligations of the United States or obligations fully guaranteed as to both principal and interest by the United States.
  - b. Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Housing Administration, and the United States Postal Service.
  - c. Obligations of the State of North Carolina.
  - d. Bonds and notes of any North Carolina local government or public authority that is rated "AA" or better by at least two of the nationally recognized ratings services or that carries any "AAA insured" rating.
  - e. Fully collateralized deposits at interest or certificates of deposit with any bank, savings and loan association or trust company that utilizes the Pooling Method of collateralization.
  - f. Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligation.
  - g. Bankers' acceptance of a commercial bank or its holding company provided that the bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
  - h. Participating shares in a mutual fund for local government investment, provided that the investments of the fund are limited to those qualifying for investment under G.S. 150-30(c) and that said fund is certified by the LGC. (The only such certified fund is the North Carolina Capital Management Trust.)
2. Prohibited Forms of Investments
  - a. The use of repurchase agreements in the normal investment portfolio (not debt proceeds) is prohibited.



## II. Asset Liability Management Policies



### II. Asset Liability Management Policies

- b. The use of collateralized mortgage obligations is prohibited.
- c. The use of any type of securities lending practices is prohibited.

#### v. Diversification

- 1. Investments will be diversified by security type and by institution.
- 2. The total investment in certificates of deposit shall not exceed 25% of the County's total investment portfolio and the investment in certificates of deposit with a single financial institution shall not exceed \$3,000,000.
- 3. The total investment in commercial paper shall not exceed 10% of the County's total investment portfolio and the investment in commercial paper of a single issuer shall not exceed \$4,000,000.
- 4. The total investment in bankers' acceptances shall not exceed 10% of the County's total investment portfolio and the investment in bankers' acceptances of a single issuer shall not exceed \$7,000,000.
- 5. The Finance Director is responsible for monitoring compliance with the above restrictions. If a violation occurs, the Finance Director shall report such to the County Manager and to the Board along with a plan to address the violation.

#### vi. Maximum Maturities

- 1. To the extent possible, the County will attempt to match its investments with anticipated cash flow requirements. Beyond identified cash flow needs, investments will be purchased so that maturities are staggered.
- 2. The following maturity limits are set for the County's investment portfolio:
  - a. No investment will have a maturity of more than two years without authorization from the County Manager.
  - b. No more than 10% of the total investment portfolio will be invested with a maturity longer than one year but less than two years. Because the total investment portfolio may fluctuate due to cash flow needs, investments with a maturity up to two years may exceed the calculated total. If this should occur, investments should not be liquidated to comply with this policy but future investing with maturities up to two years shall be avoided until the designated level is achieved.

#### vii. Selection of Securities

- 1. The Finance Director or his or her designee will determine which investments shall be purchased and sold and the desired maturity date(s) that are in the best interest of the County. The selection of an investment will involve the evaluation of, but not limited to, the following factors: cash flow projections and requirements; current market conditions; and overall portfolio balance and makeup.

#### viii. Responses to Changes in Short Term Interest Rates

- 1. The County will seek to employ the best and most appropriate strategy to respond to a declining short-term interest rate environment. The strategy may include, but does not have to be limited to, purchases of callable "cushion" bonds, lengthening of maturities in the portfolio, and increases in the percentage of ownership of treasury notes relative to that of treasury bills.
- 2. The County will seek to employ the best and most appropriate strategy to respond to an increasing short-term interest rate environment. That strategy may include, but does not have to be limited to, purchases of "step-up" securities, shortening of maturities in the portfolio, the use of floating rate investments, and increases in the percentage of ownership of treasury bills relative to that of treasury notes.

#### ix. Performance Standards

- 1. The investment portfolio will be managed in accordance with the parameters specified within this policy. The investment portfolio will strive to obtain a market





## II. Asset Liability Management Policies

average rate of return within the constraints of the county's investment risk profile and cash flow needs.

2. The performance benchmarks for the performance of the portfolio will be rates of return on 90-day commercial paper and on three-year treasury notes.

### x. Active Trading of Securities

1. It is the County's intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal. However, if economic or market conditions change making it in the County's best interest to sell or to trade a security before maturity, that action may be taken.

### xi. Pooled Cash and Allocation of Interest Income

1. All monies earned and collected from investments other than bond proceeds will be allocated monthly to the various participating funds and component units based upon the average cash balance of each fund and component unit as a percentage of the total pooled portfolio. Earnings on bond proceeds will be directly credited to the same proceeds.

### xii. Market to Market

1. A report of the market value of the portfolio will be generated annually by the Finance Director. The Finance Director will use the reports to review the investment portfolio in terms of value and price volatility, as well as for compliance with GASB Statement #31.



### Accounting, Auditing and Financial Reporting Policies

#### General Policy

- I. The County will maintain accounting systems in compliance with the North Carolina Local Government Budget and Fiscal Control Act. The County will maintain accounting systems that enable the preparation of financial statements in conformity with generally accepted accounting principals (GAAP).
  - a. The basis of accounting within governmental funds will be modified accrual.
  - b. The basis for accounting within all Enterprise and Internal Service Funds will be the accrual basis.
- II. Financial systems will be maintained to enable the continuous monitoring of revenues and expenditures or expenses with monthly reports provided to the County Manager and the Finance Director. Financial summaries will be provided to the Finance Committee at their regularly scheduled meetings. Monthly expenditure/expense reports will be provided to each director and department head for their functional area and online, real time, view only, access to the financial system will be made available to department heads and other staff as much as practical and its use encouraged. On a periodic basis an interim financial update will be provided to the Board of County Commissioners.
- III. The County will place emphasis on maintenance of an accounting system which provides strong internal budgetary and financial controls designed to provide reasonable, but not absolute, assurance regarding both the safeguarding of assets against loss from unauthorized use or disposition and the reliability of financial records for preparing financial statements and reports, as well as the accountability of assets.
- IV. An annual audit will be performed by an independent certified public accounting firm that will issue an opinion on the annual financial statements as required by the Local Government Budget and Fiscal Control Act.
- V. The County will solicit proposals from qualified independent certified public accounting firms for audit services. The principal factor in the audit procurement process will be the auditor's ability to perform a quality audit. The County will enter into a multiyear agreement with the selected firm. Firms are not barred from consecutive contract awards.
- VI. The Finance Committee of the Board will serve as the standing audit committee. The committee will oversee the independent audit of the county's financial statements, from the selection of the auditor to the resolution of any audit findings. A staff report concerning the annual audit will be presented to the Committee and the Board of County Commissioners.
- VII. The Finance Department/Internal Auditor will conduct some form of internal audit procedures at least one time per year, specifically focusing upon cash receipts procedures.
- VIII. The County will prepare a CAFR. The CAFR will be prepared in compliance with established criteria to obtain the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting and will be submitted to that award program each year.
- IX. Full and complete disclosure will be provided in all regulatory reports, financial statements and debt offering statements.
- X. The County will use the CAFR as the disclosure document for meeting its obligation to provide certain annual financial information to the secondary debt market via various information repositories. The annual disclosure is a condition of certain debt covenants and contracts that are required by SEC Rule 15c2-12.
- XI. The Finance Department will maintain a Financial Procedures Manual as a central reference point and handbook for all financial, accounting and recording procedures.
- XII. The Information Technology Department will establish, document and maintain a Computer Disaster Recovery Plan and will provide for the daily backup of data and the offsite storage of the same.



## Swap Policy

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Use of synthetic debt transactions by use of swaps is permitted by Local Government Commission policy for selected counties and cities. Currently the County does not view synthetic debt transactions as consistent with its overall financial policies. The County will continue to review the potential for synthetic debt transactions using swaps and will adopt a formal swap policy to the extent needed in the future.



**Cumberland County**

**Section I – Board Approved Policies**

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

**Policy No. 3-2: Travel Policy**

**The travel policy was approved at the September 15, 2003 Board of Commissioners Meeting and revised on June 16, 2008 Board of Commissioners Meeting.**

**The policy was revised in December 2010 to comply with IRS Regulations regarding Meal Reimbursements associated with Daily Travel. See Item H of the policy.**

**1.0 PURPOSE**

The purpose of this policy is to establish standards and guidelines to help ensure that public funds are expended for travel only when it serves a public purpose. It is the intent of this policy to establish a reference regarding the payment or reimbursement of travel expense pertaining to official travel and subsistence for the County of Cumberland. Article V, Section 2(1) of the Constitution of the State of North Carolina requires that funds generated by taxation be spent for public purposes only.

An employee or board member traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds.

**2.0 SCOPE**

The scope of this policy should include the following: 1) the parties covered by the policy; 2) the definition of travel; 3) the procedures for approval; and 4) the rates for reimbursement. In addition the following applies:

- An employee or board member traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations, and services unnecessary in the performance of official business are not acceptable under this standard. Employees and board members will be responsible for unauthorized cost and any additional expenses incurred for personal preference or convenience.
- Non-employees (i.e. board members) traveling on County business shall be subject to the same policies and requirements as employees if the county is paying the expenses.

- Travel advances represent a payment of public funds to an employee or official for travel costs, which have not yet been incurred. Advances should be made for the minimum amount necessary, paid just prior to travel, and reconciled immediately at the conclusion of the travel. They are not to be used as interest-free loans.
- G.S. 14-247 states that it is illegal for a publicly owned vehicle to be used for a private purpose.
- G.S. 159-181 (a) states that any officer or employee of a local government or public authority who submits a written claim or approves a claim for funds that he/she knows to be false is guilty of a misdemeanor.

### **3.0 DEFINITIONS**

A general term that will have a specific meaning within the context of the travel policy should be defined. Once the term is defined, that definition becomes part of the travel policy.

- A. Authorizing Party – An individual authorized by this policy to approve or disapprove requests for travel, cash advances, travel reimbursements, etc. (Usually a department head).
- B. Employee's Duty Station - "Duty Station" is defined as the job location at which the employee spends the majority of his or her working hours. For an employee in travel status, the duty station should be the point where traveling begins the majority of the time (home or office).
- C. Reimbursements – To pay back previously incurred expenses to requesting parties. All reimbursement requests shall be submitted to finance within ten working days after the travel.
- D. Requesting Party – The person who will be reimbursed for travel costs incurred while conducting County business.
- E. Subsistence (Meals and Lodging) – Subsistence is an allowance related to lodging, meal costs, incidental expenses, and gratuities thereon.
- F. Transportation Expenses – Transportation expenses include personal vehicle, county vehicle, taxi, bus, train, airplane, auto rentals, tolls, and parking fees. All transportation expenses must be incurred by and for employees, board members or other eligible travelers while conducting official County business in order to be eligible for reimbursement.

- G. Travel – Travel is defined as going to and from the normal duty station to a site located outside the County to conduct County business. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party. All travel costs except airline tickets will be paid directly by the requesting party, and will be reimbursed by the County. The requesting party will be reimbursed for actual costs incurred only, subject to the limitations established in this policy.

#### **4.0 GENERAL GUIDELINES**

A. **In-State/Out-of-State Travel**

Travel is contingent upon the availability of funds in the departmental budget. Department heads are responsible for ensuring funds are available for travel within their departmental budgets and approving travel. Department heads shall ensure that all charges and expenses are in compliance with this policy.

B. **Multiple Employees Traveling to the Same Destination**

Two or more travelers traveling to the same destination are expected to make maximum use of joint transportation including taxicabs, County owned, leased, or privately owned vehicles.

#### **5.0 PROCEDURES**

##### **Specific Guidelines Relating to Travel Advances, Registration, Transportation, and Subsistence:**

A. **Travel Advances**

The requesting party must submit an approved Check Request (by the Department Head) to the County Finance Department (Finance) no later than the closing date of the check run with an issue date just prior to the start of travel. (Note: The Check Request should have supporting documentation such as a conference agenda.) The amount of the advance will not exceed eighty percent of the projected meals and the total cost of the lodging. The minimum advance will be \$50. After returning to work the employee shall submit an approved Travel Reimbursement form with appropriate receipts to Finance within ten working days. Excess travel advance funds will be repaid at this time. If the employee does not submit the Travel Reimbursement Form within ten working days then the advance amount will be deducted from the employee's next paycheck at the discretion of the Finance Director. If travel expenses exceed the travel advance, payment will be made on the next scheduled check run.



**B. Registration**

The County allows for registration fees to be reimbursed at the actual amount as shown by a valid receipt or invoice. They may be paid directly by the department or paid by the employee and then reimbursed. These fees are charged to a training line item. Charges resulting from the cancellation of conference registration shall be the County's obligation if the employee's registration has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to reimburse the County for registration fees paid. However, in the event of accidents, serious illness or death within the employee's immediate family, or other critical circumstances beyond the control of the employee, the employee is not expected to reimburse the County.

**C. Transportation**

Air Line Travel – Tickets for airline travel will be purchased through the County approved travel agency. Penalties and charges resulting from the cancellation of airline reservations (or other travel reservations) shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's immediate family, or other critical circumstances beyond the control of the employee, the County will be obligated to pay the penalties and charges.

Personal Vehicle – A requesting party may use his/her personal vehicle for travel and be reimbursed for actual mileage. The County reimburses mileage expenses at the IRS standard mileage rate. The Finance Director is authorized to make periodic adjustments for automobile mileage rates in accordance with current IRS regulations. Normal parking charges are reimbursable. Parking receipts or an explanation of why there is no receipt should be attached to the reimbursement request. Travel from your home to an out-of-town conference or training session is eligible for reimbursement from your home to the conference site and back home. See the section on **Daily Travel** for details on mileage reimbursement for daily travel.

Rental Vehicle – Must be authorized in advance by department head. Rental vehicles are to be used only in conjunction with approved transportation other than automobile, and a receipt is necessary for reimbursement.

County Vehicles – County vehicles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. The vehicle will be used in conducting County business only. A minimal amount of personal use, such as driving the vehicle to and from dinner, is permissible, when a County vehicle is utilized for overnight travel related to official County business.

**D. Overnight Travel – Subsistence**

The per diem rate for meals and incidentals for both in-state and out-of-state travel is based upon the standard rate or the rate specified by the primary destination. These rates are published by the US General Services Administration (GSA) for all destinations within the Continental United States (CONUS). Employees may be eligible for a higher per diem rate depending on the travel destination. A listing of the current rate is available on the County Intranet. If the travel destination has a rate above the standard rate, print the page that details the daily rate for that destination and attach it to the travel voucher.

The County will not require any receipts under the per diem method. The subsistence rate is inclusive of personal gratuities except baggage handling tips that may be claimed for porters at terminals and hotels, under the category of “other expenses”.

Meals included as part of a conference **will not** be included in the daily meal reimbursement. For example, if dinner for one day of the conference is included in the conference registration fee the requesting party cannot claim the dinner reimbursement for that day. A breakout of the meals and incidentals for the various per diem rates is provided in the table below.

<b>M&amp;IE Total</b>	<b>\$39 Standard</b>	<b>\$44</b>	<b>\$49</b>	<b>\$54</b>	<b>\$59</b>	<b>\$64</b>
<b>Breakfast</b>	\$7	\$8	\$9	\$10	\$11	\$12
<b>Lunch</b>	\$11	\$12	\$13	\$15	\$16	\$18
<b>Dinner</b>	\$18	\$21	\$24	\$26	\$29	\$31
<b>Incidentals</b>	\$3	\$3	\$3	\$3	\$3	\$3

Partial Days of Travel - Employees may receive allowances for meals for partial days of travel when the partial day is the day of departure or the day of return.

For employees in an overnight travel status, the per diem will be reduced to 75% of the normal amount on the days of departure and return. For example, if the destination has a per diem of \$39.00, the employee will receive \$29.25 on the days of departure and return. As noted above, the \$29.25 will be reduced by any meals included as part of the conference registration fee.

**E. Motel/ Hotel:**

Employee will be reimbursed for actual cost of motel/hotel at single occupancy rate. Receipts are required.

**F. Telephone:**

Work Related Long Distance Phone Calls – Work related long distance phone calls are reimbursable if approved by the Department Head in advance. However, where possible a phone card should be obtained from the Information Services Department for official use instead of hotel room phones. Individual calls over \$3.00 must be identified as to point of origin and destination.

Personal – Personal calls are not reimbursable.

**G. Internet Connection:**

Internet connection charges may be incurred only if approved in advance by the Department Head and be deemed necessary in conducting County business while away from the office.

**H. Daily Travel (Not Overnight)**

There will not be Reimbursement for meals under daily travel.

**I. Mileage Reimbursement**

The County reimburses mileage expense at the IRS standard mileage rate. The Finance Director is authorized to make periodic adjustments for automobile mileage rates in accordance with current IRS regulations. The IRS approved rate may change on a calendar year basis and generally becomes effective January 1 of each year. Normal parking charges are reimbursable. Parking receipts or an explanation of why there is no receipt should be attached to the reimbursement request.

To the extent possible, trips should be planned out in advance so that mileage is minimized. In order for mileage to be reimbursed, it must be substantiated with enough detail that the mileage claimed can be verified.

Transportation expenses between your home and your regular place of work are personal commuting expenses and are not eligible for mileage reimbursement. Employees who are called back into work on the same day will be eligible for mileage reimbursement. If you are required to travel from your regular place of work to client or job sites during the day, that travel is eligible for mileage reimbursement.



<b>County Office is Principal Place of Business</b>	
<b>Example</b>	<b>Eligible for Mileage Reimbursement</b>
Home to office or first work site	NO
Office or last work site to home	NO
First work site to subsequent work sites	YES
Employee called back to work after regular work hours	YES
Employee is called into work on the weekend	NO

<b>Home is Principal Place of Business</b>	
<b>Example</b>	<b>Eligible for Mileage Reimbursement</b>
Home to office or first work site	NO
Office or last work site to home	NO
First work site to subsequent work sites	YES
Employee called back to work after regular work hours	YES
Employee is called into work on the weekend	NO

#### **J. Processing and Approval of Reimbursement Requests**

**Submitting Expense Reports:** The requesting party will submit an approved (by the Department Head) Travel Reimbursement Form with attached receipts for expenses requiring reimbursement to Finance within ten working days after returning from travel. Advances will be deducted from reimbursable costs. (Note: If the purpose of the travel was to attend a conference/seminar, the program for the conference/seminar should be attached to the Travel Reimbursement Form.)

Finance will determine that the reimbursement form has been properly approved, that it is mathematically correct, that the requested reimbursements agree with submitted receipts or per diem amounts, and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.

Before the reimbursement is made, Finance will determine that there is a sufficient unexpended appropriation in the expenditure line item to pay the request for payment. The Finance Director will immediately inform the authorizing party and requesting party if payment cannot be made.

Reimbursements to the requesting party will be made in the next scheduled check run after the Travel Reimbursement is filed.

The following items are **NOT** reimbursable:

- Any miscellaneous expense not supported by a receipt.
- Meals included as part of a conference.
- Travel to and from duty station.
- Non-employee expense. (Unless non-employee is traveling on official County business.)
- Laundry, newspaper, entertainment, alcoholic beverages and snacks.
- Paid room service, valet and personal gratuities (exclusive of baggage handling tips).
- Any traffic fines.
- Any item which is not deemed a necessary or reasonable business expense.

A requesting party submitting a falsified Travel Reimbursement form will be subject to disciplinary action and criminal prosecution. An authorizing party or Finance Director who approves a falsified reimbursement form that they know to be false will be subject to disciplinary action or criminal prosecution. Violations of the County's travel policy may result in dismissal from County employment.

#### **K. Responsibilities of Travel Approvers**

Although the Finance Director is statutorily charged with stewardship of all taxpayer dollars, the fiscal integrity and credibility of our organization is the responsibility of all County employees and supervisors.

If you are approving a travel reimbursement request, whether or not you are the traveling employee's direct supervisor, you are attesting to the following:

1. That you have reviewed the reimbursement request in its entirety;
2. That the reimbursement request is accurate; and
3. That the travel is for a public (County business-related) purpose.

**L. Responsibilities of Finance Director**

The Finance Director is responsible for implementing and enforcing this Travel Policy, and to interpret it consistent with its spirit and intent, fiscal prudence and accountability. The Finance Director is authorized to approve travel reimbursements not specifically set forth above when he or she determines on the basis of substantial evidence that such reimbursement is necessary or appropriate to accomplish business of the County and is warranted in the circumstances. He or she shall document all such reimbursements and the justification therefore.

<END>



**Cumberland County**

**Section I – Board Approved Policies**

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

**Policy No. 3-3: Purchasing Policy (3.1 Local Preference Policy)**

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

**1.0 PURPOSE**

This manual has been developed as a resource for Cumberland County employees to follow when procuring goods and services on behalf of the County. The policy and procedures provided in this manual were established to ensure the fair and equitable treatment of all persons involved in public purchasing, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity, in accordance with North Carolina General Statutes (N.C.G.S).

**2.0 SCOPE**

This policy applies to all County employees conducting purchases on behalf of Cumberland County.

**3.0 POLICY**

**3.1 Local Preference Policy**

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

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

### **3.2 Purchase Orders**

All services and purchases in amounts of \$1,000 and more must have a purchase order prior to the purchase being made or the services being rendered. All purchases of goods in an amount greater than \$500 requires a document (invoice, quote, proposal, etc.) with sale details.

### **3.3 Purchases & Services**

#### Less than 1,000

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

#### \$1,000 – \$29,999.99

Department heads shall solicit proposals for services or purchases of apparatus, supplies, materials or equipment when the estimated cost is between \$1,000 - \$29,999.99. County Purchasing will review the purchase upon receipt of requisition to ensure compliance with County policies. County Purchasing may elect to solicit additional proposals on a random basis or if experience has revealed that a more favorable price is available.

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

#### \$30,000 – \$89,999.99

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

#### \$90,000 and Above

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

### **3.5 Purchase of Services**

#### \$30,000 and Above

**An Informal RFP** process is required for services estimated to cost \$30,000 or more. County Purchasing will review the proposal upon receipt of requisition to ensure compliance with county policies. County Purchasing may elect to solicit additional proposals on a random basis or if experience has revealed that a more favorable price is available.

### **3.6 Procurement Cards**

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

### **3.7 Contracts**

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

These signature requirements pertain to all contracts in which the county is obligated to expend funds, even if the funds have been approved by the Board of Commissioners in the original budget.

### **3.8 General Statute Compliance**

North Carolina general statutes allow local policy to be more restrictive than general statute. This policy is more restrictive regarding bid requirements of services and dollar thresholds for contractual signatures. Periodically, legislation results in changes to general statutes. This policy shall be automatically updated upon changes in general statutes referenced within this policy, except for bid requirements of services and dollar thresholds for contractual signatures.



#### **4.0 IMPLEMENTATION**

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

<END>

**Cumberland County**

**Section I – Board Approved Policies**

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

**Policy No. 3-4: Policy to Authorize the Write-Off of Internal Audit Discrepancies**

**The following policy was approved at the June 2, 2016 Finance Committee Meeting and approved at the June 20, 2016 Board of Commissioners Meeting.**

With the addition of another internal audit staff, reviews have been and will periodically be conducted to determine the balance of cash-on-hand compared to book balances throughout the County. The objective is to determine whether procedures and records are proper and adequate and to evaluate whether adequate and effective control processes exist. If / when discrepancies are noted during the reviews, follow-up will need to occur to adjust account balances to actual.

**1.0 PURPOSE**

The purpose of this policy is to establish authority to adjust discrepancies in account balances up to the designated amount as a result of Internal Audit reviews.

**2.0 SCOPE**

This policy shall apply to account balances for which an audit and/or reconciliation was completed by Internal Audit staff which results in a discrepancy that cannot be tied back to a particular staff having made the error and after all efforts to correct have been exhausted.

**3.0 STATEMENT OF THE POLICY**

Adjusting financial system account balances as a result of Internal Audit reviews shall occur after all efforts to correct have been exhausted by the following individuals within the noted limits:

- Finance Director - \$1,000 or less per account
- Board of Commissioners – amounts greater than \$1,000 per account

**4.0 IMPLEMENTATION**

Implementation of this policy shall be the responsibility of the Finance Officer.

<END>

**Cumberland County**

**Section I – Board Approved Policies**

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

**Policy No. 3-5: Policy on Special Funding Requests**

**The following policy was approved at the January 18, 2001 Policy Committee and approved at the February 5, 2001 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of this policy is to establish guidelines on special funding requests.

**2.0 SCOPE**

This policy shall apply as follows:

1. The organization must have a formal structure (not-for-profit, membership organization) that is affiliated with or sanctioned by a public entity.
2. The organization must have open nondiscriminatory membership.
3. The organization must represent recreation or the arts.
4. The activity/event for which funding is requested must be an extraordinary event bringing distinction to Cumberland County.
5. The activity/event must be an unsolicited honor bestowed on the organization by a state or national organization, or an honor won through competition.
6. The activity/event cannot be a “leisure activity”.
7. Participation in the activity/event cannot have been preplanned by the organization requesting funding.



8. The organization must be the only organization selected to represent the State of North Carolina.
9. The location of the activity/event must be at least 150 miles from Cumberland County and participation must require an overnight stay.
10. The activity/event cannot be a regular budgeted expense for the organization.
11. The organization must secure funding from multiple sources including public and private contributors.
12. The organization must submit a proposed budget showing objects of expenditure and sources of revenue for the activity/event.
13. The organization must submit a post activity/event actual expenditure and revenue recap.
14. The County's contribution cannot be more than 25% of the total cost of the activity/event and the maximum County contribution per participant cannot exceed \$50.00 (excluding chaperones, coaches and staff).
15. In the event the Special Funding Request is from a municipality, within Cumberland County, for the purpose of celebrating the 50<sup>th</sup> Anniversary or 50 Year increments thereof, the County's contribution cannot exceed \$1,000.\*

\*When Item No. 15 applies, Items 5, 6, 7, 8, 9 and 14 of the policy shall be waived.

Policy Committee Approved on January 18, 2001.

Board of Commissioners Approved on February 5, 2001.

<END>

## **Cumberland County**

### **Section I – Board Approved Policies**

#### **Subsection 4: Cumberland County Human Resources**

##### **Policy No. 4-1: Americans with Disabilities Act (ADA) Policy**

**This policy was approved at the May 2, 2013 Policy Committee Meeting and approved at the May 20, 2013 Board of Commissioners Meeting.**

### **1.0 PURPOSE**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), Cumberland County Government will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

### **2.0 SCOPE**

- 2.1 *Employment:* Cumberland County** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.
- 2.2 *Effective Communication:* Cumberland County** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **county** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

### **3.0 STATEMENT OF THE POLICY**

***Modifications to Policies and Procedures:* Cumberland County** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **county** offices, even where pets are generally prohibited.

#### **4.0     IMPLEMENTATION**

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **Cumberland County**, should contact the ADA Coordinator (listed below) Monday - Friday 8:00 am to 5:00 pm as soon as possible but no later than 72 hours before the scheduled event.

John F. Holmes, ADA Coordinator  
Cumberland County Human Resources Office  
117 Dick Street, Lower Level, Room 15  
P.O. Drawer 1829  
Fayetteville, North Carolina 28302-1829

Telephone Number (910) 678-7656  
Email: [jholmes@co.cumberland.nc.us](mailto:jholmes@co.cumberland.nc.us)  
TDD Telecommunication Unit for the Deaf (910) 678-7659.

The ADA does not require the **Cumberland County** to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **Cumberland County** is not accessible to persons with disabilities should be directed the ADA Coordinator.

**Cumberland County** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

#### **4.1     **Cumberland County Grievance Procedure under the Americans with Disabilities Act****

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **Cumberland County**. The county's Personnel Policy governs employment-related complaints of disability discrimination.



The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

John F. Holmes, ADA Coordinator  
Cumberland County Human Resources Office  
117 Dick Street, Lower Level, Room 15  
P.O. Drawer 1829  
Fayetteville, North Carolina 28302-1829

Telephone Number (910) 678-7656

Email: [jholmes@co.cumberland.nc.us](mailto:jholmes@co.cumberland.nc.us)

TDD Telecommunication Unit for the Deaf (919) 678-7659.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **Cumberland County** and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **County Manager** or his designee.

Within 15 calendar days after receipt of the appeal, the **County Manager** or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **County Manager** or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the **County Manager** or his designee, and responses from these two offices will be retained by the **Cumberland County** for at least three years.

<END>

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 4: Cumberland County Human Resources**

**Policy No. 4-2: Guidelines for the Appointment of Employees for Less than Full-Time Service**

**The following policy was approved at the June 2, 2011 Policy Committee Meeting and approved at the June 20, 2011 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The Policy Committee directed management to develop guidelines for certified and non-certified positions on temporary hires and part-time employees, regardless of whether they are retired. The following policy was approved by the Board of Commissioners at the June 20, 2001 meeting.

**2.0 SCOPE**

Employees may be appointed for less than full-time service when it is in the best interest of the County or the department in which such appointment is made to do so. Part-time or temporary appointments shall not be made for the convenience or accommodation of an employee unless approved in writing in advance by the County Manager.

**3.0 STATEMENT OF POLICY**

Conditions which might support such appointments include, without limitation, the following:

- (a) Seasonal work, such as mowing, or youth programs conducted only in the summer;
- (b) Budget constraints, such as not using general fund moneys to supplement the administrative allowance in grant funded programs when the amount of the administrative allowance is not sufficient to fund a full-time position;

- (c) Unanticipated temporary increases in the regular workload which cannot be completed without incurring overtime or compensatory time for full-time employees, such as the need for disaster assistance services on a scale beyond the capacity of the organization to provide;
- (d) The prolonged absence of a full-time employee whose duties cannot be readily absorbed by the other employees in the department, such as an employee on extended medical leave or receiving specialized training or certification;
- (e) A limited and temporary need for an employee with specialized skills, experience or certification, such as the contracted employment of such a person to transition Workforce Development to FTCC;
- (f) The maintenance of a pool of qualified employees willing to fill-in for absent regular employees on a short notice and for short durations due both (i) to the difficulty of scheduling operations requiring the continuous coverage of a minimum number of employees, such as the Detention Center, and (ii) to the occasional need to cover the absence of a regular employee and that position's backup personnel, such as at the County Manager's reception desk.

#### **4.0 IMPLEMENTATION**

Temporary or part-time personnel should not be used merely as a convenience to a department in substitution of the process of hiring and training qualified full-time employees for needed permanent positions. When making hiring decisions, department heads should consider their department's needs for the succession of qualified, trained employees to replace those employees who leave services.

<END>



**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 4: Cumberland County Human Resources**

**Policy No. 4-3: Workplace Violence Policy**

**The following policy was approved at the November 3, 2005 Policy Committee Meeting and approved at the November 21, 2005 Board of Commissioners Meeting.**

**Reference: NCGS 95-260 et. Seq**  
**Occupational Safety and Health Act of 1970**

**1.0 PURPOSE**

The County recognizes that employees are its most important asset, and that a place of employment is reasonably safe from violence and is fundamental to the well-being, health and productivity of our employees and citizens. The purpose of this policy is to:

- define prohibited acts of violence or threats of violence;
- give guidance to managers, supervisors and employees in recognizing and reacting to acts of violence or threats of violence;
- provide procedures to deal with acts of violence or threats of violence that may occur during business hours or on County premises; and
- provide for review and evaluation of incidents which occur.

**2.0 POLICY**

It is the policy of Cumberland County to prohibit workplace violence. The County does not tolerate any type of threats or acts of violence against persons and/or property committed by or against its employees. However, Cumberland County does not act as the guarantor of the safety of employees and other persons in its workplace. Cumberland County shall do the following:

- use reasonable efforts to deter the threat of workplace violence and to provide a safe workplace for employees and citizens
- seek to create a supportive work environment where employees feel comfortable discussing and seeking assistance with workplace violence
- commit to educating employees about workplace violence and provide an annual review
- handle all reports of violence in a confidential manner, with information released only on a need-to-know basis

It is the shared obligation of all employees to individually and jointly act to prevent or defuse actual or implied violent behavior at work. Employees who reasonably are aware of or have information pertinent to workplace violence but do not report it as provided in this policy shall be subject to disciplinary action up to and including termination of employment.

### **3.0 SCOPE**

This policy applies to all employees or anyone conducting business for or acting as a representative on behalf of Cumberland County while in any location related to County employment or conducting County business. This includes the workplace, client, customer and vendor premises and County sponsored events and activities. The workplace is any location, either permanent or temporary, where an employee performs any work-related duty. This includes but is not limited to buildings and the surrounding perimeters, including parking lots. It includes all county-owned, leased or donated space, including vehicles, and any location where County business or sponsored activity is conducted. This policy also applies to the conduct of an employee/representative while functioning in the course and scope of employment as well as any off-duty violent conduct supported by a rational correlation that has a potential adverse impact on a county employee's/representative's ability to perform their assigned duties and responsibilities.

### **4.0 DEFINITIONS**

Workplace Violence – any assaultive act within the workplace including intentional harassment, physical attack, communicating threats, and/or verbal or written threats of such acts, as well as actions that are perceived as violent or threatening and which investigation confirms were reasonably interpreted to be violent. Workplace violence may include, without limitation, stalking, threatening communications, bullying, intimidation, shoving, kicking, spitting or violation of restraining orders. Workplace violence does not include agitated bodily gestures or loud or rude verbalization in and of themselves, but would include that conduct directed at another person in such a manner as to put a person of reasonable fortitude in fear of harm. Workplace violence may be:

- “stranger” violence against an employee where a stranger to the workplace threatens or commits violence
- “client” violence against an employee where a client or customer threatens or commits violence
- “employee” violence between employees, including against a supervisor or manager. This may include subcontractors coming to the worksite
- “domestic” violence involving employees. This may include spouses or domestic partners coming to the worksite

Intimidation – is engaging in actions that includes but is not limited to behavior intended to frighten, coerce, or induce duress

Bullying – is unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate or demean the recipient.

Stalking – involves harassing or pestering an individual, in person, in writing, by telephone or electronic format. Stalking also involves following an individual, spying on them, alarming the recipient or causing them distress and may involve violence or the fear of violence.

Threat – is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.

Physical Attack – is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Domestic Violence – any assaultive act or threat of such act including physical attack communicating threats, and/or verbal or written threats of such acts by a person with whom the object of the assault or threat has a personal relationship. The personal relationship includes spouses, people who live together or date or who have been married, lived together or dated.

Property Damage – is intentional damage to property and includes property owned by the County, employees, visitors or vendors.

“Workplace Violence Reporting Form” – is the County authorized form to report occurrences of violence and/or threats of violence within the scope of this policy.

“Workplace Violence Assessment Team” (WVAT)– includes of a representative from each of the following: County Management; the affected department; Risk Management, Employee Assistance Program, County Attorney’s Office, Sheriff’s Office; Public Information Office and County Human Resources. WVAT is designed to assist in trying to prevent a difficult situation from escalating into violence. The team serves as a resource in assessing warning signs and potential threats and suggests possible strategies in response to acts of violence or threats of violence.

“Employer Workplace Violence Restraining Order”- is an order obtained pursuant to NCGS 95-260, Article 23.

#### Prohibited Actions and Sanctions:

It is a violation of this policy to:

- Engage in workplace violence as defined herein:
- Misuse authority vested to any employee of the County in such a way that it violates this policy.

Cumberland County reserves the right to search County vehicles, County work spaces and other County property.



**\*Advisory Note:** When a threat has been reported or management determines that a potential for violence exists, county management may require an employee to undergo an assessment to determine the risk of danger. This assessment will be conducted by making a supervisory referral to the county Employee Assistance Program.

#### Retaliation:

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

### **5.0 WORKPLACE VIOLENCE REPORTING PROCEDURES**

Any employee who experiences or witnesses any acts, conduct, behavior or communication in violation of this policy must:

1. Secure your own safety. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede. Do not try to handle a violent or potentially violent incident.
2. If the threat of violence is imminent, as soon as safely possible, contact law enforcement by your department's internal procedure or by calling 911 (9-911 from a County phone).
3. After contacting law enforcement or if the threat is not imminent inform their supervisor (unless the supervisor is alleged to have committed the reported act, in which case the report shall be made to the immediate supervisor of the alleged offender.)
4. The supervisor completes or causes to complete the Workplace Violence Reporting Form. When reporting the threat of violence, you should be as specific and detailed as possible.
5. Submit the Workplace Violence Reporting Form to your Department Head or designee.
6. The Department Head or designee will immediately submit the Workplace Violence Reporting Form to County Human Resources.

An employee that is alleged to have violated this policy, in consultation with County Human Resources, may be removed from the County work site until an investigation has been completed. At the end of the investigation, the Workplace Violence Assessment Team shall determine the County's official response.

#### Human Resources Response:

Upon receipt of the Workplace Violence Reporting Form:

- review the report and determine if activation of the Workplace Violence Assessment Team is required
- notify all members of the team of the impending threat, and nature of reported incident.
- assemble the team promptly and provide details of reported violence.
- monitor, track and record all incidences and action taken of workplace violence reports.

### Workplace Violence Assessment Team:

The Assessment Team, upon activation shall:

- Manage the response from the time of notification until the threat no longer exists
- Implement action to protect the employee in the workplace considering the various the levels of response, which may include, but not limited to, (no response, notifying EAP, removing the target from the work site, seeking an employer workplace violence restraining order, referral to law enforcement for investigative follow-up, and/or referral to law enforcement for incident response and intervention (including possibly for arrest and charge of a criminal offense).
- Strive to ensure both the needs of the victims and the department are addressed.
- Offer debriefing sessions as needed

### **6.0 MEDIA INQUIRIES**

Requests by the media for information regarding an act or threat of violence shall be directed to the County Public Information Officer. Such request should not be directed or responded to by any other county employee.

<END>

## **Cumberland County**

### **Section I – Board Approved Policies**

#### **Subsection 5: Cumberland County Information Services**

##### **Policy No. 5-1: Information Technology Management Policy**

**The following policy was approved at the September 6, 2007 Policy Committee Meeting and approved at the September 17, 2007 Board of Commissioners Meeting.**

#### **1.0 PURPOSE**

The purpose of this policy is to establish standards by which the Cumberland County Network shall be managed. This shall include, but is not limited to network security, data integrity, and the continuity of operations. In addition, this policy is to insure the proper allocation of funding for the acquisition of network equipment and services.

#### **2.0 SCOPE**

The scope of this policy is to include all buildings, departments, and/or personnel that have any connection to the Cumberland County Network where such connections are defined in the definitions section of this document. In addition, this policy is to also include any department that received any funding through or requiring approval of the Cumberland County Finance Department. Furthermore, this policy is inclusive of all Cumberland County Departments that fall within the realm of Cumberland County Management.

#### **3.0 DEFINITIONS**

- 3.1 Cumberland County Network refers to the production network that is used in the daily business of Cumberland County which includes any network that is connected to the corporate backbone, either directly or indirectly. This is inclusive of any network whose impairment would result in direct loss of functionality to Cumberland County employees or impact their ability to perform the work-related duties properly.
- 3.2 A department or building will be said to have a connection to the Cumberland County Network if any one of the following holds true:
  - 3.2.1 Any building under the department's management has an installed PWC switch which provides connectivity to the fiber backbone.



- 3.2.2 Any building under the department's management has an installed Metasys Control System for HVAC controls which is maintained by a Cumberland County Maintenance Department.
- 3.2.3 The department requires access to the Cumberland County Mainframe for keying time card information.
- 3.2.4 The department requires access to the Cumberland County Mainframe for keying budget data into applications such as BRASS.
- 3.2.5 The department has at least one employee who requires some type of access to the Cumberland County Network.
- 3.3 Network Equipment shall be defined as devices including, but not limited to routers, switches, hubs, firewalls, wireless access points, and wireless bridges. This shall include any device that controls communication or may affect, allow, or alter access to the Cumberland County Network.
- 3.4 Network Services shall be defined as services including, but not limited to internet service providers, frame relay, leased lines, PWC connections, wireless network connections, T1 lines for telephony, cable connections, and any other network or telecommunication service, lease, contract or product.

#### **4.0 PROCEDURES**

##### **4.1 General**

The Cumberland County Information Services (CCIS) Staff will be responsible for evaluating network product solutions, vendor contracts and obtaining quotes. CCIS will also be responsible for the planning, designing, or modifying of existing network infrastructure or new construction. For new construction, CCIS will coordinate the IT design in conjunction with the project Architect and/or IT Consultant.

All network equipment purchases will be processed through the Cumberland County Information Services Department.

All network maintenance and installations shall be performed by or with the expressed prior approval of the Cumberland County Information Services Department. The decision to perform work internally (using County Information Services Personnel), or through contract shall be at the discretion of CCIS.

#### 4.2 Unacceptable Use

The following activities are strictly prohibited:

- 4.2.1 Any network modifications, installation, or planning without approval from CCIS.
- 4.2.2 Logging into any switch, router, wireless device, or other network equipment by anyone other than a member of CCIS.
- 4.2.3 Purchasing any network device, equipment, or service by anyone other than a member of CCIS.
- 4.2.4 Entering into any contract regarding internet services, telephony services, communication related services, or other network contract by anyone other than a member of CCIS.

#### 4.3 Policy Revision

Modifications to this agreement as recommended by the Cumberland County Information Services Director may be approved by the County Manager.

#### 4.4 Penalty

Violations of this policy may be internally punishable by disciplinary measure up to and including termination of employment. Local, state and federal laws still apply to violators who commit a criminal offense.

<END>

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 5: Cumberland County Information Services**

**Policy No. 5-2: Print Management Policy**

**The following policy was approved at the November 1, 2012 Policy Committee Meeting and approved at the November 19, 2012 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of this policy is to implement a uniform and consistent approach to the allocation, access and usage of printing devices for business purposes with the intent of reducing costs, creating a sustainable strategy, and improve business efficiencies.

**2.0 BACKGROUND**

Printing documents and other materials is an essential business function for maintaining records, reporting and other communication requirements. While printing is necessary in certain circumstances, it should be limited and carried out in an efficient manner. Multi-function devices (MFDs) are more cost effective to operate than printers; therefore, the provision of printers must be based on business need. All staff should be encouraged to consider the need to print and should consider using or storing electronic copies where possible.

**3.0 SCOPE**

This policy applies to all employees of Cumberland County. This policy covers all printing devices and multi-functional devices (MFDs) owned or utilized by Cumberland County.

**4.0 POLICY**

- 4.1 Requests for printer approval will only be allocated to an individual or work group in exceptional circumstances, based on a business need substantiated and recommended by the Department Head/Director, justified by the respective IT Department, reviewed by County IT and approved by County Management.
- 4.2 The procurement card program guidelines prohibit the use of County credit cards for the purchase of printers and printer supplies.



## **5.0     ACCESS AND USAGE**

- 5.1     Printers should be used for business purposes only. Only the necessary pages in the document are to be printed and double-sided printing is to occur where possible.
- 5.2     Network printers will be made available to staff within close proximity to their work area.
- 5.3     A MFD should be used in preference to printers when producing a large number of copies. Substantial copies exceeding a volume of 500 should be directed to the County Print Shop.
- 5.4     Black-and-white prints should be made in preference to color prints.
- 5.5     The IT Department can work with the unit to create pass codes to release confidential information routed to MFDs upon request.
- 5.6     All MFDs have “scan to email” and “scan to folder” functions available which may limit hardcopies and manual distribution.

## **6.0     COLOR PRINTS**

- 6.1     Access to color prints will be allocated to staff identified by the Department Head/Director to process work related color print jobs.
- 6.2     MFDs with color copying/printing capability will be set to print in black-and-white only, with the ability to change the default setting for color printing allocated to the identified staff through an access code.
- 6.3     Documents, when deemed necessary, can be printed by the identified staff in color. In these circumstances, the following should occur:
  - Only the necessary pages in the document be printed in color
  - Color printing only be utilized where it is required to convey important information that may not be captured in black and white.

## **7.0    PROCUREMENT**

- 7.1    All printers must be purchased in accordance with Cumberland County Finance guidelines.
- 7.2    Requests for the purchase and allocation of printers will require the completion of a printer request form.
- 7.3    A printer request form should be completed by the requesting Department Head/Director which will substantiate the business purpose for the request. The completed form should then be provided to the respective IT department for justification prior to submission to County IS for review and to County Management for approval.

## **8.0    IMPLEMENTATION**

Existing Personal/Desktop printers may be continued to be used until they no longer work or existing printer supplies such as toner are depleted. Cumberland County Information Services and Departmental Information Services Department will audit the location and volume of all existing printers and make recommendations based on the criteria outlined in the policy. Department Heads and Directors are responsible for ensuring compliance within the provisions of this policy.

<END>

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 6: Cumberland County Outside Legal Counsel**

**Policy No. 6-1: Engaging Outside Legal Counsel**

**The following policy was approved at the October 3, 2013 Finance Committee Meeting and approved at the October 21, 2013 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of this policy is to establish the conditions under which outside counsel may be engaged for the provision of legal services to the county. Outside counsel shall mean any attorney who is not an employee of the county.

**2.0 SCOPE**

This policy shall apply to the engagement of any lawyer or law firm to provide legal services for which county funds shall be used to pay for the services provided.

**3.0 STATEMENT OF THE POLICY**

No county funds shall be expended to pay for legal services provided by outside counsel unless the lawyer or law firm providing the services has been engaged to provide the services by a written agreement describing the services to be provided and the fee arrangement and which has been approved by the Board of Commissioners before the provision of services commences. When appropriate, Board approval may be obtained in closed session.

**4.0 IMPLEMENTATION**

Implementation of this policy shall be the responsibility of the Finance Officer.

<END>



**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 7: Cumberland County Public Utilities**

**Policy No. 7-1: Public Utilities Division Delinquent Account Policy**

**The following policy was approved at the June 4, 2015 Policy Committee Meeting and approved at the June 15, 2015 Board of Commissioners Meeting.**

**1.0 PURPOSE**

The purpose of the Delinquent Account Policy is to set forth uniform collection actions for all of the Cumberland County Water and Sewer Districts. The policy establishes the steps that will be taken should an account become delinquent.

**2.0 SCOPE**

The policy will be for all existing and future Water and Sewer Districts created by the Cumberland County Board of Commissioners.

**3.0 STATEMENT OF THE POLICY**

The Public Utilities Division will take the following steps to collect past due payments from the customers:

**Water Customers and Sewer Customers with Elder Valves**

1. Send a cutoff notice (regular mail) informing the customer that payment needs to be paid by 5:00 PM the day prior to the cutoff date stated on the notice. In addition, the customer will receive a door hanger at the service address on the day prior to the cutoff date stated on the notice.
2. If no payment is made, the customer will then be disconnected from the service. Service will not be restored until all outstanding bills and charges are paid, and all service or reconnection charges are paid in accordance with the rate currently in effect and approved by the Board of Commissioners of Cumberland County.

3. For sewer customers, the Environmental Health Division of the Cumberland County Health Department will be notified that sewer service has been disconnected which in turn may render the residence uninhabitable.
4. Accounts delinquent over 90 days and in excess of \$50.00 will be submitted to the NC Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.
5. Accounts delinquent in excess of \$200 will then be sent to Small Claims Court to seek judgment against the customer.
6. Any returning customer with a previous debt and who is legally responsible shall be required to pay the debt before being allowed to sign up for a new service.

#### **Sewer Customers without Elder Valves**

1. Send a cutoff notice (regular mail) informing the customer that payment needs to be paid by 5:00 PM the day prior to the cutoff date stated on the notice. In addition, the customer will receive a door hanger at the service address on the day prior to the cutoff date stated on the notice.
2. If no payment is made, Public Utilities staff will then place a work order to have an elder valve installed to disconnect the service. Service will not be restored until all outstanding bills and charges are paid, and all service or reconnection charges are paid in accordance with the rate currently in effect and approved by the Board of Commissioners of Cumberland County.
3. The Environmental Health Division of the Cumberland County Health Department will be notified that sewer service has been disconnected which in turn may render the residence uninhabitable.
4. Accounts delinquent over 90 days and in excess of \$50.00 will be submitted to the NC Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.
5. Accounts delinquent in excess of \$200 will then be sent to Small Claims Court to seek judgment against the customer.
6. Any returning customer with a previous debt and who is legally responsible shall be required to pay the debt before being allowed to sign up for a new service.

**Customers Not Connected and Only Paying Availability Fee**

1. Accounts delinquent over 90 days and in excess of \$50.00 will be submitted to the NC Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.
2. Accounts delinquent in excess of \$200 will then be sent to Small Claims Court to seek judgment against the customer.
3. Any returning customer with a previous debt and who is legally responsible shall be required to pay the debt before being allowed to sign up for a new service.

<END>



**Cumberland County**

**Section 1 – Board Approved Policies**

**Subsection 7: Cumberland County Public Utilities**

**Policy No. 7-2: County Financial Participation in Water and/or Sewer Utility Line Extensions**

**The following policy was approved by the Safe Water Task Force on November 4, 2009, was approved at the December 3, 2009 Policy Committee Meeting and approved at the December 21, 2009 Board of Commissioners Meeting.**

It is the policy of the Cumberland County Board of Commissioners to consider financial assistance in projects to provide for the extension of water and/or sewer utility lines based on the following project classifications. However, in locations that are near or are located within a Municipal Influence Area (MIA), the County will encourage the municipality to extend its service to the area requesting water and/or sewer service.

**PROJECT CLASSIFICATIONS**

**SPECIAL ASSESSMENT BY PETITION (WATER AND/OR SEWER)**

This policy allows for property owners to request assistance from the Board of Commissioners to undertake a project to provide the requested services. Special Assessments for water and/or sewer extension projects are authorized by State Statute (§ 153A-185) to allow for the County to finance the project. If petitioned to do so by a majority of the property owners, the County Board of Commissioners may authorize loaning County funds, if available, to finance the project on behalf of the property owners. If the loan is authorized, the majority of the property owners in the project area must agree to a special assessment levied on their property for a term and interest rate to be set by the Board of Commissioners prior to initiating the project. For this type of project, the entire cost of the project is to be paid for by the property owners with no financial participation from the County other than to provide the loan. The Commissioners may consider County participation on a case-by-case basis, when the assessments pose an undue burden on the property owners.

**PROJECTS IN COMMUNITIES WITH CONTAMINATED WATER SUPPLY SYSTEMS (WATER)**

In communities where water supply systems have been identified as being contaminated to the extent that the water is not safe to use, it is the policy of the Board of Commissioners to attempt to locate grant or program funds to assist the property owners to obtain public water. In the absence of grants and/or loans from other funding agencies, the County may consider participating in the project cost on a case-by-case basis.

## **SEWER PROJECTS IN COMMUNITIES WITH FAILED SEPTIC TANK SYSTEMS (SEWER)**

Sewer Projects due to failed septic tank systems, as determined by the Cumberland County Health Department, will be evaluated on a case-by-case basis. In the event this is an isolated case or that sewer service is not readily available, there will be no financial participation by the County to remedy or repair the failed system. In the event the Health Department has proceeded with actions declaring multiple properties in the same area uninhabitable, the County will attempt to secure grants and low-interest loans from State and Federal programs to extend public sewer. Financial participation in these projects by the County will be evaluated on a case-by-case basis.

## **INDIVIDUAL PROPERTY OWNER REQUEST (WATER AND/OR SEWER)**

It is the policy of the Board of Commissioners not to participate in individual property owners' requests for assistance other than in projects outlined above.

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*Recommended Approval by the Safe Water Task Force - November 4, 2009*

*Recommended Approval by the Board of Commissioners Policy Committee – December 3, 2009*

*Approved by the Board of Commissioners – December 21, 2009*

<END>

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 8: Economic Development**

**Policy No. 8-1: Joint Economic Development Policy**

**The Joint Economic Development Policy is attached and was approved at the  
June 3, 2010 Policy Committee Meeting and approved at the  
June 7, 2010 Board of Commissioners Meeting.**

<END>



## Economic Development Program

Cumberland County and the City of Fayetteville have determined that it is in the best interests of their residents and constituents to implement an economic development program to attract and support private investment to:

- Expand the tax base;
- Redevelop economically challenged areas of the community;
- Increase employment opportunities, wages, and personal incomes;
- Improve the quality of life available to their residents; and
- Increase wealth in the community.

The ultimate objective of this work is to develop a healthy and diverse tax base able to provide the resources necessary for Cumberland County and Fayetteville to provide high quality public services consistent with their missions at a reasonable cost to their residents.

This effort will be coordinated and led by the Fayetteville-Cumberland County Chamber of Commerce (FCCCC). The purpose of this document is to establish the composition and boundaries of that program.

### Organization:

FCCCC will serve as the primary point of contact for economic development projects under consideration for this program throughout the process of Application, Review, and Evaluation (except as otherwise noted below). The FCCCC will manage and coordinate the receipt of application materials and when appropriate make a written recommendations and/or oral presentations to the City Council and Cumberland County Commission as to the eligibility and suitability of each proposal. The FCCCC will not only serve as the initial point of contact for those interested in accessing this incentive program, but will also promote the program.

The FCCCC will pre-screen applicants for preliminary eligibility and provide early notification to the offices of the City and County Managers at the point it appears a potentially qualifying project has begun its due diligence process for sites in Fayetteville and Cumberland County. All proprietary information is to be retained by the FCCCC until such point as the developer authorizes public dissemination of the subject information.

The final decision as to eligibility and suitability leading to a decision to apply any of the development incentives herein to any particular project rests with the City Council of the City of Fayetteville and the Cumberland County Commission.

While the FCCCC will have primary responsibility for project review and incentive plan development, they will do so in coordination with the City and County managers' offices and with technical support from relevant City and County subject matter experts.

Projects eligible for assistance may receive a combination of the incentives described herein dependent on the project's documented need for assistance, and the projected benefit to the community's economy and quality of life.

The FCCCC may also provide development assistance for eligible projects, including, but not limited to:

- Providing meeting space during planning, negotiation and construction process; and



- Providing project management personnel for local resource guidance, workforce development, facility assistance and government/community interface

The FCCCC is also expected to seek support for economic development projects through federal, state, and other local agencies

Public Purpose:

All projects supported by economic development incentives recommended by FCCCC must serve a Public Purpose. The Public Purposes to be served through the application of this program will include:

- Expanding the tax base by increasing the value of taxable property;
- Increasing employment opportunities, wages, and personal incomes;
- Diversifying the economic base of the community improving economic stability;
- Redeveloping economically challenged areas of the community and removing blight in key corridors identified by one of the jurisdictions;
- Supporting the development of facilities necessary to fill the needs identified by the BRAC RTF Comprehensive Regional Growth Plan for the Fort Bragg Region (September 2008); and
- Improving the quality of life available to Fayetteville and Cumberland County residents.

Economic Justification

The FCCCC will review all requests for incentives to evaluate eligibility of the type and amount of assistance requested. This will include identification of the public purpose(s) to be served by the project and must be supported by evidence that without the assistance requested the project could not be developed with the attributes and benefits necessary to serve the identified Public Purpose.

This will include scrutiny of the gap analysis provided by the applicant's independent financial analysis. The economic impact analysis will forecast the projected outcomes from a particular project, including, but not limited to, job generation, and direct and indirect economic impacts in the community for ongoing operation of the facility. The analysis will be used in consideration of approval of the project as well as in drafting potential terms of the Economic Development Incentive Agreement if approved for the program. The FCCCC will provide a written recommendation to the City and County regarding project eligibility and level and type of assistance.

General Eligibility Criteria:

Projects must be:

- located within the City limits of Fayetteville (for City incentive programs) and/or Cumberland County (for all programs);
- permitted under existing zoning and land-use regulations applicable to the subject property without subsequent action by the City Council or County Commission; and
- subject to property tax.

Programs:

Without precluding exploration of unique or evolving economic development projects, economic development activities will focus on meeting the needs of potential projects through the following programs:



#### Property Tax Grantback Program (City & County)

The Property Tax Grantback program provides a successful applicant a series of grants based upon ad valorem taxes actually paid and is subject to the following:

Property Tax Grantback benefits will only be paid for completed, operational projects meeting the terms of the Economic Development Incentive Agreement ("EDIA") and that remain in compliance with all applicable codes, regulations, and requirements including but not limited to those associated with environmental, building, zoning, property maintenance, and specific terms or standards established in the EDIA.

The Property Tax Grantback benefits will be determined based on the documentation of financial need and the Property Tax Grantback Incentive Program Table (Attachment A). The Grantback benefit will be a function of the increased property value over the initial land value as determined by the County Tax Administrator for each year of eligibility. In order for projects to remain eligible, all property taxes must be paid on time in accordance with standard City and County requirements. Eligible projects will receive a Property Tax Grantback payment in accordance with the terms set out in the EDIA.

#### Tax Increment Funded Public Infrastructure Program (City & County)

Public infrastructure required to support a privately financed project may be funded through the dedication of future ad valorem tax revenue (Synthetic "TIF"). The funding provided shall not exceed the amount that can be retired by a dedication of fifty percent (50%) of the projected increase in ad valorem revenue of the property supported by the public infrastructure project over a period of twenty (20) years. Any funding for the public infrastructure project not covered by this program must be secured to the satisfaction of the City and/or the County prior to commitment of public resources.

Examples of eligible public infrastructure projects include transportation, stormwater, recreation, and parking improvements. In all cases, the resulting improvement must be dedicated to the City or County for public benefit, use and operation upon completion. The design of the public improvement project must be approved in advance and estimated cost must exceed \$3 million. Any ongoing operational or maintenance requirement for developed improvements must be addressed in the EDIA. Required conditions precedent and other guarantees that may be required to ensure the anticipated tax revenue is generated will also be set out in the EDIA. The project applicant must not seek any other incentive that could result in reducing the tax revenue available to support repayment of the debt incurred to support the construction of the public infrastructure project.

#### Property Price Grantback (City & County)

City and/or County owned property acquired and prepared for development or redevelopment may be made available for a price established by market appraisal or as authorized by N.C.G.S. 158-7.1. The purchase price may, however, be granted back to the developing entity or purchase payments forgiven based upon job creation and other Public Purposes as defined and consistent with terms established in the EDIA.

#### Support Programs: (City)

The FCCCC will promote the following programs, but will refer applications to the Community Development Department of the City of Fayetteville for processing.

Downtown Loan Program



This program is designed to recruit small businesses to the downtown Fayetteville Renaissance Plan area. Loans are available for existing or expanding small businesses to purchase, renovate or construct a downtown commercial property. The minimum loan is \$50,000 and the maximum is \$300,000. The City partners with six banks to fund this loan pool. The City puts in 40% of each loan and offers an attractive fixed interest rate of 4% and the banks share the other 60% at variable prime.

#### Business Assistance Loan Program

This program is available to small businesses investing anywhere within the City limits. It offers assistance with gap financing or down payment assistance. The business owner would first make application to a bank for a primary loan and after being approved and identifying a gap in financing, can then make application to this program. The City's loan can be up to \$125,000 or up to 25% of the total loan funds needed. The City offers a low fixed interest rate of 5% and an even lower rate of 3% if the business is located within one of the City's redevelopment plan areas.

#### Façade Improvement Grant Program

This program encourages downtown businesses as well as those located within any of the City's redevelopment plan areas to improve the exteriors of their commercial property. The City will provide a 50% matching reimbursement grant up to a maximum of \$5,000 for each project.

#### Urban Progress Zones

This incentive program provides economic incentives to stimulate new investment and job creation in economically distressed areas. The designation of these zones offers an enhancement to the Article 3J state tax credits that are available to eligible taxpayers. The City of Fayetteville has two Urban Progress Zones that are effective beginning January 1, 2010 through December 31, 2011.

#### Development Eligibility & Review/Evaluation Criteria

To be eligible for this program, the proposed project must identify:

- the financial and technical capacity of the development team as demonstrated by past participation/responsibility for projects of the type proposed;
- the location, site characteristics and preliminary sketch site design;
- the proposed LEED elements to be incorporated into the development, construction and operation of the facility;
- number and type of FTE jobs to be created;
- the preliminary project budget;
- the physical and operational/service elements that will result in the project being eligible for this program;
- the type(s) and fiscal impact estimates of the proposed incentives;
- unique benefits or public contributions to be provided by the project in excess of regulatory requirements;
- a professional independent financial analysis that will determine whether financial gaps exist justifying participation in the incentive program. The entity chosen for the financial analysis must be pre-approved by the City or County Manager; and
- any other information that may be requested by the City or County.



### Economic Development Incentive Agreement

In the event that preliminary approval of a project for this program is provided, an Economic Development Incentive Agreement ("EDIA") will be drafted providing further detail of the physical and operational attributes of the entire scope of development. In addition, the responsibilities of the Developer and City and/or County will be clearly defined along with appropriate timelines for performance and remedies for breach of contract. Public funds will not be expended for any project specific improvements until a current and favorable market feasibility analysis is completed by an independent, nationally recognized third party expert demonstrating the viability of the proposed project and the developer demonstrates the irrevocable financial commitments necessary to carry out the project as agreed upon.

Additionally, once an incentive package has been approved, construction on a project must commence and be completed in accordance with the terms of the EDIA..

The EDIA will also include specific provisions to recapture the value of incentives provided should the project fail to provide the negotiated public benefit as defined in the EDIA and as demonstrated by specific performance objectives established in the EDIA.

### Property Tax Grantback Incentive Program Table

The following table provides grantback eligibility guidelines based upon the scoring categories provided below:

Minimum Score	50	60	70	80	90
Year	Level 1	Level 2	Level 3	Level 4	Level 5
1	50%	60%	70%	80%	90%
2	50%	60%	65%	70%	80%
3	50%	55%	60%	60%	70%
4	50%	55%	55%	55%	60%
5	50%	50%	50%	50%	50%

The maximum value from each scoring category is provided below:

- |   |           |
|---|-----------|
| 1. Jobs (Number, Quality, Hiring Residents) | 40 points |
| 2. Project Location                         | 25 points |
| 3. Capital Investment:                      | 20 points |
| 4. Environmental Impact:                    | 10 points |
| 5. Industry Cluster/Business Type:          | 10 points |
| 6. Public Benefit:                          | 10 points |

Depending on the score, new companies and existing company expansions will be eligible to qualify for, but not guaranteed, a financial incentive based on the percentages of annual property taxes paid for each year for a five year period as outlined above. With the exception of a 50 point minimum requirement for program eligibility, the table above and the point system below are important, but not controlling elements of the decision making process. Other qualitative

criteria identified elsewhere in this document will be used in the process of considering, approving, rejecting, and/or modifying the incentive amount.

Number of New Jobs Above the Median Wage	Points
1-9	1
10-20	2
21-50	5
51-75	7
76-100	9
101-150	12
150-200	15
200+	20
Total Possible Points	20
Quality of New Jobs	Points
Partial Employer Paid Health Insurance	1
Entire Employer Paid Health Insurance	3
Retirement Benefits	2
Profit Sharing	2
Employer Paid Vacation	2
Employee-Owned Company	3
Total Possible Points	10
Number of Existing County Residents Hired	Points
1-9	1
10-20	2
21-50	3
51-75	5
76-100	7
101-200	9
200+	10
Total Possible Points	10
Project Location	Points
Adopted Revitalization Zone	25
City or County Business/Industrial Park	10
Military Business Activity Zone	10
Total Possible Points	25
Level of Capital Investment	Points
Under \$500,000	1
\$500,000-\$4,999,999	5
\$5,000,000-\$14,999,999	10
\$15,000,000-\$24,999,999	15
\$25,000,000 and Above	20
Total Possible Points	20
Environmental Impact	Points



Reuse of Existing Building	4
Location in LEED Certified Building	4
Other sustainable features (recycling, water reuse, etc.)	2
Total Possible Points	10
Industry Cluster/Business Type	Points
Defense Industry Cluster	6
Company Headquarters	6
Verified Supply-Chain/Sourcing Relationship with Cumberland County	4
Total Possible Points	10
Public Benefit	
Dedication in excess of statutory requirements	5
Public infrastructure in excess of statutory requirements	5
Creation of 5 or more jobs for residents within 2 miles	10
Total Possible Points	10

COUNTY SEAL

RULES OF PROCEDURE

For

THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS

Adopted - August 17, 2009

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## RULES OF PROCEDURE

### I. APPLICABILITY OF RULES

#### Rule 1 Applicability of Rules:

These rules apply to all meetings of the Board of Commissioners of Cumberland County at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

### II. OPEN MEETINGS

#### Rule 2 Meetings to be Open:

The public policy of North Carolina and of Cumberland County is that the hearings, deliberations and actions of the Cumberland County Board of Commissioners and its committees be conducted openly.

#### Rule 3 Closed Sessions:

Notwithstanding the provisions of Rule 2, the Board may hold a Closed Session in accordance with G.S. 143-318.11.

The Board may go into Closed Session only upon motion made and adopted at an open meeting. The motion shall state the general purpose of the Closed Session and must be approved by a majority of Commissioners present and voting.

The County Manager, County Attorney and County Clerk, and their immediate staff, shall attend the Closed Session, unless expressly excluded in the motion. Other persons shall not attend the Closed Session unless expressly included in the motion or otherwise called into the Session.

### III. ORGANIZATION OF THE BOARD

#### Rule 4 Organizational Meeting

At the first regular meeting in December of the Board of Commissioners, the Board shall choose a Chairman and Vice Chairman.

At the first regular meeting in the month of December, following a general election in which county officers are elected, the Board shall conduct the following business:

- Approve the Minutes of previous meeting(s);
- Recognize outgoing Commissioners;
- Administer oath of office to new Commissioners;
- Elect Chairman and Vice Chairman;
- Recognize outgoing Chairman;
- Approve bonds for public officials;
- Approve Consent Agenda items as well as any necessary items of business.

Rule 5      Election of Chairman and Vice Chairman

The Chairman and Vice Chairman shall be elected annually for a term of one year and shall not be removed from that office unless he/she becomes disqualified to serve as a Commissioner or resigns from said position.

IV.      REGULAR /SPECIAL /EMERGENCY MEETINGS

Rule 6      Regular Meetings:

- First Monday of the Month at 9:00AM
- Third Monday of the Month at 6:45PM

If a regular meeting falls on a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified by the Board of Commissioners. (Note: The Board of Commissioners adopts its regular meeting schedule at its first regular meeting in December. The schedule is posted on the county website).

A public comment period shall be the first item of business at the 3<sup>rd</sup> Monday of the month meeting. Comments shall be limited to three minutes per person and the Board of Commissioners may adopt other rules for the conduct of the public comment period.

Meetings of the Board are held in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, unless otherwise specified by the Board of Commissioners.

The Board may change or cancel the time or place of a particular regular meeting by motion adopted and posted on the courthouse



bulletin board on the lower level of the courthouse and on the front door of the courthouse at least seven days before the change takes place. Notice of change must be sent to the County Sunshine List.

#### Special Meetings

The Chairman or a majority of the Board of Commissioners may at any time call a special meeting of the Board of Commissioners by signing a notice stating the time and place of the meeting and the subject(s) to be discussed. Forty-eight hours notice must be given. The Clerk shall cause the notice to be posted on the courthouse bulletin board on the lower level of the courthouse and on the front door of the courthouse, and placed on the desk and/or emailed or faxed to each commissioner and mailed, e-mailed or faxed to the Sunshine List. Only the item(s) specified in the Special Meeting Notice may be transacted, unless all members are present or those not present have signed waivers.

#### Emergency Meetings

The Chairman or a majority of the Board of Commissioners may call an emergency meeting to deal with an unexpected circumstance requiring immediate consideration. The person or persons calling the meeting shall cause notice of the meeting to be given to other Commissioners and the Sunshine List. Notice shall be given either by telephone or by the same method used to notify commissioners and shall be given immediately after notice has been given to the commissioners. Only business connected with the emergency may be discussed at the meeting, pursuant to G.S. 143-318.12(b)(3).

#### Work Sessions, Retreats, Committee Meetings

The Board may schedule work sessions, retreats, forums, conventions, committee meetings, and other informal meetings of the Board or of a majority of its members at such times and concerning such subjects as may be established by the Board. A schedule of such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Any meetings not held regularly are considered to be special meetings and the 48-hour rule of notice applies and notice shall be given as for special meetings.

### Sunshine List

Any individual and/or newspaper, wire service, radio station and television station desiring notice of all special/emergency meetings shall file a written request with the Clerk to the Board of Commissioners on an annual basis (December of each year). Requests made by persons other than the media are subject to a \$10.00 non-refundable annual fee. Requests by media are not subject to a fee.

#### Rule 7

### Location of Meetings

All meetings shall be held within the boundaries of Cumberland County, except as otherwise allowed by statute or herein.

A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. Proper notice of the meeting shall be given. At any such joint meeting, the Board reserves the right to vote as a separate Board on all matters coming before the joint meeting.

#### Rule 8

### Broadcasting /Recording of Meetings

Regular commissioners' meetings are cablecast live on Time Warner Cable. In addition, any radio or television station may broadcast all or any part of an official Board meeting. The County may adopt reasonable rules concerning the set up of these media in broadcasting or taping the meetings.

## V. AGENDA

#### Rule 9

### Agenda

The County Manager shall prepare the agenda for each regular, special or emergency meeting. A request to have an item of business placed on the agenda for a regular meeting should be received by the County Manager's Office by the close of business of the second Friday preceding the regular meeting day. Any Commissioner may, by a timely request, have an item placed on the agenda. Other requests to place an item on the agenda shall be at the discretion of the County Manager.

The agenda packet shall include the agenda document, any proposed ordinances or resolutions and supporting

documentation and background information relevant to the items on the agenda. A copy of the agenda shall be made available to each Commissioner no later than Thursday of the week preceding the regular meeting day. In most cases the packet will be available on Wednesday after 3:00 PM. Commissioners may pick up their packets in their office at the courthouse. If that is not possible the commissioner may call the Clerk or Deputy Clerk and request that it be delivered.

The County Manager may propose a consent agenda as part of the main agenda. The consent agenda may include those routine items of business that do not normally involve debate to include but not limited to:

- Approval of Minutes;
- Approval of Budget Revisions;
- Approval of Declaration of Surplus Property;
- Approval of granting right-of-way easements to NC DOT on county owned properties;
- Approval of Proclamations/Resolutions;
- Approval of adding streets to the NC DOT Road System for maintenance; and
- Other items as deemed appropriate by the County Manager.

Any member of the Board may ask questions about a consent agenda item or transfer it to the regular agenda.

The Board may by unanimous vote of all of the members present add an item to the agenda.

The agenda with packet information will be published on the County's website.

Actions taken by the Board and Minutes of Board meetings will be published on the website.

## VI. CONDUCT OF DEBATE

### Rule 10

#### Powers of the Chairman

The Chairman shall preside at all meetings. In the absence of the Chairman, the Vice Chairman shall preside. In the absence of the Vice Chairman, the Board may appoint someone to preside at the meeting.



The Chairman shall have the following powers:

- Rule on points of parliamentary procedure;
- Determine whether a speaker has gone beyond reasonable standards of courtesy in his/her remarks and to entertain and rule on objections from other members on this ground;
- Call a brief recess at any time; and
- Adjourn in an emergency.

The Chairman shall be a voting member of the Board. He/she may make and second a motion.

Rule 11      Action by the Board

The Board shall proceed by motion. A second to the motion is required in order for discussion to ensue. A motion shall be ruled dead by the Chairman if a second is not received within a reasonable period of time.

Rule 12      One Motion at a Time

A Commissioner may make only one motion at a time.

Rule 13      Substantive Motion

A substantive motion is out of order while another substantive motion dealing with another subject is pending.

Rule 14      Substitute Motion

A substitute motion or amended motion dealing with the same subject matter as the original substantive motion shall be acted upon prior to action on the original motion. A substitute motion must be germane to and may not be the opposite of the original motion.

Rule 15      Debate

The Chairman shall state the motion and open the floor for discussion, following a second to the motion.

Rule 16      Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast. Votes shall be recorded in the Minutes.

## Rule 17

### Procedural Motions

In addition to substantive motions, the procedural motions listed below in order of priority, and no others, shall be in order:

- Motion to adjourn. This motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. A motion to adjourn is not debatable.
- Motion to recess.
- Motion to follow the agenda. The motion must be made at the first reasonable opportunity or it is waived.
- Motion to suspend rules. This motion requires a two-thirds vote of the members present.
- Motion to divide a complex motion and consider it by sub-parts.
- Motion to defer consideration. A substantive motion whose consideration has been deferred expires unless a motion to revive consideration is adopted within one hundred days.
- Motion to call the previous question. This motion is not in order until there has been at least ten minutes of debate and every member has had one opportunity to speak.
- Motion to postpone to a certain time and/or day.
- Motion to refer to committee. Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported back to the Board.
- Motion to amend. An amendment to a motion must be germane to the subject of the main motion. A motion to amend must receive a second. Any amendment to a proposed ordinance must be presented in writing.
- Motion to revive consideration. This motion is in order at any time within one hundred days of a vote deferring consideration.
- Motion to reconsider. This motion must be made at the same meeting where the original vote was taken and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter, but is in order any time before adjournment.
- Motion to prevent reconsideration for six months. This motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six months or until the regular election of county commissioners, whichever comes first.

Rule 18      Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 19      Withdrawal of a Motion

The maker of a motion may withdraw it at any time before the Chairman puts it to a vote.

Rule 20      Duty to Vote

It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the Chairman who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

The effect of a tie vote is that the motion did *NOT* carry.

Rule 21      Prohibition of Secret Voting

No vote may be taken by secret ballot. The Clerk shall record the vote of each member in the minutes.

Rule 22      Action by Reference

The Board of Commissioners shall not deliberate, vote or otherwise act on any matter by reference to an agenda, or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted upon.

Rule 23      Introduction of Ordinances

A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the Board, and the introduction shall be recorded in the Minutes.

Rule 24      Adoption, Amendment or Repeal of Ordinances

To be adopted at the meeting where it is first introduced, an ordinance must be adopted by UNANIMOUS vote with all



members present. If the ordinance is not approved unanimously it must come before the Board for a second reading anytime within 100 days of its introduction. It may then be adopted by majority vote. (EXCEPTION: A Budget Ordinance, Bond Order or any ordinance requiring a public hearing before adoption may be adopted at any meeting by majority vote at which a quorum is present). Note: A FRANCHISE ORDINANCE must be adopted at two regular meetings.

Rule 25      Quorum

A majority of the Board shall constitute a quorum. The number required for a quorum is not affected by vacancies. A quorum is determined at the beginning of a meeting and is not broken by a Commissioner subsequently leaving.

Rule 26      Public Hearings

The time limit for each speaker at public hearings shall be three minutes. Except, for public hearings on rezoning cases, the total time limit shall be ten minutes for the proponent side and ten minutes for the opponent side (broken up into three minutes for each speaker or five minutes for a speaker representing a group, and if there is only one speaker, he/she may use five minutes). Persons desiring to speak at a public hearing must register with the Clerk prior to commencement of the meeting.

The Board of Commissioners reserves the right to limit the length of public hearings to avoid redundant or repetitive comment or testimony.

Rule 27      Minutes

Minutes shall be kept of all board meetings and all committee meetings.

Rule 28      Appointments – a County Commissioner vacancy, a Register of Deeds vacancy and a vacancy in the Office of the Sheriff

The Board shall fill county commissioner vacancies in accordance with G.S. 153A-27. A Register of Deeds vacancy shall be filled in accordance with G.S. 162-5. A vacancy in the Office of the Sheriff shall be filled in accordance with G.S. 162-5.

Appointments – Boards/Committees

The Board of Commissioners appoints citizens to serve on various boards/committees within the County. The procedure for making appointments shall be:

- All members appointed to a board/committee must maintain residence in Cumberland County.
- All appointments will be made in accordance with the Statute or Ordinance that created the board or committee, if applicable.
- No citizen may serve more than two appointed positions simultaneously or more than one appointive position if holding an elective position.
- No citizen may serve more than two consecutive terms on any board/committee (must be off at least one year before returning to board/committee). **Note:** the Board of Commissioners reserves the right to waive this requirement, based on special circumstances.
- If a person is appointed to serve an unexpired term, and serves less than half of the full term, he/she is eligible to serve two full terms. If the person serves more than half of the full term, that is considered to be one full term, and the person may only serve one additional full term.
- Unless otherwise provided by Statute, the Board of Commissioners may remove any appointee for cause, which may include chronic non-attendance at board/committee meetings.
- Appointee must uphold County policies pertaining to the work of the committee and comply with the County Code of Ethics.
- The Board of Commissioners will ordinarily nominate to fill vacancies at one meeting and appoint at the next meeting.
- The Board of Commissioners will accept recommendations for vacancies but is under no obligation to follow those recommendations.
- The Clerk's office maintains an applicant list for boards/committees; however, the Board may nominate/appoint someone who is not on the applicant list.
- Once the official appointment has been made, the Clerk's office will notify the person appointed, forwarding any necessary information to that person. Upon confirmation from the appointee of acceptance of the appointment, the

Clerk's office will notify the board/committee of the appointment.

- Applications for appointment to boards/committees are available in the Clerk's office and also on the County's website <http://www.co.cumberland.nc.us>.

#### Rule 30

##### Changes to Rules of Procedure

The Board may change these rules of procedure upon a vote of two-thirds of the entire membership of the Board. Changes shall be effective at the next regular meeting.

Suspension of the Rules shall require a two-thirds vote of the members present.



RICKEY L. MOOREFIELD  
County Attorney



ITEM NO. 4

PHYLLIS P. JONES  
Assistant County Attorney

**OFFICE OF THE COUNTY ATTORNEY**

5<sup>th</sup> Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829  
(910) 678-7762

**MEMO FOR THE AGENDA OF THE MAY 3, 2018,  
MEETING OF THE POLICY COMMITTEE**

**TO:** Asst. Manager Sally Shutt  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** April 25, 2018  
**SUBJECT:** Policy Governing Special Assessment Projects

**Requested by County Manager**  
**Estimate of Time Needed: 15 mins.**

**BACKGROUND:**

The County Manager requested the following policy proposal in response to a request from Chairman Lancaster. The policy is intended to provide a consistent response to citizens who request the county to consider an assessment project benefiting a small group of land owners or a community.

**Cumberland County Policy Governing Special Assessment Projects**

**1.0 PURPOSE**

The purpose of this policy is to establish the conditions under which the county may make special assessments against benefited property within the county for all or part of the costs of those county projects for which assessments shall be made pursuant to N.C.G.S. § 153A-185.

**2.0 SCOPE**

This policy shall apply to all county projects for which special assessments are authorized and shall be made pursuant to the provisions of N.C.G.S. § 153A-185. The only projects which are authorized for the imposition of special assessments are:

- (1) Constructing, reconstructing, extending, or otherwise building or improving water systems;

- (2) Constructing, reconstructing, extending, or otherwise building or improving sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;
- (3) Acquiring, constructing, reconstructing, extending, renovating, enlarging, maintaining, operating, or otherwise building or improving
  - (a) Flood and hurricane protection works; and
  - (b) Watershed improvement projects, drainage projects and water resources development projects (as those projects are defined in G.S. 153A-301).
- (4) Constructing, reconstructing, paving, widening, installing curbs and gutters, and otherwise building and improving streets, as the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets that are a part of the State maintained system located in the county as provided in G.S. 153A-205.
- (5) Providing street lights and street lighting in a residential subdivision, as provided in G.S. 153A-206.

### **3.0 STATEMENT OF THE POLICY**

No county assessment project shall be undertaken unless it meets all of the following conditions:

- (1) All assessment projects shall be designed by a N.C. licensed engineer. The engineer shall also certify that the project is a type of project that is authorized as an assessment project by N.C.G.S. § 153A-185.
- (2) The construction, reconstruction, extension, or otherwise building or improvement of any assessment project or any component of such assessment project shall only be done on real property that is owned by the county in fee simple; is subject to a perpetual easement to provide the county access to maintain, repair, replace or improve the project or component of the project; or is located within the rights-of-ways of the State Highway System pursuant to a recorded encroachment agreement granted to the county by the N.C. Department of Transportation.
- (3) Any property owners desiring the county to do an assessment project shall submit a written request for the project to the county manager. The request shall describe the project and the affected properties which will be subject to assessment if the county accepts the project. The county shall not accept a project unless the owners of more than 50% of the affected properties have requested the project. The county may request engineering studies or further information to be provided at

the cost of the requesting property owners before determining to accept the project.

- (4) The county may proceed with an authorized assessment project without any request from the affected property owners.
- (5) SL 2008-109 authorizes Cumberland County to authorize not more than 15 annual installments for the payment of an assessment; however, unless the average annual amount of all annual assessments in a project is more than 1% of the average value of all properties to be assessed, the number of annual installments for the payment of an assessment shall not be more than ten.

#### **4.0 IMPLEMENTATION**

Implementation of this policy shall be the responsibility of the County Manager through the appropriate county departments.

#### **RECOMMENDATION/PROPOSED ACTION:**

Consider the proposed policy for recommendation to the Board of Commissioners.



AMY H. CANNON  
County Manager

MELISSA C. CARDINALI  
Assistant County Manager



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

ITEM NO. 5

DUANE T. HOLDER  
Assistant County Manager

TRACY JACKSON  
Assistant County Manager

SALLY S. SHUTT  
Assistant County Manager

## OFFICE OF THE COUNTY MANAGER

### MEMO FOR THE AGENDA OF THE MAY 3, 2018 MEETING OF THE POLICY COMMITTEE

**TO:** POLICY COMMITTEE

**FROM:** TRACY JACKSON, ASST. COUNTY MANAGER

**THRU:** AMY CANNON, COUNTY MANAGER

**DATE:** APRIL 23, 2018

**SUBJECT:** CONSIDERATION OF STATE CDBG-DR WAIVER

**Requested by:** Amy Cannon, County Manager *Amy Cannon*

**Presenter(s):** Tracy Jackson, Asst. County Manager

**Estimate of Committee Time Needed:** 10 Minutes

#### BACKGROUND

The NC Department of Public Safety – Division of Emergency Management recently asked local counties to quickly respond as to whether it would allow the State to serve as the lead entity for the CDBG-DR program in the four counties hit hardest by Hurricane Matthew. Since there are separate Memorandums of Agreement (MOA) between Cumberland County and the State, and Cumberland County and the City of Fayetteville, Staff is bringing this matter to the Policy Committee for further consideration. The State contends it will have increased program speed, overall standardization, and will serve as a support to the resilient recovery of disaster survivors if the County agrees to cede lead entity to the State. Staff believes switching the lead to the State at this critical juncture will cause further delays in processing applications since existing MOA's will have to be amended and approved. Staff believes it is in the County's best interest to continue to serve as lead entity and to encourage the State to move CDBG-DR applications along to Step 4 of the 8-step NC Rebuild process as quickly as possible (see attachment for explanation of this process). The State has also offered to allow local governments to participate in its Construction Manager-at-Risk (CMR) contract for services. Staff believes this should be weighed further and not ruled out but

maintained as an option. Participation in the CMR program may save some time depending upon the amount of time and effort it would take to create a RFP and go through the bid process.

City of Fayetteville management and staff do not wish for the County to transfer lead entity status to the State.

**RECOMMENDATION/PROPOSED ACTION:**

Staff recommends forwarding this item to the full Board for consideration as a Consent Agenda item authorizing staff to respond to the State and requesting an exemption to cede lead entity status to the State for the CDBG-DR program.



1	<b>APPLICATION</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Call 2-1-1 to make appointment</li> <li>• Complete housing application</li> <li>• Provide required documents</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Verify application is complete &amp; sign</li> <li>• Certify applicant's income &amp; residence</li> </ul>
2	<b>ELIGIBILITY REVIEW</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Provide any additional documents (if needed)</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Verify primary &amp; lawful residence</li> <li>• Verify home not in foreclosure</li> <li>• Notify applicant if eligible or not</li> </ul>
3	<b>DUPLICATION CHECK</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Provide receipts &amp;/or proof of payment for completed work (if needed)</li> <li>• Notify RebuildNC of disaster assistance already provided</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Determine total disaster assistance already provided</li> <li>• Review receipts to verify use of funds</li> <li>• Determine amount of assistance available</li> <li>• Notify applicant how other benefits can impact grant amount</li> </ul>
4	<b>INSPECTION &amp; ENVIRONMENTAL REVIEW</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Have adult member of household home during inspection</li> <li>• Sign forms once inspection is completed</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Coordinate with applicant to inspect damaged home</li> <li>• Verify damages &amp; type of work to be done</li> <li>• Complete environmental review</li> <li>• Develop scope of work &amp; cost estimate</li> </ul>
5	<b>GRANT DETERMINATION</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Make appointment to review grant award</li> <li>• Sign documents to finalize grant offer</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Determine amount to be awarded to applicant. Applicants approved for reimbursement will receive a check</li> <li>• Prepare documents for applicant signature</li> <li>• Sign documents with applicant</li> </ul>
6	<b>CONTRACTOR SELECTION</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Schedule walkthrough for contractor if needed</li> <li>• Make appointment to sign contract agreement</li> <li>• Notify RebuildNC if temporary housing is needed</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Bid scope of work</li> <li>• Finalize construction agreement with contractor &amp; homeowner</li> <li>• Get any missing documents from homeowner</li> <li>• Ensure homeowner has temporary housing if applicable</li> </ul>
7	<b>CONSTRUCTION</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Sign forms during construction (inspections, change orders, etc.)</li> <li>• Verify work is completed</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Oversee construction work</li> <li>• Inspect progress</li> <li>• Verify change orders</li> <li>• Ensure home meets HUD standards</li> </ul>
8	<b>COMPLETION</b>	<b>My Role</b>	<ul style="list-style-type: none"> <li>• Have final walk-through with contractor &amp; ReBuildNC staff</li> <li>• Secure flood insurance (if in 100-year floodplain)</li> </ul>	<b>ReBuildNC will</b>	<ul style="list-style-type: none"> <li>• Verify construction is finished</li> <li>• Pay for initial flood insurance</li> <li>• Get final billing &amp; lien releases from contractor</li> <li>• Schedule &amp; attend final walkthrough with homeowner</li> </ul>