

# City of Fayetteville

433 Hay Street  
Fayetteville, NC  
28301-5537  
(910) 433-1FAY (1329)

## Meeting Agenda - Final City Council Regular Meeting

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Monday, June 8, 2020

7:00 PM

Council Chamber

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1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 APPROVAL OF AGENDA

6.0 CONSENT AGENDA

**6.01**      [20-1395](#)      Approval of Meeting Minutes:  
May 20, 2020 - Agenda Briefing  
May 26, 2020 - Regular Meeting  
May 28, 2020 - Budget Work Session  
May 31, 2020 - Emergency Meeting

**Attachments:**      [052020 Agenda Briefing](#)  
[052620 Regular](#)  
[052820 Budget WKS](#)  
[053120 Emergency Meeting](#)

**6.02**      [20-1374](#)      Public Transportation Agency Safety Plan (PTASP) Approval

**Attachments:**      [Public Transportation Agency Safety Plan \(FAST\) - rev. 06.03.20](#)

**6.03**      [20-1386](#)      Adoption of Special Revenue Fund Project Ordinance 2020-15 2020  
Coronavirus Emergency Supplemental Funding

**Attachments:**      [SRO 2020-15 Coronavirus Emergency Supplemental Funding 2020](#)  
[CESF-2020 Budget Worksheet](#)  
[COVID19 -AWARD REPORT](#)  
[COVID 19 Funding Program Narrative](#)

- 6.04**      [20-1402](#)      Approval of an Amendment to the FY 2020 Annual Action Plan and Adoption of Special Revenue Project Ordinance (SRO) 2020-16 to Appropriate Community Development Block Grant Award for COVID-19

**Attachments:**

[SRO 2020-16 CDBG-CV.pdf](#)  
[FY 2020 Substantial Amendment for COVID19](#)  
[CDBG-CV Award Notification Letter.pdf](#)

- 6.05**      [20-1401](#)      Bid Recommendation - Annexation Phase V Project XI, Area 24, Section A, Cliffdale Estates

**Attachments:**

[Bid Recommendation - Area 24-A - Cliffdale Estates](#)

## 7.0 PUBLIC FORUM

## 8.0 PUBLIC HEARINGS

*For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.*

### 8.01 [20-1396](#) Public Hearing on Proposed Fiscal Year 2020-2021 Annual Operating Budget

**Attachments:** [FY2021 Budget Public Hearing June 8 2020.pdf](#)

## 9.0 ADJOURNMENT

### **POLICY REGARDING PUBLIC HEARING AGENDA ITEMS**

Citizens wishing to provide testimony in response to a notice of public hearing or to participate in the public forum can obtain instructions to submit a statement by emailing [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us) or by calling 910-433-1312 for assistance. Individuals desiring to testify on a quasi-judicial public hearing must contact the City Clerk by 5:00 p.m. the day of the meeting to sign up to testify; instructions will be provided on how to appear before Council to provide testimony.

### **POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS**

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

### **CLOSING REMARKS**

### **POLICY REGARDING CITY COUNCIL MEETING PROCEDURES** **SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing thirteen (13) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

### **COUNCIL MEETING WILL BE AIRED**

**June 10, 2013 - 7:00 p.m.**  
**Spectrum Cable Channel 7**

Notice Under the Americans with Disabilities Act (ADA):

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations at [ynazar@ci.fay.nc.us](mailto:ynazar@ci.fay.nc.us), 910-433-1696, or the Office of the City Clerk at [cityclerk@ci.fay.nc.us](mailto:cityclerk@ci.fay.nc.us), 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 20-1395

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**Agenda Date:** 6/8/2020

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.01

**TO:** Mayor and Members of City Council

**THRU:** Telly C. Whitfield, Ph.D., Assistant City Manager

**FROM:** Pamela J. Megill, MMC, City Clerk

**DATE:** May 26, 2020

**RE:**

**Approval of Meeting Minutes:**

May 20, 2020 - Agenda Briefing

May 26, 2020 - Regular Meeting

May 28, 2020 - Budget Work Session

May 31, 2020 - Emergency Meeting

**COUNCIL DISTRICT(S):**

ALL

**Relationship To Strategic Plan:**

Develop and maintain strong community connections.

**Executive Summary:**

The Fayetteville City Council conducted meetings on the referenced date during which they considered items of business as presented in the draft.

**Background:**

The draft minutes are from the meeting held on the above mentioned date.

**Issues/Analysis:**

N/A

**Budget Impact:**

N/A

**Options:**

1. Approve draft minutes
2. Amend draft minutes and approve draft minutes as amended
3. Do not approve the draft minutes and provide direction to staff.

**Recommended Action:**

Approve the draft minutes.

**Attachments:**

Draft minutes

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
COUNCIL CHAMBER  
MAY 20, 2020  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (arrived at 5:07 p.m.); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7) (departed at 7:03 p.m.); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager  
Kristoff Bauer, Deputy City Manager  
Karen McDonald, City Attorney  
Telly Whitfield, Assistant City Manager  
Angel Wright-Lanier, Assistant City Manager  
Tracey Broyles, Budget and Evaluation Director  
Jay Toland, Chief Financial Officer  
Gerald Newton, Development Services Director  
Taurus Freeman, Planning and Zoning Manager  
Pamela Megill, City Clerk  
Members of the Press

## 1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:05 p.m.

## 2.0 APPROVAL OF AGENDA

**MOTION: Council Member Wright moved to approve the agenda with the addition of two (2) closed session items and an item to discuss the Food and Beverage Tax.**

**SECOND: Council Member Haire**

**VOTE: UNANIMOUS (10-0)**

## 3.0 AGENDA BRIEFING - Review of Items for the May 26, 2020, City Council Meeting

City staff presented the following items scheduled for the Fayetteville City Council's May 26, 2020, agenda:

### CONSENT

**Adoption of Capital Project Ordinance Amendments 2020-39 and 2020-40 to Reallocate Sidewalk Project Funding for the 71st School Road Sidewalk Project**

**Rescind Demolition Ordinance - 1734 Sandra Drive**

**Uninhabitable Structures Demolition Recommendations - Mobile Manor Mobile Home Park**

**Uninhabitable Structures Demolition Recommendations**

**1720 Long Street - District 2**

**1634 Tryon Drive - District 4**

**7424 Layton Drive - District 7**

**Airport - Accept CARES Act Grant Offer and Authorize City Manager to Execute**

**COVID-19 - Designation of Applicant's Agent - North Carolina Department of Public Safety and FEMA**

# DRAFT

## PUBLIC HEARINGS

**Consider Adoption of the 2040 Comprehensive Plan (Future Land Use Map, Plan, and Demographic Profile Report)**

### 4.1 CLOSED SESSION

**MOTION:** Council Member Davis moved to go into a closed session for an economic development item.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (10-0)

The regular session recessed at 5:44 p.m. The regular session reconvened at 7:14 p.m.

**MOTION:** Council Member Dawkins moved to go into open session.

**SECOND:** Mayor Pro Tem Jensen

**VOTE:** UNANIMOUS (10-0)

### 5.1 Consideration of Adopting a Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities

Ms. Tracey Broyles, Budget and Evaluation Director, presented this item and stated pursuant to the authority contained in Chapter 413 of the 1993 Session Laws, the Cumberland County Board of Commissioners levied a one percent (1%) tax on prepared food and beverages sold within Cumberland County, which is required by that law to be transferred to the Cumberland County Civic Center Commission exclusively for debt service and any other costs of acquiring, constructing, maintaining, operating, marketing and promoting the arena or expanded arena facilities. Cumberland County operates the Crown Complex which commenced operations in October 1997 and features a 10,000 seat coliseum, an Expo center with up to 60,000 square foot, a 9,200 square foot Ballroom, a 2,400 seat performing arts theatre, and an 11,500 square foot arena. All current outstanding debt issued for the construction and renovation of these facilities will be fully retired in December 2023. Cumberland County exclusively receives proceeds of occupancy taxes and prepared food and beverage taxes on sales within Cumberland County and its municipalities, and exclusively receives ABC Mixed Drink Surcharge and Profit Distributions from stores within Cumberland County and its municipalities. The City of Fayetteville is the only municipality of the ten largest in North Carolina that does not receive revenues from shared distributions from one or all of occupancy tax proceeds, prepared food and beverage tax proceeds or ABC mixed drink surcharges and profit distributions.

Residents of the Fayetteville make up two-thirds of the population of Cumberland County and is home to the majority of commerce for the county as well as Sandhills region. The City of Fayetteville has made significant investments in a downtown mixed-use stadium and supporting infrastructure to provide a regional entertainment venue to improve the quality of life and promote economic growth in the City, County and larger region.

Ms. Broyles provided a spreadsheet detailing the Occupancy Tax, Prepared Food and Beverage Tax and ABC Distributions to Cities and Counties in North Carolina.

Discussion ensued.

Consensus of Council was to direct staff to prepare a resolution for the May 26, 2020, regular Council meeting, and to contact Representative Floyd and check in with him on the status of this item.

### CLOSED SESSION

**MOTION:** Council Member Dawkins moved to go into closed session for a personnel matter.



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SECOND: Council Member Haire  
VOTE: UNANIMOUS (10-0)

The regular session recessed at 7:50 p.m. The regular session reconvened at 8:22 p.m.

MOTION: Council Member Dawkins moved to go into open session.  
SECOND: Mayor Pro Tem Jensen  
VOTE: UNANIMOUS (10-0)

6. ADJORNMENT

There being no further business, the meeting adjourned at 8:23 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

\_\_\_\_\_  
MITCH COLVIN  
Mayor

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
ZOOM MEETING  
MAY 26, 2020  
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3) (via telephone); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Kristoff Bauer, Deputy City Manager  
Telly Whitfield, Assistant City Manager  
Michael Hill, Fire Chief  
Gerald Newton, Development Services Director  
Tracey Broyles, Budget and Evaluation Director  
Jay Toland, Chief Financial Officer  
Rebecca Jackson, Strategic Performance Analytics Director  
Elizabeth Somerindyke, Internal Audit Director  
Pamela Megill, City Clerk  
Members of the Press

## **1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order.

## **2.0 INVOCATION**

The invocation was offered by Council Member Davis.

## **3.0 PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

## **4.0 ANNOUNCEMENTS AND RECOGNITION**

Mr. Scott Bullard, Emergency Management Coordinator, updated Council on internal measures being taken for emergency management and City employees as related to the Coronavirus pandemic.

Council Member Ingram announced the 2020 Census is still taking place and encouraged citizens to complete the census form.

Mr. Douglas Hewett, City Manager, announced there are two items that need to be added to the agenda this evening. The first item is a resolution supporting a share of the revenues we are currently excluded from and the second item is to make an amendment to the Emergency Bridge Loan Contract.

## **5.0 APPROVAL OF AGENDA**

**MOTION:** Council Member Wright moved to approve the agenda with the addition of Item 8.02, Consideration of Adopting a Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities, and Item 8.03, Amendment to Emergency Bridge Loan Contract.

**SECOND:** Council Member Haire

**VOTE:** UNANIMOUS (10-0)

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## **6.0 CONSENT AGENDA**

**MOTION:** Council Member Haire moved to approve the consent agenda with the exception of Item 6.06 for presentation and separate vote.  
**SECOND:** Council Member Ingram  
**VOTE:** UNANIMOUS (10-0)

### **6.01 Approval of Meeting Minutes:**

April 20, 2020 - Special  
April 27, 2020 - Regular  
May 4, 2020 - Work Session  
May 6, 2020 - Special  
May 11, 2020 - Regular

### **6.02 Adoption of Capital Project Ordinance Amendments 2020-39 and 2020-40 to Reallocate Sidewalk Project Funding for the 71st School Road Sidewalk Project**

Capital Project Ordinance Amendments 2020-39 and 2020-40 will reallocate \$131,620.00 from the FY 2019 sidewalk project ordinance to the 71st School Road sidewalk project ordinance. The additional funds are needed to proceed with a construction bid award (\$71,620.00) and to provide funding for unforeseen contingencies in the field (\$60,000.00).

### **6.03 Approval of Capital Project Ordinance Amendment 2020-42 and Special Revenue Fund Project Ordinance Amendment 2020-3 to Reallocate FTA Grant NC-2018-045-0 Funding Between Capital and Planning Expenditures**

Federal Transit Administration (FTA) grant NC-2018-045 was appropriated by City Council on August 27, 2018. Most of the grant project funds have been expended and the grant is almost ready for closeout. Staff submitted a grant budget revision to the FTA to facilitate final expenditures of the grant award by transferring funding from the capital to planning expenditure categories. The FTA has approved the grant budget revision and Council is now asked to approve Capital Project Ordinance Amendment 2020-42 and Special Revenue Project Ordinance Amendment to transfer \$32,527.00 of federal grant funds and required local match funding between the ordinances.

### **6.04 Adoption of Capital Project Ordinance Amendment 2020-41 to Appropriate \$20,947.00 to Fund Final Costs for the Municipal Agreement with the North Carolina Department of Transportation for the Rowan Street Bridge Replacement Project**

The North Carolina Department of Transportation (NCDOT) recently completed its Transportation Improvement Project B-4490 to replace the Rowan Street Bridge. At the initiation of this project, the City entered into a municipal agreement with NCDOT to fund requested enhancements to the project to improve the aesthetics of this gateway corridor approaching downtown. The final billing for the City's municipal agreement share exceeds the current appropriation by \$20,947.00. Adoption of Capital Project Ordinance Amendment 2020-41 to appropriate an additional transfer of \$20,947.00 from the General Fund, bringing the total project appropriation to \$406,602.00.

### **6.05 Rescind Demolition Ordinance - 1734 Sandra Drive**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE  
RESCINDING DEMOLITION ORDINANCE NO. NS2020-003. RESOLUTION NO.  
R2020-023**

### **6.06 This item was pulled for presentation and separate vote.**

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## **6.07 Uninhabitable Structures Demolition Recommendations**

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 1720 Long Street, PIN 0447-60-3300. ORDINANCE NO. NS2020-010

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 1634 Tryon Drive, PIN 0428-17-2973. ORDINANCE NO. NS2020-011

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 7424 Layton Drive, PIN 0447-60-3300. ORDINANCE NO. NS2020-012

## **6.08 Phase 5 Annexation Area 21 - Resolution Confirming Assessment Roll and Levying Assessments**

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS. RESOLUTION NO. R2020-021

## **6.09 Airport - Accept CARES Act Grant Offer and Authorize City Manager to Execute**

Acceptance of the CARES Act Grant Offer, Grant No. 3-37-0021-047-2020, for \$2,968,903.00 and authorize the City Manager to execute the CARES Grant.

## **6.010 COVID-19 - Designation of Applicant's Agent - North Carolina Department of Public Safety and FEMA**

Authorizing Mr. Jay Toland, Chief Financial Officer, as the Primary Agent and Ms. Brenda Powell, Financial Reporting Manager, as the Secondary Agent to execute and file applications for State and/or Federal assistance on behalf of the City of Fayetteville. The above named agents will be authorized to act for the City in all matters with the State of North Carolina and the Federal Emergency Management Agency pertaining to disaster assistance.

## **6.06 Uninhabitable Structures Demolition Recommendations - Mobile Manor Mobile Home Park**

This item was pulled for presentation and separate vote.

Dr. Gerald Newton, Development Services Director, presented this item and stated staff request for demolition ordinance approval on seven mobile homes on the same parcel determined to be blight. The City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. A hearing on the condition of the structures was conducted on July 18, 2020, at which the owners appeared. A subsequent Hearing Order to repair or demolish the structures within 90 days was issued and mailed to the owner on July 19, 2020. To date, there have been no repairs to the structures and the structures have not been demolished. There are no City assessments and no outstanding taxes. The subject structures are substandard and detrimental to the surrounding neighborhood and promotes nuisances and blight, contrary to the City's Strategic Plan 1. The demolition cost of these structures will be determined at a later date subject to a competitive bidding process to be conducted after adoption of the demolition ordinance. There may be additional unknown costs for asbestos testing and abatement if needed.

Council is advised that staff will continue to work with property owners up until the actual beginning of the City-ordered demolition to

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either bring the structures into a code-compliant state, to obtain voluntary owner-initiated demolition, or to achieve abatement of the violation with the assistance of a Community Development grant. In the event we are successful in voluntary compliance on all structures, we will bring Council a demolition rescission ordinance to remove the original demolition order from clouding the deed of the property. We prefer to get demolition ordinances approved as Council action increases our leverage with property owners in obtaining code compliance. Only an action by the Council can stay or suspend demolition proceedings after a demolition order has been adopted.

Discussion ensued.

**AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. MOBILE MANNOR PARK. 303 Peejay Lane, PIN # 0418-59-4433. ORDINANCE NO. NS2020-013**

**MOTION: Council Member Haire moved to approve this item as presented.**

**SECOND: Council Member Ingram**

**VOTE: UNANIMOUS (10-0)**

### **7.0 PUBLIC HEARINGS**

#### **7.01 Consider Adoption of the 2040 Comprehensive Plan (Future Land Use Map, Plan, and Demographic Profile Report)**

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated the City's FY 2020 Strategic Plan, "A Focus on the Future", and its Goals, Objectives, and Targets for Action support a need and interest in planning for the City's future growth through a Comprehensive Land Use Plan. Goal III's objectives and targets for action resulted in the Development Services staff taking on the task of creating a Comprehensive Land Use Plan with the first phase being the creation of the Future Land Use Map. The overall plan will include a Future Land Use Map, character area descriptions, goals and objectives, and associated policies and implementation strategies. Also, in recent years, the North Carolina General Statutes were amended, placing more emphasis on comprehensive planning by requiring that rezonings and development approvals be based on and be consistent with an adopted Comprehensive Plan. Currently, the City of Fayetteville uses the 2010 Land Use Plan, the 2030 Growth Vision Plan, and various area studies to evaluate rezoning and development requests. The City realizes the importance and necessity of an updated Land Use Map and Comprehensive Plan, especially in light of the amendment to the State Statute placing more emphasis on Comprehensive Plans and the requirement that rezonings and development approvals be based on and be consistent with the Comprehensive Plan. While the City of Fayetteville has completed area studies over the years, these plans need to be better utilized and incorporated into a comprehensive document to guide development in a cohesive manner; thereby achieving the goals and recommendations of those studies and the City of Fayetteville's Strategic Plan. The City of Fayetteville sought proposals from qualified consultants to develop a collective updated and all-inclusive Future Land Use Map (FLUM). In February 2019, the City entered into a contract with Stewart Inc. consisting of updating the Future Land Use Map. Prior, 13 area plans were analyzed by Benchmark Planning, which was the basis to consolidate and incorporate the assessed information into a Comprehensive Plan Map and related text (Plan).

Dr. Gerald Newton, Development Services Director, stated the Planning Commission recommended approval of adoption of the map and plan on October 15, 2019. This item was then discussed and content documents reviewed at two Council meetings. Dr. Newton confirmed this is a living document that can be revised.

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Discussion ensued.

**MOTION:** Council Member Waddell moved to adopt the 2040 Comprehensive Plan: Future Land Use Map and Plan and Demographic Profile, as presented by staff.

**SECOND:** Council Member Kinston

**VOTE:** UNANIMOUS (10-0)

## 8.0 OTHER ITEMS OF BUSINESS

### 8.01 Presentation of the Recommended Fiscal Year 2020-2021 Budget and Setting of the Budget Public Hearing

Mr. Douglas Hewett, City Manager, presented an overview of the recommended annual operating budget for fiscal year 2020-2021. Mr. Hewett stated the Local Government Budget and Fiscal Control Act (LGBFCA) requires submission of a balanced, recommended budget for the upcoming fiscal year to the governing board not later than June 1 each year. The LGBFCA also requires that the governing board hold a public hearing on the budget prior to adopting the budget ordinance. Issues will be discussed and deliberated during scheduled budget workshops on three consecutive Thursdays--May 28, June 4, and June 11, 2020. The budget impact will be discussed and deliberated during scheduled budget workshops.

Discussion ensued.

**MOTION:** Council Member Wright moved to set the budget public hearing for June 8, 2020.

**SECOND:** Council Member Waddell

**VOTE:** UNANIMOUS (10-0)

### 8.02 Consideration of Adopting a Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities

Mr. Douglas Hewett, City Manager, presented this item and stated the Board of Commissioners of Cumberland County recently requested a local bill in the N.C. General Assembly to extend the tax levy on prepared food and beverages sold within Cumberland County and its municipalities. The tax could be used for operating costs, capital maintenance needs, and to retire debt service on a new or expanded entertainment venue most likely in Downtown Fayetteville. Representative Elmer Floyd submitted HB 1177 on May 26, 2020, with Representatives Lucas and Szoka as primary co-sponsors. The City Council approved a similar resolution at its February 25, 2019, regular meeting and recently requested a revised resolution be presented after discussion during the special meeting on May 20, 2020.

Pursuant to the authority contained in Chapter 413 of the 1993 Session Laws, the Cumberland County Board of Commissioners levied a one percent (1%) tax on prepared food and beverages sold within Cumberland County, which is required by that law to be transferred to the Cumberland County Civic Center Commission exclusively for debt service and any other costs of acquiring, constructing, maintaining, operating, marketing and promoting the arena or expanded arena facilities. Cumberland County operates the Crown Complex which commenced operations in October 1997 and features a 10,000 seat coliseum, an Expo center with up to 60,000 square feet, a 9,200 square foot Ballroom, a 2,400 seat performing arts theatre, and an 11,500 square foot arena. All current outstanding debt issued for the construction and renovation of these facilities will be fully retired in December 2024. Cumberland County exclusively receives proceeds of occupancy taxes and prepared food and beverage taxes on sales within Cumberland County and its municipalities, and exclusively receives ABC Mixed Drink Surcharge and Profit Distributions from stores within Cumberland County and its municipalities. The City of Fayetteville is the only municipality of the ten largest in North Carolina that does

## **DRAFT**

not receive revenues from shared distributions from one or all of occupancy tax proceeds, prepared food and beverage tax proceeds or ABC mixed drink surcharges and profit distributions.

Residents of Fayetteville make up two-thirds of the population of Cumberland County and is home to the majority of commerce for the county as well as Sandhills region. The City of Fayetteville has made significant investments in a downtown mixed-use stadium and supporting infrastructure to provide a regional entertainment venue to improve the quality of life and promote economic growth in the City, County and larger region. If the prepared food and beverage tax is diverted from its mandatory use for the support of these arts and entertainment facilities, the subsidy must be made up by the County's general fund taxes or the use of these facilities must be greatly diminished.

Discussion ensued.

**MOTION:** Council Member Banks-McLaughlin moved to adopt the resolution with the stipulation that an allocation of potential revenue be dedicated for homeless initiatives.  
**SECOND:** Council Member Davis  
**VOTE:** FAILED by a vote of 2 in favor to 8 in opposition (Council Members Colvin, Jensen, Ingram, Waddell, Haire, Dawkins, Wright, and Kinston)

**MOTION:** Council Member Wright moved to adopt the Resolution in Support of Legislative Action to Direct Shared Allocations of Food and Beverage Tax Proceeds between Cumberland County and its Municipalities.  
**SECOND:** Council Member Haire  
**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Banks-McLaughlin)

### **8.03 Amendment to Emergency Bridge Loan Contract**

Mr. Chris Cauley, Assistant Director of Economic and Community Development, presented this item and stated in response to the unprecedented social and economic impacts of the COVID-19 pandemic, City Council approved an emergency bridge loan fund on May 11, 2020. Council authorized the Center for Economic Empowerment and Development (CEED) to administer the revolving loan fund. CEED has briefed the Business Recovery Committee on the first week of applicants and is requesting additional flexibility related to the City's requirements for approving applications. The initial contract approved by City Council included terms that describe the underwriting guidelines and qualifications for the applicant. One of the terms requires that borrowers not have a recent bankruptcy or substantial charge off on their credit reports. CEED has encountered prospective clients who fall under these guidelines but show a positive history of dealing with credit issues. On May 26, 2020, CEED requested that City Council amend the contract language to allow for the ability to provide the minimum loan amount of \$2,500.00 if the clients show signs of continual payments with improving credit scores. In an effort to mitigate risk, CEED and the Business Recovery Committee are recommending the minimum loan amount. This action does not require any additional funding.

Discussion ensued.

**MOTION:** Mayor Pro Tem Jensen moved to approve the contract amendment with CEED, to allow for minimum loans to higher risk small business.  
**SECOND:** Council Member Davis  
**VOTE:** PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)

# DRAFT

## 9.0 ADMINISTRATIVE REPORTS

### 9.01 Revenue and Expenditure Reports for the Annual Funds for the Nine-Month Period Ended March 31, 2020, with Comparative Information for the Nine-Month Period ended March 31, 2019, and Revenue and Expenditure Reports for the Multi-Year Funds from Inception and for the Nine-Month Period ended March 31, 2020

This item was for information only, and was not presented.

### 9.02 Small Local Business Enterprise (SLBE) Program Update

This item was for information only, and was not presented.

## 10.0 ADJOURNMENT

There being no further business, the meeting adjourned at 9:24 p.m.

Respectfully submitted,

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PAMELA J. MEGILL  
City Clerk

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MITCH COLVIN  
Mayor

052620



# DRAFT

**FAYETTEVILLE CITY COUNCIL  
BUDGET WORK SESSION MINUTES  
VIA ZOOM CONFERENCE CALL  
MAY 28, 2020  
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); (D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7) (arrived at 5:12 p.m.); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Telly Whitfield, Assistant City Manager  
Angel Wright-Lanier, Assistant City Manager  
Tracey Broyles, Budget and Evaluation Director  
Rebecca Jackson, Strategic Performance Analytics Director  
Erica Hoggard, Interim Human Resource Development Director  
Deborah Manzo, NC Performance Excellence Coaching Program Director  
Pamela Megill, City Clerk  
Members of the Press

## **1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order at 5:00 p.m.

## **2.0 INVOCATION**

The invocation was offered by Council Member Waddell.

## **3.0 PLEDGE OF ALLEGIANCE**

## **4.0 APPROVAL OF THE AGENDA**

**MOTION:** Council Member Dawkins moved to approve the agenda.  
**SECOND:** Council Member Ingram  
**VOTE:** UNANIMOUS (9-0)

## **5.0 ITEMS OF BUSINESS**

### **5.01 Strategic Planning Session**

Dr. Deborah Manzo provided an overview of the scope of the meeting, and the Fiscal Year 2021 Strategic Plan. The Targets for Action were reviewed and discussed. The 2031 Vision, Our Mission, Core Values and Goals were also reviewed and discussed. The City of Fayetteville Accountability Process and Targets for Action reporting was reviewed and discussed.

### **5.02 Public Safety Compensation**

Ms. Erica Hoggard, Interim Human Resource Development Director, presented this item and provided an overview of the Police Compensation Proposals for 2020. Ms. Hoggard stated the Police Officer Step Plan was implemented in 2006 and was last revised in August of 2013. Ms. Hoggard also reviewed the Police upper ranks salaries, the 911 Telecommunicator compensation proposals, and the Fire Department compensation proposals.

Discussion ensued.

# DRAFT

## 5.03 Budget Questions and Responses

Ms. Tracey Broyles, Budget and Evaluation Director, provided a handout of Group 1 budget questions and answers. The questions covered rebranding, CARES Act funding, Transit funding, employee compensations, and Municipal Service Districts. Ms. Broyles stated all of the budget information is on the City website under Budget Chronicles.

Discussion ensued.

## 5.04 Budget Discussion

Mayor Colvin announced the next budget work sessions will be held on June 4 and 11, 2020. All budget related questions are to be e-mailed to Ms. Broyles and Mr. Hewett.

## 6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:07 p.m.

Respectfully submitted,

---

PAMELA J. MEGILL  
City Clerk

---

MITCH COLVIN  
Mayor

052820

# DRAFT

**FAYETTEVILLE CITY COUNCIL  
EMERGENCY MEETING  
VIA ZOOM CONFERENCE CALL  
MAY 31, 2020  
2:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); (D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7) (via zoom); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager  
Karen McDonald, City Attorney  
Angel Wright-Lanier, Assistant City Manager  
Dwayne Campbell, Information Technology Director  
Kevin Arata, Corporate Communications Director  
Pamela Megill, City Clerk  
Members of the Press

## **1.0 CALL TO ORDER**

Mayor Colvin called the meeting to order at 2:00 p.m.

## **2.0 INVOCATION**

The invocation was offered by Council Member Haire.

## **3.0 PLEDGE OF ALLEGIANCE**

## **4.0 ITEMS OF BUSINESS**

Mayor Colvin stated this emergency meeting is being held today to hear from our Police Chief regarding the events and response to events that took place in our City this weekend. The tragic death of Mr. George Floyd led to a few that high jacked a noble cause; a peaceful protest into an exploit of the family of Mr. Floyd; engaging in criminal acts of arson and looting. I am solemnly disappointed that that situation found its way into our community. I am also standing here hopeful by knowing the fact that we are one of the most diverse cities in the country and we will get through this together, we will not allow outside forces to divide us, we are not going to allow agitators to cause our community to be in turmoil; this will not be tolerated. Many other cities have officers and first responders injured, vehicles burnt; we did not have those events. We had a measured strategic response, we can rebuild and hold those accountable who decided to wreak mayhem on the citizens of Fayetteville. I trust Chief Hawkins and her judgment and assessment of this situation.

Ms. Gina Hawkins, Police Chief, stated what occurred in Minneapolis is not us, here in Fayetteville. As soon as we received intelligence that this threat was coming we were communicating with the leaders and organizers of the peaceful protests and made notifications to the shopping centers and downtown businesses. The plan was to make sure first amendment rights were allowed, but also the community was protected, the City was our responsibility.

Discussion ensued.

Mayor Colvin announced he has signed a State of Emergency Declaration and a public curfew will go into effect today, beginning at 8:00 p.m. Mayor Colvin stated that as this emergency meeting has been held today, the special called meeting for tomorrow, June 1, 2020, at 11:15 a.m. will be cancelled.

Discussion ensued.

DRAFT

MOTION: Council Member Dawkins moved to postpone the 5:00 p.m. June 1, 2020, work session to June 4, 2020, at 5:00 p.m.; in conjunction with the previously scheduled budget work session.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 2:46 p.m.

Respectfully submitted,

\_\_\_\_\_  
PAMELA J. MEGILL  
City Clerk

053120

\_\_\_\_\_  
MITCH COLVIN  
Mayor

# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 20-1374

---

**Agenda Date:** 6/8/2020

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.02

**TO:** Mayor and Members of City Council

**THRU:** Angel Wright-Lanier, Assistant City Manager

**FROM:** Randy Hume, Transit Director

**DATE:** June 8, 2020

**RE:**

**Approval of FAST's 2020 Public Transportation Agency Safety Plan (PTASP)**

**COUNCIL DISTRICT(S):**

All

### **Relationship To Strategic Plan:**

Goal 4: Desirable Place to Live, Work and Recreate

Objective D: To develop and maintain public transportation investments with high quality transit and airport services

### **Executive Summary:**

On July 19, 2018, FTA published the Public Transportation Agency Safety Plan (PTASP) Final Rule which is intended to improve public transportation safety by guiding transit agencies to more effectively and proactively manage safety risks in their systems. As a recipient of FTA's Section 5307 Grant Program, FAST is required to develop a safety plan that includes the processes and procedures to implement Safety Management Systems (SMS).

As no two public transportation systems are alike, the final rule sets scalable and flexible minimum standards for safety plans, including requirements for the identification, assessment, and mitigation of risks and strategies to minimize exposure to hazards, a safety training program, safety performance targets, and a process and timeline for conducting an annual review and update of the safety plan. Transit operators are required to review, update, and certify their plans annually.

The final rule takes effect on July 19, 2019. Transit operators must have safety plans in place no later than July 20, 2020; however, in light of the extraordinary operational challenges presented by the COVID-19 public health emergency, FTA issued a Notice of Enforcement Discretion effectively extending the PTASP compliance deadline from July 20, 2020, to December 31, 2020. Although extended, FAST's plan is due to the North Carolina Department of Transportation (NCDOT) for review and certification no later than June 30, 2020.

The attached PTASP for FAST has been developed to ensure compliance with the final rule. Transit is requesting approval of the plan and authorization by City Council to transmit the plan to NCDOT.

**Background:**

Through the Moving Ahead for Progress in the 21 Century Act (MAP-21), Congress amended Federal transit law to require each operator of a public transportation system to draft and carry out a PTASP to reduce the likelihood of safety events. The PTASP will help operators better manage safety risks through the development and implementation of proactive Safety Management Systems (SMS) practices and principles.

From 2008 to 2017, bus and rail transit agencies reported over 63,000 incidents, approximately 2,300 fatalities, and over 95,000 injuries to FTA's National Transit Database (NTD). In many cases, these safety events occurred after long periods of excellent safety records, but underlying poor safety cultures, deficiencies in the training and supervision of employees, deficiencies in the maintenance of equipment and infrastructure, and the lack of proactive safety risk management and oversight resulted in sudden catastrophic events.

FTA's rule allows urban bus transit systems similar to FAST to submit their own plan or submit their plan as part of a statewide plan being prepared by NCDOT. Staff elected to develop FAST's plan as part of NCDOT's plan. The data and measures contained within FAST's 2020 PTASP is based of calendar year 2019's reportable safety data and reports to FTA's National Transit Database (NTD). The creation and implementation of FAST's 2020 PTASP will allow FAST to build and improve its performance targets and expectations.

The plan sets out certain roles and responsibilities as required by FTA's rule as well as establishes updated processes for identifying and responding to safety issues. FAST's targets for this initial plan have been set the same as experienced in 2019, although the plan's goal is to improve safety performance and reinforce a culture of safety throughout the organization. In late 2018/early 2019, transit staff redefined definitions with regards to how accidents and incidents are counted.

NCDOT has requested transit systems throughout the state to submit their plans for inclusion in the statewide plan by June 30, 2020. The plan targets will also be presented to FAMPO for adoption in July.

**Issues/Analysis:**

We would like to call to the Council's attention that, beginning July 20, 2020, transit operators must certify compliance with the PTASP rule requirements to be eligible to receive Federal transit funds. Failure to comply with a requirement of the rule subjects a grantee to a range of FTA enforcement options depending upon the circumstances, including a transit operator being ineligible to receive FTA grant funds until the operator satisfies the requirements of the rule. Due to the extraordinary challenges presented by the COVID-19 public health emergency, FTA issued a Notice of Enforcement Discretion effectively extending the PTASP compliance deadline from July 20, 2020, to December 31, 2020.

**Budget Impact:**

No additional City funding is required.

**Options:**

Approve the Public Transportation Agency Safety Plan (PTASP) and authorize staff to transmit the plan to NCDOT; or  
Reject the proposed PTASP and provide direction to staff

**Recommended Action:**

Approve the Public Transportation Agency Safety Plan (PTASP) and authorize staff to transmit the plan to NCDOT

**Attachments:**

Proposed Public Transportation Agency Safety Plan



# **Public Transportation Agency Safety Plan (PTASP)**



**Fayetteville Area System of Transit (FAST)**

May 2020



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## Section 1. About FAST

### General Information

Fayetteville Area System of Transit (FAST)  
455 Grove Street  
Fayetteville, NC 28301  
[www.RIDEFAST.net](http://www.RIDEFAST.net)

**Accountable Executive (AE):** Randy Hume, Transit Director

**Chief Safety Officer (CSO):** Tyffany Neal, Assistant Transit Director

FTA Funding Sources: Urbanized Area Formula Grant Program (Section 5307)

### Modes of Service Directly Provided:

- ☒ Bus (MB)
- ☒ Demand Response (DR)
- ☒ FAST does not provide transit services on behalf of another transit agency/entity.

### History

Fayetteville Area System of Transit (FAST) is the City of Fayetteville's (CoF) public transportation system. FAST began in 1976 when the CoF assumed operations from a private transportation system operated by the Cape Fear Transit Bus Company. Cape Fear Transit provided service in Fayetteville, as well as Little Rockfish in Hope Mills. It operated seven days a week, from 5:30 AM to midnight, with a fleet size of 23 buses and 20 bus operators.

Today, FAST operates a fleet of 27 fixed-route buses on 18 routes to provide service Monday through Friday from 5:30 AM to 10:30 PM, Saturday from 7:30 AM to 10:30 PM, and on Sunday from 9:00 AM to 7:00 PM. In addition, 18 FAST *Trac!* vehicles provide paratransit service to customers with disabilities who are unable to use the fixed-route system.

These transit services provided are more efficient with FAST completing close to 1.6 million customer trips annually. As a result, citizens of Fayetteville have better access to jobs, medical facilities, shopping and recreation opportunities. FAST provides a critical link to economic development and a better quality of life in Fayetteville. One thing that has not changed is FAST's mission and commitment to providing safe and affordable transportation services to more than 6,000 daily customers.

FAST's Safety Plan addresses all applicable requirements and standards as set forth in FTA's Public Transportation Agency Safety Program (PTASP) and the National Public Transportation Safety Plan (NSP).

## Section 2. Plan Development, Approval and Updates

<b>Name of Entity That Drafted This Plan</b>	Fayetteville Area System of Transit (FAST)		
<b>Signature by the Accountable Executive</b>	<b>Signature of Accountable Executive</b>	<b>Date of Signature</b>	
<b>Approval by the Board of Directors or an Equivalent Authority</b>	<b>Name of Individual/Entity That Approved This Plan</b>	<b>Date of Approval</b>	
	Mitch Colvin		
	<b>Relevant Documentation (title and location)</b>		
	Mayor – City of Fayetteville		
<b>Certification of Compliance</b>	<b>Name of Individual/Entity That Certified This Plan</b>	<b>Date of Certification</b>	
	<b>Relevant Documentation (title and location)</b>		
<b>Version Number and Updates</b> <i>Record the complete history of successive versions of this plan.</i>			
<b>Version Number</b>	<b>Section/Pages Affected</b>	<b>Reason for Change</b>	<b>Date Issued</b>
<b>Annual Review and Update of the Public Transportation Agency Safety Plan</b> <i>Below is the process and timeline for FAST to conduct an annual review and update of the Public Transportation Agency Safety Plan.</i>			
<p>In identifying the necessary steps for FAST to conduct an annual review and update of this PTASP, FAST will make the review the following key components of this plan at the end of each fiscal year:</p> <p>1. Does this PTASP address all relevant requirements, particularly the PTASP regulation? Has the regulation been modified within the since the review of the last PTASP?</p>			

2. Does this PTASP reflect our transit system as it operates today?

3. Are the activities and processes described within this plan suitable to manage safety at FAST?

When modifications are made to FAST or within the CoF which affect any component of this PTASP upon annual review, the current PTASP will be reviewed, revised and resubmitted to the AE (indicated above) and CoF City Council for approval.

## Section 3. Safety Performance Targets (SPTs)

<b>Safety Performance Targets</b> <i>Specify performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.</i>							
Mode of Transit Service	Fatalities	Fatalities (per 100K VRM)	Injuries	Injuries (per 100K VRM)	Safety Events	Safety Events (per 100K VRM)	System Reliability (VRM between Failures)
Fixed Route	0	0	32	2.44	26	1.99	6,035
ADA/Paratransit	0	0	3	0.62	3	0.62	12,651

### *Performance Measures:*

- **SAFETY PERFORMANCE MEASURE: FATALITIES**

- Fatalities – Loss of life
- Fatalities per 100K Vehicle Revenue Miles (VRM) - Total reported fatalities multiplied by 100,000 VRM divided by annual expected VRM
  - Customers, employees and the general public
    - Fixed Route – Zero (0) reportable fatalities within this division during the past calendar year
    - ADA/Paratransit - Zero (0) reportable fatalities within this division during the past calendar year
  - Projected Targets (2021)
    - Fixed Route – Zero (0) reportable fatalities (per 100K VRM) within this division during the 2021 calendar year
    - ADA/Paratransit - Zero (0) reportable fatalities (per 100K VRM) within this division during the 2021 calendar year

- **SAFETY PERFORMANCE MEASURE: INJURIES**

- Injuries - Events that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations
- Injuries per 100K Vehicle Revenue Miles (VRM) - Total reported injuries multiplied by 100,000 VRM divided by annual expected VRM
  - Customers, employees and the general public
    - Fixed Route – Thirty-two (32) reportable injuries within this division during the past calendar year
    - ADA/Paratransit - Three (3) reportable injuries within this division during the past calendar year
  - Projected Targets (2021)
    - Fixed Route – Ten or more percent (10+%) decrease in reportable injuries (per 100K VRM) within this division during the 2021 calendar year
    - ADA/Paratransit – One-half (1/2) of a percent or more decrease in reportable injuries (per 100K VRM) within this division during the 2021 calendar year

- **SAFETY PERFORMANCE MEASURE: SAFETY EVENTS**

- Safety Events – Events occurring: on transit right-of-way or infrastructure, at a transit revenue facility, at a maintenance facility, during a transit related maintenance activity, or involving a transit revenue vehicle
- Safety Events per 100K Vehicle Revenue Miles (VRM) - Total reported safety events multiplied by 100,000 VRM divided by annual expected VRM
  - Customers, employees and the general public
    - Fixed Route – Twenty-six (26) reportable safety events at FAST within this division during the past calendar year
    - ADA/Paratransit – Three (3) reportable safety events at FAST within this division during the past calendar year
    - Maintenance – Zero (0) reportable safety events at FAST within this division during the past calendar year
  - Projected Targets (2021)
    - Fixed Route – Ten or more percent (10+%) decrease in reportable safety events (per 100K VRM) within this division during the 2021 calendar year
    - ADA/Paratransit - One-half (1/2) of a percent or more decrease in or less reportable safety events (per 100K VRM) within this division during the 2021 calendar year
    - Maintenance - Zero (0) reportable safety events (per 100K VRM) within this division during the 2021 calendar year

- **SAFETY PERFORMANCE MEASURE: SYSTEM RELIABILITY**

- System Reliability – Mean distance between major mechanical failures
- Relationship with Transit Asset Management (TAM) Plan – State of Good Repair (SGR)
  - Customers, employees and the general public
    - Fixed Route – Six thousand thirty-five (6,035) failures reported within this division during the past calendar year
    - ADA/Paratransit – Twelve thousand six hundred fifty-one (12,651) failures reported within this division during the past calendar year
  - Projected Targets (2021)
    - Fixed Route – Ten (10) percent increase in mean distance between failures (MDBF) within this division during the 2021 calendar year
    - ADA/Paratransit - Ten (10) percent increase in mean distance between failures (MDBF) within this division during the 2021 calendar year



**Safety Performance Target Coordination**

*Describe the coordination with the State and Metropolitan Planning Organization(s) (MPO) in the selection of State and MPO safety performance targets.*

FAST will present its SPTs to Fayetteville Area Metropolitan Planning Organization (FAMPO) for review and adoption by the Transportation Policy Board.

<b>Targets Transmitted to the State</b>	<b>State Entity Name</b>	<b>Date Targets Transmitted</b>
	NCDOT	July 2020
<b>Targets Transmitted to the Metropolitan Planning Organization(s)</b>	<b>Metropolitan Planning Organization (MPO) Name</b>	<b>Date Targets Transmitted</b>
	FAMPO	July 2020

## Section 4. Safety Management Policy (SMP)

### Safety Management Policy Statement

Fayetteville Area System of Transit (FAST) strives to provide safe, reliable, comfortable, and innovative transportation options to every member of the community. The PTASP has been developed to integrate safety into all FAST operations. By using the procedures contained within the PTASP, FAST continues to improve the safety and security of its operation and services.

This PTASP describes the policies, procedures and requirements to be followed by management, maintenance and operations personnel to provide a safe environment for FAST employees, customers and the general public. The goal of this safety plan is to eliminate the human and fiscal cost(s) of avoidable personal injuries and vehicle accidents and incidents.

A key to the success of this effort is for employees to be aware they are accountable for safely performing the requirements of their position. The success of the program also depends on all employees actively identifying potential hazards and making a commitment to the safety of others. FAST's Director and Leadership Team (LT) provide the continuing support necessary to achieve the PTASP objectives as each division within FAST has a responsibility under the PTASP.

FAST is aware that decisions and actions made by its employees often affect the safety of those within FAST, the CoF and surrounding communities. By following the processes described in the PTASP, FAST remains committed to the improved performance and safety of the system while creating a culture of safety, as a whole.

FAST's commitment is to:

- **Support** the management of safety through the provision of appropriate resources that results in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication and actively manages safety with the same attention to results as the attention to the results of the other management systems within the organization
- **Integrate** the management of safety among the primary responsibilities of all leadership and employees
- **Clearly define** the accountabilities and responsibilities for the delivery of FAST's safety performance and Safety Management System (SMS) for all staff, managers and employees alike
- **Establish and operate** hazard identification and analysis, and safety risk evaluation activities--including an employee safety reporting program as a fundamental source for safety concerns and hazard identification--to eliminate or mitigate the safety risks of the consequences of hazards resulting from FAST operations or activities to a point which is consistent with an acceptable level of safety performance

- **Ensure** no action is taken against any employee who discloses a safety concern through the employee safety reporting program unless disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence or deliberate or willful disregard of regulations or procedures
- **Comply** with and, wherever possible, exceed legislative and regulatory requirements and standards
- **Ensure** sufficient trained and skilled human resources are available to implement safety management processes
- **Ensure** all staff are provided adequate and appropriate safety-related training and information, competent in safety management matters and allocated tasks only commensurate with the skills required with their position
- **Establish and measure** safety performance against realistic and data-driven safety performance indicators and targets
- **Continually improve** safety performance through management processes which ensure appropriate safety management action is taken and effective
- **Ensure** externally supplied systems and services are delivered, meeting established safety performance standards, to support operations

**FAST's Safety Goals** are established:

- In collaboration with the CoF, FAST will operate its transportation system which achieves an optimum level of safety (exceeding the safety performance of other transit systems of a similar size within the United States)
- To identify and evaluate, then eliminate or control, hazards to employees, customers and the general public
- To meet or exceed all government and industry occupational health and safety standards and practices
- To maximize the safety of future operations by affecting the design and procurement processes

The objectives of the PTASP are the means to achieving its goals. They also provide a method of evaluating the effectiveness of FAST's safety efforts.

**FAST's Safety Objectives** are established to:

- Integrate safety management and hazard control practices in each division within FAST
- Assign responsibilities for developing, updating, complying with and enforcing safety policies, procedures and requirements
- Verify compliance with FAST safety policies, procedures and requirements through performance evaluations, accident/incident trends and internal audits

- Investigate all reported accidents and incidents, including identifying and documenting the causes for the purpose of implementing corrective action, to prevent recurrences
- Increase investigation and systematic documentation of all reported near misses
- Identify, analyze and resolve safety hazards in a timely manner
- Minimize system modifications, during the operational phase, by establishing and utilizing safety controls at system design and procurement phases
- Ensure system modifications do not create new hazards
- Train all supervisors and employees regarding the safety components of each job function

As Accountable Executive, I understand the need for FAST to establish and maintain a strong safety culture which requires strong leadership and management commitment to safety. FAST's leadership and management commitment to safety involves demonstrating safety as a priority through our everyday actions. Safety truly is our top priority and takes these commitments seriously as the lives of FAST's customers, employees and the general public depend on our ability to operate in a culture of safety.

---

Accountable Executive (Print Name)

---

Date

---

Accountable Executive (Signature)

## **Safety Management Policy Communication**

FAST realizes the importance of ensuring its employees and customers are aware of its safety management policies and procedures to effectively manage the system's day-to-day operations. To do this, FAST relies on several forms of effective communication (as noted below):

**Employees:** FAST is constantly evaluating existing policies and procedures to verify effectiveness. To do this, FAST seeks input from its staff, and other CoF departments, to determine if change is necessary based on trends, data analysis, operational changes or new assets. Several methods are used to communicate policy and/or procedure changes to staff including:

- Printed materials
- Automated communication systems
- Electronic materials
- Intranet
- Employee email notification
- Departmental meetings

Prior to the implementation of changes to FAST's safety management policies impacting safety or service delivery, training is provided to all affected employees and conducted before the policy effective date. New policies and procedures are incorporated into new hire orientation training for probationary employees, as well. Depending on the importance of the policy or procedure change, an acknowledgement signature is required of each employee verifying an understanding of the change.

**Customers:** Several methods are used to communicate policy and/or procedural changes to current and future customers including:

- Printed materials posted on vehicles and facilities including effective date and who to contact for more information
- Changes to digital customer guidance including schedules and ride guides as appropriate
- Public Meetings
- Social Media
- Any services impacted by policies changes will include outreach as required by Federal Guidance

## **Authorities, Accountabilities and Responsibilities**

As mentioned in the Safety Management Policy Statement, the ultimate authority for the success of this PTASP falls to the Accountable Executive (AE). The Chief Safety Officer (CSO), the administration and management team, as well as, employees fulfilling their commitment to safety on a day-to-day basis support the AE.

**Accountable Executive (AE):** The Accountable Executive determines, based on feedback from senior staff, the level of Safety Management System (SMS) principles to maintain and ensure a safe work environment, customer experience and community safety. FAST's AE is committed to providing employees with the training and resources necessary to be safe and successful in each role within FAST. The AE continually strives

to create a culture of safety amongst employees and expects each employee to play a role in maintaining a safe workplace.

The AE is accountable for ensuring that FAST's SMS is effectively implemented throughout the CoF's public transportation system. The AE is accountable for ensuring action is taken, as necessary, to address substandard performance in the FAST's SMS. He/She may delegate specific responsibilities, but the ultimate accountability for FAST's safety performance cannot be delegated and always rests with the AE.

The current AE, Randy Hume, is also the Transit Director and has ultimate responsibility for carrying out the PTASP for FAST; responsibility for carrying out the FAST's Transit Asset Management (TAM) Plan; and control/direct the human and capital resources needed to develop and maintain both FAST's PTASP (in accordance with 49 U.S.C. § 5329(d)) and the FAST's TAM Plan (in accordance with 49 U.S.C. § 5326).

**Chief Safety Officer (CSO):** FAST has concluded that a single CSO will be sufficient to manage the day-to-day adherence to this plan and, while in this role, report directly to the AE. The CSO monitors safety and security throughout the organization including sub-contractors. All divisions have been notified of the CSO's role and the established reporting requirements regarding safety-related matters. The CSO has been adequately trained for this role and has the authority and responsibility for day-to-day implementation and operation of FAST's SMS. Along with CSO responsibilities, the CSO, Tyffany Neal, is also the Assistant Transit Director.

FAST's CSO is responsible for the following:

- Developing and maintaining SMS documentation
- Directing hazard identification and safety risk assessment
- Monitoring safety risk mitigation activities
- Providing periodic reports on safety performance
- Briefing the Accountable Executive, City's Executive Team (City Manager, Deputy City Manager and/or Assist City Managers) and City Council on SMS implementation progress
- Planning safety management training

## **Role of Staff to Develop and Manage Safety Management Systems (SMS)**

### **Accountable Executive**

The Accountable Executive (AE), who also serves as Transit Director, works with the Chief Safety Officer (CSO) and Leadership Team (LT) to revise the PTASP, as necessary, based on staff feedback, trends and data analysis. The AE is vested with the primary responsibility for the activities of FAST and its overall safety performance. The AE fulfills these responsibilities by providing the resources necessary to achieve PTASP goals and objectives and exercising the approval authority for system modifications as warranted. The AE also sets the agenda and facilitates the cooperative decision-making of the LT.

### **Chief Safety Officer (CSO)**

For purposes of managing the SMS and PTASP, the CSO reports safety strategies, policies and goals for maintaining safety and security for customers, employees and the general public directly to the AE. The CSO monitors day-to-day operations and work with staff to identify and mitigate risk through evaluation, feedback and data analysis.

### **Supervisors**

Supervisors are responsible for the safety performance of all personnel and equipment under their supervision. They are responsible for the initial investigation of all accidents, incidents and injuries, and for reporting such to FAST's Safety & Training Coordinator (S&TC), the LT and the City's Risk Management Division.

### **Employees**

All FAST personnel are responsible for performing work safely and following established safety-related rules, procedures and work practices. This includes reporting all accidents, incidents, injuries and hazards to their supervisor per established requirements for the protection of themselves, co-workers, customers, facilities and equipment.

### **Key Staff**

FAST staff is responsible for maintaining high standards of safety, customer service and security. Administrative staff is instrumental in ensuring action is taken to reduce risk and the whole system is continuously monitored to ensure actions are effective and appropriate.

FAST staff is involved with updates, modifications and implementation of the PTASP. Each staff member brings a valued perspective to the development of policies and procedures he/she is expected to implement. Every opportunity is granted for employees and customers to provide input to increasing safety at FAST. Those opportunities include monthly all-employee meeting, safety training, and an open-door policy with access to all management staff.

### **Employee Safety Reporting Program (ESRP)**

To ensure success, FAST has worked with the City's Safety Office to develop and implement an ESRP to enable employees to report any risk (or perceived risk) to a supervisor, CSO or LT member. The ESRP defines the employees' role in identifying and mitigating risk through open communication to superiors (including the AE and CSO). As stated in the Safety Management Policy Statement, FAST is determined to provide a safe working environment for its employees, customers and the general public.

The ESRP allows each employee to report detailed information and observations no matter what position they hold within the organization. This program dovetails with other methods currently in place to proactively identify hazards or threats. Those methods include, but are not limited to, the following:

- Pre-/Post-Trip Inspections
- Preventive Maintenance Inspections (PMIs)
- Employee Evaluations
- Facility Maintenance Plan

- Service Evaluation and Planning Program
- Training Program
- Customer and Public Complaint/Compliment Process
- Safety and Employee Meetings
- Accident/Incident Policies
- Safety Committee

### **Hazard Reporting Process (HRP)**

The HRP is a proactive reporting method established to identify a perceived threat or hazard, potentially endangering employees, customers or the general public. FAST has developed a Hazard Report Form (HRF) used to classify and provide information about hazards observed by FAST employees while on-duty. The multi-page form identifies vital information to assist employees in determining an action to mitigate the threat or hazard identified. This form is not meant to replace safety documentation currently utilized for accidents, incidents and injuries but, rather, to be used in conjunction with such forms. The HRF, located in Appendix One (1), serves as a dual role as an Incident Report.

No later than December 2020, all FAST employees will receive at least one (1) hour of training on the procedures associated with the Hazard Reporting Process. This training will cover, and is not limited to, the following components:

- Role of staff within the Hazard Reporting Process
- Hazard assessment(s)
- Procedures for Use of the Hazard Report Form
- Critical information required on the Hazard Reporting Form
- Notification Process (depending on the hazard)
- Levels of likelihood of repeat hazards/threats
- Follow-Up process to determine effectiveness of mitigation
- Hazard Report Form locations within all FAST facilities
- Understanding of Occupational Safety and Health Administration (OSHA)

The following is also used as part of the ESRP.

### **Immediate Action Required**

If a hazard is identified and perceived to be a risk to employees, co-workers, customers or the general public, FAST employees are expected to immediately report such to the supervisor on-duty. Once reported, the employee must determine if immediate action is necessary to prevent additional risk. If so, employees are expected to communicate with the supervisor before taking action (if time permits). Once such action(s) has/have been taken to mitigate the potential harm, employees are expected to advise the on-duty supervisor of the results of such actions. Prior to the conclusion of the employee's shift, the employee is required to complete the Loss Prevention Investigation Report and submit such to the on-duty supervisor.

### **Delayed Action Required**

If a hazard is identified and perceived to be a risk to employees, co-workers, customers or the general public, FAST employees are expected to immediately report such to the supervisor on-duty. Once reported, the employee must determine if immediate action is



necessary to prevent additional risk. If not, employees are expected to communicate with the supervisor. Once notified, the on-duty supervisor will follow-up on the reported hazard/risk. Prior to the conclusion of the employee's shift, the employee is required to complete the Loss Prevention Investigation Report and submit such to the on-duty supervisor.

### **Role of the Supervisor**

The on-duty supervisor is responsible for advising employees of the immediate or delayed action(s) necessary to mitigate an identified or perceived hazard. The supervisor must then review the Loss Prevention Investigation Report to ensure all information is included adding additional information, if necessary, from his/her perspective. Once the documentation is complete, it must be reviewed by the CSO to investigate root cause(s) of hazard, determine "next steps" (action) necessary and follow-up.

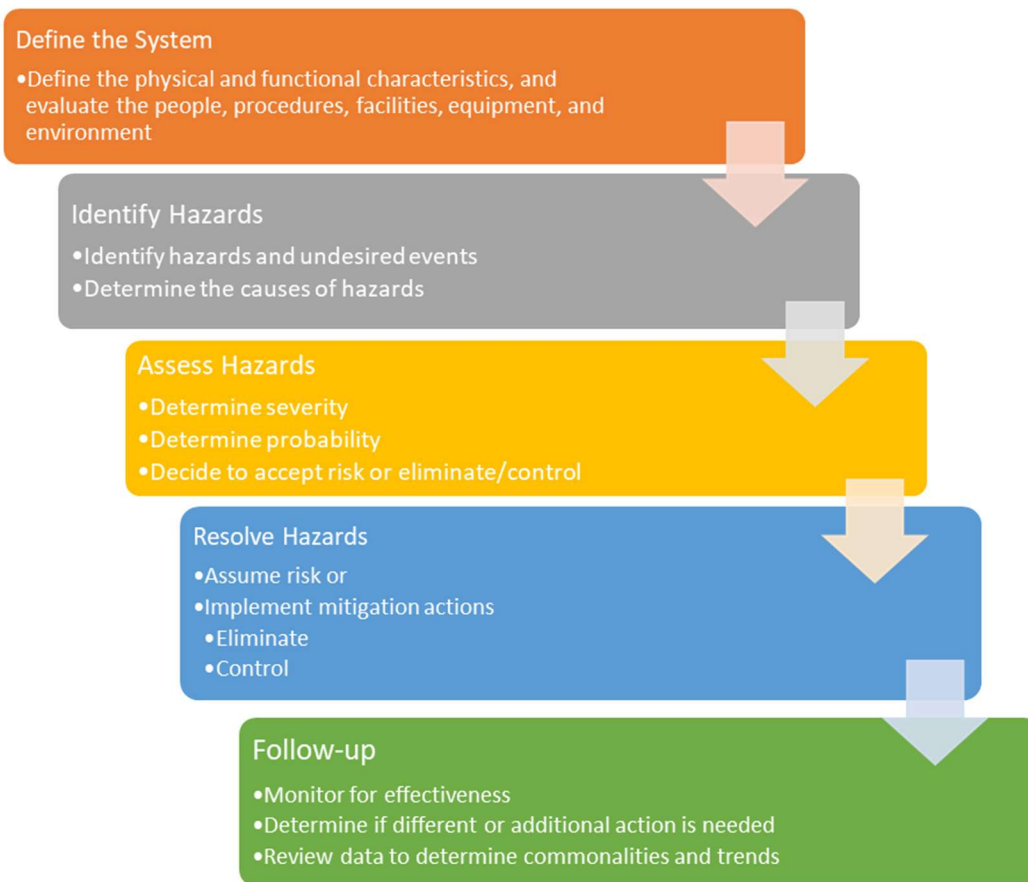
FAST's CSO is responsible for determining the status of each hazard reported. In some cases, hazards may be identified and unable to be resolved; however, actions are taken to reduce the risk of the hazard. It is FAST's goal to eliminate all identified hazards, if and whenever possible. Some hazards may require continuous monitoring to ensure the hazard does not elevate to an action level.

All hazards reported are documented and integrated into current performance measures and data collection. The CSO tracks each hazard, until resolved, and recommend policy and/or procedural changes, if needed, as a result of the hazard mitigation.

### **Responsibility of FAST**

FAST takes every reported hazard/threat seriously and investigates each to determine if such is an isolated case or an emerging trend requiring the evaluation of policies and procedures or service modifications. Employees reporting hazards do not face disciplinary action for reporting such identified or perceived hazards unless it is proven that such employee(s) negligently and intentionally contributed to the hazard. FAST encourages all employees to report any hazard or threat, perceived or observed, in an attempt to ensure FAST operates as safely as possible for its employees, customers and the general public. Employees may report hazards to the on-duty supervisor, their immediate supervisor, any member of the LT or go directly to the CSO to submit and discuss such hazard.

The following process chart illustrates the steps taken, as part of the hazard identification process, through the ESRP:



## **Section 5. Safety Risk Management**

FAST provides training to all personnel in the identification of hazards and security threat while also providing tools to enable personnel to report these risks. Once the risk has been identified, FAST conducts an assessment of the risk(s) to determine the necessary response(s) and response time. The response may include further investigation or monitoring, action(s) to mitigate the hazard or security threat and follow-up assessment to ensure action taken is appropriate and effective.

### **Safety Hazard Identification**

Hazards and security threats are identified through different methods of monitoring the system. This includes system, employee and asset assessments conducted daily and on an incremental basis. Additionally, FAST communicates with its peers across the state of North Carolina, NCDOT and FTA to identify common hazards impacting multiple systems. FAST conducts the following routine and random evaluations of the system in the following areas:

#### **Personnel**

Each FAST employee is evaluated at the mid and end of each fiscal year, in accordance with the City's evaluation process, to ensure employees are performing job functions as expected. Newly hired employees, as part of the orientation process, are provided training materials and resources to assist in the performance their daily tasks. These probationary employees' statuses are not modified to "permanent" until he/she has completed 365-days of "satisfactory" employment. During the probationary (initial 365-day) period, the employee is evaluated within 6-months and at one-year, to determine whether the employee be placed in a regular status due to the successful completion of the first-year probationary period.

Additional job-specific evaluations (i.e. Trail Checks, On-Board evaluations, etc.) are conducted throughout the fiscal year on each FAST employee. Through such evaluations, should a determination be made which documents an employee's sub-par performance and the employee does not meet expectations, remedial training is conducted and additional periodic evaluations are scheduled to ensure re-training measures/activities was/were effective.

#### **Assets**

Aimed at identifying hazards and deficiencies as part of daily and scheduled inspections, rolling stock, facilities and equipment are monitored through a vigorous preventive maintenance plan. FAST's Operations and Maintenance divisions coordinate the preventive maintenance program's scheduling of work, as necessary, from receipt of daily Driver's Vehicle Inspection Reports (DVIRs) submitted, incremental and annual vehicle inspections and manufacturer recommendations.

As required by FTA, FAST has developed a Transit Asset Management (TAM) Plan as a result of owning, operating and managing capital assets used to provide public transportation. FAST updates its TAM Plan annually with data relevant to each asset - to include a condition assessment, miles (with rolling stock and non-revenue vehicles) and age (in reference to whether the asset is in a State of Good Repair (SGR)). The TAM Plan allows FAST management to plan asset replacement or rehabilitation for future years.

## **System**

As part of FAST's Safety Management System (SMS) monitoring, FAST uses Supervisor Safety Event Checklist and Employee Statement form when planning, spot-checking or responding to an event like an accident or incident. New routes are strategically developed with safety being the first priority and customer access thereafter. FAST's Transit Planner tests all routes before activating the route for revenue service. All routes are reviewed periodically to determine if environmental hazards exist requiring modifications to the route, schedule and/or vehicle.

All frontline employees have been trained to note any changes to service which may be considered a hazard or security threat and, through the ESRP, to notify the on-duty supervisor immediately (or upon return to FAST depending on the severity of the hazard).

## **Hazard Identification Procedure**

All hazards and security threats identified (observed or perceived) are immediately reported to the on-duty supervisor regardless of the level of hazard or threat. The immediate supervisor then completes a Hazard Report Form and submits it to the CSO. Depending on the level of the reported hazard or threat, the CSO will report such to the City's Safety Office to advise and, if necessary, request additional resources/assistance. If the hazard or threat reported reach the level to which such must be reported to OSHA, the CSO will work with the City's Safety Office to ensure proper processes and procedures are adhered to.

If the reported hazard requires immediate mitigation, the employees are instructed on the necessary steps to take to reduce the risk which may or may not alleviate the risk completely. Additional actions may be taken once the immediate risk mitigation has been taken. Some hazards may not pose an immediate risk and are still reportable. The CSO is responsible for risk assessment, investigation and mitigation strategy.

In some cases, a customer or member of the general public, may contact FAST (via face-to-face, telephone, email, website or social media) with a concern about a front-line employee's identified or perceived hazardous behavior/actions. When such concerns are expressed to FAST, FAST documents all such and takes the appropriate action(s) to investigate such matters. Concerns deemed hazardous trigger immediate action by on-duty supervisors.

Hazard Report Forms are located on all vehicles along with standard Employee Statement forms for accident and incident reporting. A copy of the Hazard Report Form is located in Appendix 1.

The Hazard Report Form requires employees to briefly describe the hazard noting date, time of day, location and other pertinent information. The form includes a section for

49 CFR part 673.5

**Hazard** means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

the CSO or immediate supervisor to document immediate action taken to reduce risk, a risk assessment chart prioritizing the risk and a section for additional follow-up action. All forms are processed by the CSO and summarized periodically for trend analysis and include in safety performance measures.

### Safety Risk Assessment

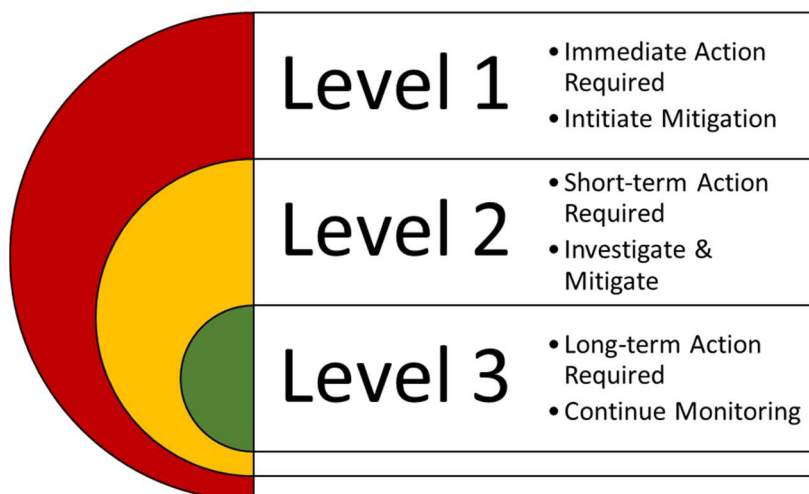
All FAST staff have been provided with the on-the-job training appropriate for each position, in which they work, within the organization. FAST expects its employees to respond to hazards or threats with professional judgment as there may be instances when an employee may not have time to contact a supervisor. In cases in which a hazard is identified (without immediate risk), employees are trained and expected to make an initial assessment of the hazard and include this information on the HRF submitted.

Once received by the CSO, the initial risk assessment may be amended requiring immediate, short- or long-term response.

**Level 1 - Immediate:** A deficiency, threat or hazard requiring immediate attention to mitigate risk either temporarily until further action can be taken or complete mitigation.

**Level 2 - Short Term:** Action is needed within seven days to mitigate an identified deficiency, threat or hazard. The deficiency, threat or hazard does not pose immediate danger but if no action is taken could elevate to an immediate level risk.

**Level 3 - Long Term:** A deficiency, threat or hazard has been identified but does not pose a threat currently but could at a later time. Continued monitoring and awareness are required.



The CSO in coordination with staff investigates each identified hazard, assess the risk, and take appropriate action to mitigate the risk. Additional mitigation may be needed based on follow-up monitoring to the action taken.

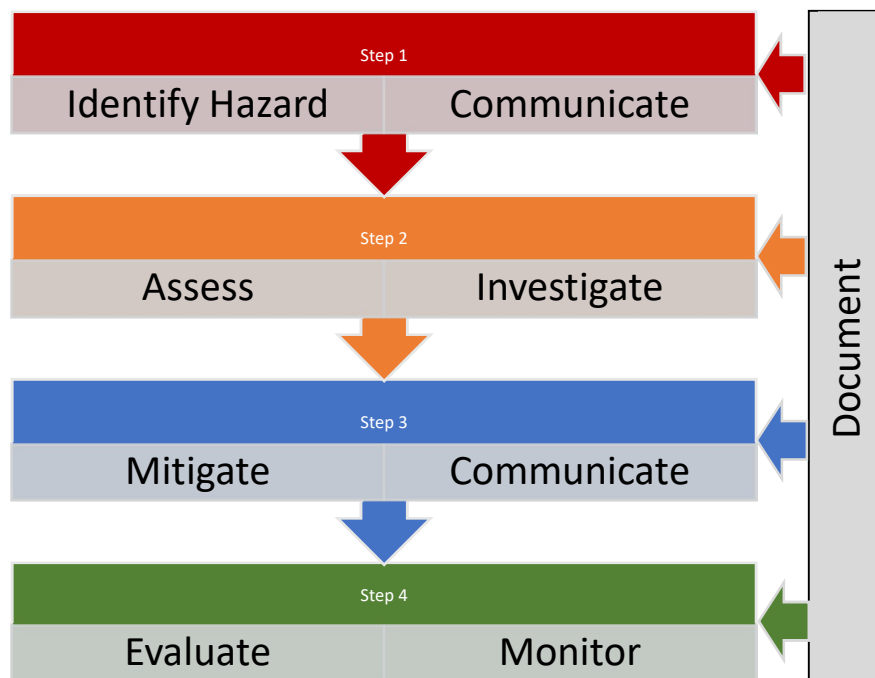
### **Safety Risk Mitigation**

In response to all identified and assessed hazards, FAST takes steps to mitigate the hazard and reduce or eliminate the risk to employees, customers and the general public. Depending on the level of the safety risk, the CSO will work with the City's Safety Office to create mitigation strategies and, if necessary, request additional resources/assistance. If the strategies implemented reach the level to which there is an OSHA compliance component, the CSO will work with the City's Safety Office to ensure OSHA regulations are adhered to. Mitigation strategies are primarily dependent on results of the investigation into the elements contributing to the risks. The investigation may include more than one (1) division within FAST and may include interviews within the CoF and/or outside agencies/businesses.

Actions to mitigate risk include all employees, customers and the general public who may be impacted by either the hazard and/or the actions to reduce or alleviate such risk. FAST communicates actions to appropriate staff through methods appropriate to risk assessment. In some cases, immediate communication through two-way communications (i.e. dispatching system, text bursts, email, alerts, etc.) may be necessary. In other cases, printed materials (i.e. bulletin board notices/memorandums, flyers, etc.) may be appropriate.

Once a risk mitigation strategy has been implemented, FAST monitors the actions to determine if full mitigation is possible and, if not, if additional action is necessary to alleviate the risk. Some risks may not be completely mitigated but awareness to the risk is a top priority.

All actions taken to mitigate risk are the responsibility of the CSO, documented and linked to the initial deficiency, threat, or hazard identification step.



## **Section 6. Safety Performance Monitoring and Measurement**

Safety performance monitoring and measurement involves the continual monitoring of the FAST's activities to understand safety performance. Through these efforts, FAST can determine whether its meeting its safety objectives and performance targets, as well as, the extent to which it is effectively implementing Safety Management Systems (SMS).

FAST is constantly striving to maintain the highest level of safety through its monitoring methods to include adherence to policies and procedures, safety and maintenance plans and system and employee evaluation processes. These methods allow FAST to determine the need to make changes to improve policies, employee training and service delivery.

The CSO monitors operations daily through observation, data analysis, communication and safety updates to identify mitigation strategies that may be ineffective. If mitigation actions are found to be ineffective, additional strategies are developed through key and impacted staff feedback.

### **Maintenance**

#### **Maintenance Standards and Procedures**

Maintenance standards and procedures are included in FAST's Maintenance Plan. In general, maintenance procedures are designed to ensure that the maintenance recommendations of the manufacturer are met, maximum efficiency in performance and operation is obtained and maximum vehicle life and condition are maintained. Daily vehicle inspections, an active Preventive Maintenance Program and careful monitoring are included in procedures to ensure the safety of FAST vehicles and adequacy of the Fleet Maintenance Plan.

#### **Operator Inspections**

All operators are required to perform a pre-trip and post-trip inspections to ensure vehicles are safe and in good operating condition. If any defects are noted by the operator, a Driver's Vehicle Inspection Report (DVIR) is completed and, depending on the severity and extent of the defect, the vehicle may be repaired or taken out of service until a repair can be made. In the case of a defect that develops or is noted once a vehicle is in service, the operator is required to communicate the problem to Operations who, in turn, then notifies Maintenance.

#### **Daily Servicing and Inspections**

FAST's Maintenance Department inspects and services vehicles used in revenue service each day. These vehicles are fueled and washed, fluids, tires and lugs are checked and inspected for leaks and/or unusual noises. Service Aides clean vehicle interiors each evening. When a defect is noted, it is reported to the Lead Automotive Technician (or designee) on shift so that an evaluation and, if necessary, repair can be completed.

#### **Mileage-Based Maintenance Inspections**

All vehicles receive PMIs at designated mileage intervals. Mileages are determined by vehicle and subcomponent manufacturers and real-world experience. PMIs are conducted and completed at regularly scheduled intervals for buses and all other fleet.



For buses, FAST performs PMIs every 6,000 miles/3 months and, for all other FAST fleet, FAST performs PMIs every 5,000 miles/3 months.

Oil sampling is performed quarterly for both engines and transmissions. A description of the schedule and type of inspection and service performed for each vehicle series and the Standard Operating Procedure for oil sampling is included in the FAST Maintenance Plan.

## **Operations**

### **Facility Monitoring**

Formal facility inspections of all FAST facilities and grounds are conducted by FAST's Safety Division each quarter using a facility checklist. The purpose of the inspection is to identify any unsafe or unhealthy conditions which may exist and that may require maintenance or modifications. Each facility is also visually inspected for compliance with Occupational Safety and Health Administration (OSHA) and local fire codes.

Any guests at FAST's administration facility must check in through a secured process requiring check-in and validation of visit purpose. Employees are trained on procedures for guests in the workplace and facility access is limited by way of security access.

### **Frequency**

The CSO conducts its safety inspections quarterly. Safety & Training staff search for potential hazards with equipment whenever such equipment is being used. Vehicle lifts, and cranes in the maintenance shop are inspected monthly by maintenance staff. Preventive maintenance of equipment and facilities is performed in accordance with the manufacturer's recommended practices. Hazards are also identified by analyzing work safety trends through Hazard Report Forms submitted by employees. These forms are used by employees to report safety concerns and make safety recommendations.

### **Reporting**

When deficiencies are noted during quarterly inspections, such deficiencies are documented and reported to the Transit Director in a quarterly report. When safety hazards are noted by non-scheduled observation(s), such hazards must be reported by the observer to the on-duty supervisor or CSO. Hazard Report Forms are then routed to the CSO (or designee), if not already, to evaluate the concern and, when necessary, propose a resolution.

### **Hazard Resolution**

The primary purpose of facility inspections and hazard reporting is to identify conditions that could lead to accidents and losses. In view of this, it is crucial that all divisions and employees be involved in the Hazard Identification and Resolution processes. Hazard resolution is assume the risk associated with the hazard or to eliminate or control the hazard.

### **Follow-Up**

Corrective action for an identified and confirmed hazard through an established process is the responsibility of the CSO. FAST monitors the effectiveness of recommended countermeasures and ensures that new hazards are not introduced.



## **Documentation**

Hazards that have been identified, proposed resolutions and corrective actions are recorded in printed and electronic copies by the Safety Committee and maintained by the CSO.

All front-line personnel are responsible for monitoring safety and security as part of their respective job responsibilities. If a hazard is identified through observation or interaction with customers or the general public, such must be reported to the on-duty supervisor as well as following FAST's Hazard Reporting Process.

## **Employee Hazard Reporting**

### **Reporting Procedure**

For hazards/threats identified and/or perceived, employees are required to submit a Hazard Report Form (prior to the conclusion of the employee's shift) to the on-duty supervisor, CSO or speak with a member of the LT. Employees can also contact a Safety Committee member which is comprised of the City Safety Officer, FAST's S&TC and a representative from each city department to express/report their concerns. Depending on the severity/risk of the hazard identified, immediate action may be taken or the input is brought to the Safety Committee for future discussion. Feedback is provided to the employee on what action, if any, is taken. All employees follow the Employee Hazard Reporting Program Policy.

### **Route/Operations Safety**

Employees can fill out a Hazard Report Form or discuss suggestions for making FAST's facilities and/or routes safer. FAST encourages employees to be advocates for safety while also suggesting methods of improving performance. FAST continues to provide an open-door policy and stresses the importance of employee feedback - both positive and negative.

## **Safety Events**

### **Accident and Incident Reporting Process**

FAST's driving standards require the safe and professional driving of all its operators. To ensure better-than-average safety performance, FAST incorporates the Smith System's Defensive Driving Courses/Standards in all Operator training and employs the National Safety Council (NSC) to determine if a collision or incident could have been prevented.

All personnel operating FAST vehicles are held to the highest safety standard. All accidents and incidents involving FAST employees and/or vehicles are thoroughly investigated and reported accordingly.

FAST's Operator's Manual includes policies, procedures and responsibilities regarding accident/incident reporting. Documents contained within the manual establish procedures for accident notification and response.

FAST's Operations Team coordinates with law enforcement, whenever necessary, if an investigation warrants such. The City's Risk Management Division coordinates with outside insurance providers and provides support to manage FAST's liability and claims.

Most accidents and incidents involving FAST are relatively minor in severity and are investigated by Transit Supervisors. Since most accidents involve buses, this section focuses on bus accidents; however, all non-bus accidents and incidents are also investigated.

### **Notification**

Transit Operators are trained to notify the Transit Supervisor on-duty anytime a FAST vehicle is involved in an accident, incident or injury. Once notified, a Transit Supervisor is directed to the scene and follow the On-Scene Procedures (as indicated below). Police and ambulance are dispatched to the scene (if and when necessary).

### **On-Scene Procedures**

Transit Operators adhere to the following procedures defined in FAST's Operator Manual:

- Assist the injured
- If blocking traffic, set out reflective triangles
- Do not move the coach unless required to do so by a Transit Supervisor, fire or police order, or impending danger from traffic
- Obtain names, addresses, and phone numbers of all witnesses
- Have all customers complete the customer card

Transit Supervisors are responsible for conducting on-scene investigations of accidents, incidents and injuries. Depending on the severity and nature of the event, various mechanisms are used for preserving transient evidence. These may include, but are not limited to, digital photography, bus video, field sketches, interviews, observations, etc.

### **Investigation**

An attempt is made to complete the investigation of most accidents within 24-hours. Transit Operators and Supervisors are required to complete and submit an Employee Statement prior to the conclusion of each shift. The Transit Supervisor is required to submit the electronic and printed reports attaching all relevant media for review by the S&TC and the CSO.

A Report of Injury Form must be completed if an employee suffers an injury or illness as a result of an accident or incident.

### **Accident/Incident Review Process**

Accidents and incidents are classified as Preventable or Non-Preventable. Preventable accidents are defined as those accidents that could have been reasonably avoided if the operator had followed all defensive driving techniques as established by the National Safety Council Guidelines, the Five Keys of the Smith System and/or FAST's Standard Operating Procedures (SOPs).

After reviewing all related documents and evidence, the investigating Transit Supervisor, S&TC and CSO make an independent preliminary determination of whether the accident/incident is deemed preventable. Once the final determination of preventability is made by the S&TC, a Letter of Preventability (LoP) is issued to the employee and a copy of such is placed in the employee's safety/training file.

Should the employee dispute the determination of preventability, the employee has the right to file an appeal with the City's Employee Safety Committee. The City's Safety

Office has an established Employee Safety Committee with representation from many of the departments within the City. This Committee consists of the City Safety Officer, FAST's S&TC and a representative from each City department and meets monthly. The Committee reviews all relevant information, interviews the employee making the appeal (and any subsequent witnesses) and confers with any available person or resource he/she considers valuable to his or her deliberation. The City's Employee Safety Committee will provide the final decision.

The Committee follows all policies, procedures and definitions as established in the City's Safety Committee By-Laws. Examples of investigations may include reviews of accident and injury reports, vehicle condition reports, witness statements, employee interviews, accident scene sketches, bus videos, physical evidence, brake test reports, training manuals, and accident site visits.

### **Hazard Resolution**

The primary purpose of the accident investigation process is to determine the root cause(s) of accident in an attempt to prevent and/or mitigate such in the future. To this end, it is crucial that all Transit Supervisors are appropriately involved in this process. A serious attempt is made to use lessons learned through the investigatory process to incorporate hazard resolutions into future trainings, procedures, designs, construction, modifications, training and procurements.

### **Follow-Up**

Follow-up, in the form of corrective action, is the responsibility of the employee's immediate supervisor/manager. The responsibility of re-training is that of the S&TC and may be delegated to the CSO. All disciplinary action is assessed using the City's and/or FAST's policies and procedures for addressing such. Disciplinary consequences for preventable safety-related accidents and incidents include, but are not limited to, oral counselings, written warnings, suspensions and considerations of determination.

Training is provided, in most cases, for employees who have been involved in preventable accidents. Training and re-training are not disciplinary in nature.

### **Internal Reporting**

The Transit Supervisor is responsible for ensuring that all accident reports are completed and filed with S&TC, CSO and Risk Management. CSO and Division Managers advise on the history of the employee if a pattern of safety events is evident.

### **Documentation**

FAST's Safety Division, in conjunction with the CSO, maintain all the accident and/or incident investigation documentation.

### **Performance Measures**

Through a series of performance measures, FAST observes its safety program by identifying trends and gaps in policies, procedures, training and monitoring efforts. The following performance measures are on a daily, monthly, and quarterly basis.

### **Maintenance**

*Preventive Maintenance On-time Inspection Percentage* – determines the effectiveness of the maintenance department to ensure all inspections are conducted per manufacturing and FAST mileage intervals

*Vehicles Removed From Revenue Service* – tracks vehicles removed from service due to a mechanical defect developed while in service requiring immediate service either on-site of failure or once returned to the facility.

*Annual Vehicle Condition Assessment* – through annual inspection, determines on a scale of 1-5 the overall condition of the asset. This performance measure is also used in annual updates of FAST's TAM Plan.

## **Operations**

- *Customer Complaints Per Month* – tracks all customer complaints to identify areas of deficiency with vehicle, Operator or other FAST areas. Safety-related complaints are immediately routed to an on-duty Transit Supervisor or the CSO for investigation, mitigation and response. Complaints are received through various outlets (i.e. in-person, telephone calls, website, email, FAST public forums, etc.)
- *On-Time Performance* – serves as an indicator to issues with time management, environmental factors, scheduling and vehicle and Operator performance
- *On-Board Evaluations* – evaluations conducted onboard a transit vehicle (at least quarterly) and allows FAST to ensure satisfactory Transit Operator performance, customer service and vehicle safety
- *Trail Checks* – evaluations conducted following a transit vehicle (at least quarterly) and allows FAST to ensure satisfactory Transit Operator performance, customer service and vehicle safety

## **Safety**

- *Safety Performance Measure: Fatalities* - total number of reportable fatalities and rate per total vehicle revenue miles by mode
- *Safety Performance Measure: Injuries* - total number of reportable injuries and rate per total vehicle revenue miles by mode
- *Safety Performance Measure: Safety Events* - total number of reportable events and rate per total vehicle revenue miles by mode
- *Safety Performance Measure: System Reliability* - mean distance between major mechanical failures by mode

## **Section 7. Safety Promotion**

### **Operator Selection**

#### **Hiring Practices**

Selecting applicants best suited to excel at the Transit Operator I & II job requirements are critical to safe transit operations. The Transit Operator is directly responsible for the safety of not only its customers but, also, the pedestrians, bicyclists, motorists and all others who share the road with the transit vehicle.

FAST's hiring process includes the following components:

#### *Application*

Applicants are sought through printed and electronic postings in both traditional and culturally diverse media, referrals from current and former employees, postings on the CoF website, social media and applications/profiles completed by prospective candidates when there are no positions available. The applications are screened by key personnel in both Human Resources (HR) and Transit Operations.

#### *Interview*

After the application is submitted, reviewed and passes HR's preliminary screening, the applications are submitted to Transit for review. Once applications are reviewed, Transit then makes a determination as to whether the applicant is best qualified for an interview.

The interview process is designed to evaluate an applicant's strengths in customer service, conflict resolution, the ability to simultaneously perform tasks and the ability to perform well under temporal and interpersonal pressure.

#### *Driving Record*

To be eligible for hire as a Transit Operator I & II, a candidate must submit an acceptable driving record of six (6) months.

#### *Licensing*

All Transit Operator I applicants must possess a valid NC Driver's License.

All Transit Operator II applicants must possess a NC Class B Commercial Driver's License (CDL) with Passenger and Air Brake endorsements.

#### *Criminal Background Check*

All candidates who are offered a Conditional Offer must submit to a Criminal Background Check administered by the North Carolina State Police with the Federal Bureau of Investigation. The results must meet all statutory and City standards for the Transit Operator position.

#### *Drug Testing*

All candidates who are offered a Conditional Offer must produce a negative result for a pre-employment drug and alcohol screening.

## **Training**

Training is intended to motivate employees to work safely. There are formal training programs for Transit Operators I & II, Maintenance employees and Operations employees. These trainings involve classroom training (i.e. review of the FAST's Rider Rules of Conduct, Administrative Policies, Standard Operating Procedures (SOPs), etc.), Behind-the-Wheel (BTW) (off-route) training, cadetting revenue service) and On-the-Job training.

The safety components of training are designed to make employees aware of the hazards associated with each job and the appropriate methods for controlling these hazards. Trainings fall into three main categories: (1) Initial, (2) Periodic and (3) Remedial or Refresher.

### **Initial Transit Operator Training**

New Transit Operators receive an intensive four (4) week training course that covers every aspect of their new job as an Operator. Some components of the training are delivered in the classroom although the majority of learning occurs on the buses during BTW and cadetting training. This training includes, but is not limited to, the following:

- Smith System of Driving
- Basic Bus Maneuvers
- Service Stops
- System Overview
- Communication Skills
- Customer Service
- Accessible Service
- Emergency Management
- Personal Safety
- Health/Injury Prevention
- CDL Preparation (if applicable)
- Defensive/Distracted Driving
- Vehicle Operations
- Route Training
- Blood-Bourne Pathogens
- Accident, Incident and Injury Reporting Process

Cadetting provides real service experience with a Senior Transit Operator on the trainee's regularly scheduled work. The time the trainee operates the revenue route is at least eight (8) hours daily. During this time, the trainee receives a review of the day's events from the Senior Transit Operator by providing verbal feedback to the trainee prior to the conclusion of the shift. The Senior Transit Operator also submits written communication to the S&TC regarding the trainee's performance. The S&TC provides a weekly debriefing with the trainee to ensure a weekly review is conducted and concerns are discussed.

Trainee rotation amongst the Senior Transit Operators provide each student with experience across a variety of routes, vehicles, times of day, instructional styles and driving conditions.

After the initial training, the trainee receive additional support and training, including:

- Check-rides at the following intervals: bi-weekly
- 90-Day Follow-up: Smith System and Vehicle Operations
- 6-Months Follow-up: Smith System and Vehicle Operations
- Refresher
- One-Year Follow-up: Debriefing with S&TC and annual follow-up thereafter
- Two-Year Transit Operators are invited to become secondary mentors to trainees

### **Annual Re-Training for All Transit Operators**

Every year, each Transit Operator receives eight (8) hours of refresher a training during the calendar year. The training addresses, but is not limited to, the following topics:

- Fatigue Awareness
- Dealing With Difficult People
- Resolving Conflict
- Harassment
- Effectively Dealing With People of Differing Ages
- Proper Securement of Mobility Devices
- Defensive Driving Course
- Bloodborne Pathogens
- Safety/Security Update
- Injury Prevention
- Accessible Service Sensitivity
- PTASP and SMS

Partial-day trainings are also scheduled whenever warranted by the addition of new equipment, changes in configuration, etc.

### **Initial Transit Supervisor Training**

Transit Supervisors begin their career path, almost exclusively, as Transit Operators. Transit Supervisors perform many functions and receive training in, but not limited to, the following:

- Drug & Alcohol (Policy and procedures for all types of FTA-mandated testing)
- Accident Investigation
- Emergency Procedures
- Security Procedures
- On-the-job Injury Claims
- Bloodborne Pathogens
- Harassment
- Cultural Diversity
- Coaching/Criticism/Discipline
- Dispatch Operations
- Field Operations
- First Aid and Defibrillator

In addition to initial training, all Transit Supervisors receive eight (8) hours of refresher training annually.



### **Injury and Illness Prevention Training**

Injury and Illness Prevention Training is directed toward achieving a safe working environment for all employees and reducing the chance of occupational-related injuries and illnesses. The majority of training targets employees working in the Maintenance and Facilities Maintenance Departments because these employees have the greatest exposure to occupational hazards. The program is based on applicable Federal, State and Local safety codes and regulations. Some areas addressed in the training include, but are not limited to, the following:

- Handling Hazardous Materials (Right to Know)
- Slips, Trips, and Falls
- Personal Protection Equipment
- Material Safety Data Sheets (MSDS) and Labels
- First Aid
- Forklift Safety
- Bloodborne Pathogens
- Hazardous Materials Storage
- Strains and Sprains
- Fall Protection
- Confined Space Program
- Crane Operation
- Ergonomics
- Hazard Communication Program

### **Emergency Response Planning and Coordination**

Details are contained in the FAST Emergency Action Plan and Evacuation Request Procedures.

## **System Modification, Design, Review and Approval**

### **General Process**

FAST is regularly modified in response to operational experience, the addition of new types of service and changes in service design and levels. FAST's philosophy is to use appropriate new technologies to benefit the environment and the community it serves. The challenge is to review any proposed modification adequately before it is approved. Any proposed modification should be evaluated to ensure it is compatible with existing systems and does not introduce new hazards to the system or reduce the effectiveness of existing hazard controls.

Equipment modifications may be proposed by any employee of any department that uses the equipment. Changes may also occur from an analysis of reliability performance, historical data, and available improvements in equipment design and components.

### **Modification Design Review**

A review of any modification in equipment design shall be made by the Director (with the input of the Leadership Team (LT) who are, ultimately, responsible for the equipment. The impact on the safety of all designs and specifications should be



identified and evaluated before the change is approved. Some of the areas to be considered include, but are not limited to, the following:

- Hazardous Materials (handling and use)
- Motor Vehicle Safety
- Human Factor
- Occupational Health and Safety
- Materials Compatibility
- Fire Protection
- Lighting
- Braking systems
- Mirrors
- Warning Devices

Modifications must not be made before it is determined how such might affect the safety of the system or any other systems. Other divisions may evaluate a proposed change to determine its compatibility with other systems (i.e., hoists, fueling systems, communications systems, etc.). The evaluation may also include a review of applicable regulations, such as the Federal Motor Vehicle Safety Standards and Regulations and the U.S. Department of Labor's Occupational Safety and Health Act (OSHA).

Testing may also be performed to evaluate the safety of a proposed modification. The testing of small changes may be minimal. For substantial modifications, extensive field testing, mock-ups and structural evaluations may be employed.

### **Modification Design Approval**

Final approval is generally made by the Transit Director. When modifications are made by a bus manufacturer, the Maintenance Manager works with the manufacturer and contractual changes may be made. If changes are substantial, additional training is provided for maintenance and operations staff.

### **Monitoring**

Once a modification is put in place, feedback from Operations is solicited to evaluate the performance of the modification. Unsolicited input from Operations and its employees (end users) is also encouraged. Depending on the nature of the modification, divisional managers, Transit Planner and the CSO may be involved for input.

### **Documentation**

The Maintenance Division is responsible for documenting any vehicle modifications. The CoF's Facilities Division is responsible for documenting any modifications made to a facility. Documentation may involve changing diagrams, schematics, manuals, service bulletins, service intervals, standard operating procedures and Safety Data Sheets (SDS). The Maintenance Manager is responsible for updating the SDS based on input from product manufacturers.

### **Routes**

Route modifications are designed by the Transit Planner in coordination with the Operations Division. Planning may use Operations staff to assist with test routing and

bus stop placement. This experience-based, real-world process is designed to protect the safety of the transit bus, transit customers, other vehicles and pedestrians.

The Transit Planner informs the Operations Division and CSO of any proposed route modifications. The Transit Planner can request that the department evaluate a specific proposal as well as work with the Operations Division to evaluate any proposed modifications.

FAST management and staff may request a route modification it believes will improve its operations. It may also choose to evaluate a modification that has been proposed by another department. Input from individual Transit Operators is encouraged through the Hazard Report Form, direct communication and periodic surveying of operators conducted by the Transit Planner.

Finally, the Transit Planner maintains a cooperative working relationship with the CoF's planning and streets departments of all municipal levels within the CoF in which FAST operates.

## **Section 8. Additional Information**

This PTASP was developed from information contained within other FAST documents, policies and procedures and manuals. Those documents are listed below:

- FAST Employee Handbook
- Safety and Security Plan (SSP)
- Vehicle Maintenance Plan
- City Ordinances
- Facility Maintenance Plan
- Operator Training Manual
- Evacuation Plan...

## Section 9. Definitions of Terms Used in the Safety Plan

FAST incorporates all of FTA's definitions that are in 49 CFR § 673.5 of the PTASP regulation.

- **Accident** means an event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.
- **Accountable Executive (AE)** means a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan, in accordance with 49 U.S.C. 5326.
- **Chief Safety Officer (CSO)** means an adequately trained individual with authority and responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.
- **Demand Response (DR)** means a transit mode comprised of passenger cars, vans or small buses operating in response to calls from passengers or their agent to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destination.
- **Equivalent Authority** means an entity that carries out duties similar to that of a Board of Directors for a recipient or sub-recipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or sub-recipient's Public Transportation Agency Safety Plan.
- **Event** means any accident, incident, injury or occurrence.
- **Fatality** means a death or suicide confirmed within 30 days of a reported event. Does not include deaths in or on transit property that are a result of illness or other natural causes.
- **Hazard** means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.
- **Hazard Resolution** means to assume the risk associated with the hazard or to eliminate or control the hazard.
- **Incident** means an event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.
- **Injury** means any damage or harm to persons as a result of an event that requires immediate medical attention away from the scene.

- **Investigation** means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.
- **National Public Transportation Safety Plan** means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.
- **Occurrence** means an event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.
- **Operator** of a public transportation system means a provider of public transportation as defined under 49 U.S.C. 5302.
- **Occupational Safety and Health Administration:** means to ensure safe and healthful working conditions for working men and women by setting and enforcing standards and providing training, outreach, education and assistance.
- **Performance Measure** means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.
- **Performance Target** means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.
- **Preventable Accident** means those accidents that could have been reasonably avoided if the operator had followed all defensive driving techniques.
- **Public Transportation Agency Safety Plan (or Agency Safety Plan)** means the documented comprehensive Agency Safety Plan for a transit agency that is required by 49 U.S.C. 5329 and Part 673.
- **Risk** means the composite of predicted severity and likelihood of the potential effect of a hazard.
- **Risk Mitigation** means a method or methods to eliminate or reduce the effects of hazards.
- **Safety Assurance** means processes within a transit agency's Safety Management System that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.
- **Safety Event** means a collision, derailment, fire, hazardous material spill, act of nature occurring on transit right-of-way, in a transit revenue facility, in a transit maintenance facility, or involving a transit revenue vehicle and meeting established NTD thresholds.
- **Safety Management Policy** means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.
- **Safety Management System** means the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

- **Safety Performance Target** means a performance target related to safety management activities.
- **Safety Promotion** means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.
- **Safety Risk Assessment** means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.
- **Safety Risk Management** means a process within a transit agency's Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.
- **Serious Injury** means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date when the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage; (4) Involves any internal organ; or (5) Involves second or third-degree burns, or any burns affecting more than 5 percent of the body surface.
- **State of Good Repair (SGR)** means the condition in which a capital asset is able to operate at a full level of performance.
- **Transit Agency** means an operator of a public transportation system.
- **Transit Asset Management (TAM) Plan** means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625.
- **Transit Operator I** means a transit operator whose primary duties include the transport of the general public in sedans/minivans; however, does not require a Commercial Driver's License (CDL).
- **Transit Operator II** means a transit operator whose primary duties include the transport of the general public. In addition, the transit operator must obtain/maintain a North Carolina Class B Commercial Driver's License (CDL) with Passenger and Airbrakes endorsements.

## Section 10. Commonly Used Acronyms

Acronym	Word or Phrase
ADA	American's with Disabilities Act of 1990
AE	Accountable Executive
ASP	Agency Safety Plan (also referred to as a PTASP in Part 673)
CDL	Commercial Driver's License
CoF	City of Fayetteville
CFR	Code of Federal Regulations
CSO	Chief Safety Officer
CT	County Transit
DR	Demand Response
DVIR	Driver's Vehicle Inspection Report
ESRP	Employee Safety Reporting Program
FAST	Fayetteville Area System of Transit
FAMPO	Fayetteville Area Metropolitan Planning Organization
FTA	Federal Transit Administration
HR	Human Resource
HRF	Hazard Report Form
LOP	Letter of Preventability
LPIR	Loss Prevention Investigation Report
LT	Leadership Team
MPO	Metropolitan Planning Organization
MB	Mode Bus
NCDOT	North Carolina Department of Transportation
NSC	National Safety Council
NSP	National Safety Plan
OSHA	Occupational Safety and Health Administration
Part 673	49 CFR Part 673 (Public Transportation Agency Safety Plan)
PMI	Preventive Maintenance Inspection
PTASP	Public Transportation Agency Safety Plan
SGR	State of Good Repair
SMS	Safety Management System
SOP	Standard Operating Procedures
SPM	Safety Performance Measures
SPT	Safety Performance Target
SSP	System Safety Plan
S&TC	Safety and Training Coordinator
TAM	Transit Asset Management
TOI	Transit Operator One
TOII	Transit Operator Two
USC	United States Code
VRM	Vehicle Revenue Miles

## Appendix 1. Hazard Reporting Form(s)

HAZARD REPORTING FORM							
Reporting Employee					Report #		
Date of Report							
Time of Hazard				Time Report Submitted			
Location of Hazard				Route/Manifest			
Supervisor Notified							
(Check all that apply)							
<b>Type of Hazard</b>							
Vehicle			Weather Related				
Passenger			Road Condition				
Facility			Security				
Employee			Near Miss				
<b>Description of Hazard</b>							
<b>Initial Action Taken to Mitigate Hazard</b>							
<b>Initial Assessment of Hazard</b>							
	Level 1 - Immediate: A deficiency, threat, or hazard requiring immediate attention to mitigate risk either temporarily until further action can be taken or complete mitigation.						
	Level 2 - Short Term: Action is needed within seven days to mitigate an identified deficiency, threat, or hazard. The deficiency, threat, or hazard does not pose immediate danger, but if no action is taken could elevate to an Immediate level risk.						
	Level 3 - Long Term: A deficiency, threat or hazard has been identified but does not pose a threat currently, but could at a later time. Continued monitoring and awareness are required.						
<b>Likelihood of re-occurrence of this hazard (1-10)</b>							
Received by: _____				Date/Time _____/_____/_____			



## HAZARD MITIGATION

Investigating Supervisor						Title		
Date of Investigation						Time		
<b>Additional Information</b>								
<b>Assessment Classification (Circle)</b>				Level 1	Level 2	Level 3		
						Report #		
<b>Mitigation Action(s) Taken</b>								
Action(s) Designed to:			Eliminate		Control		(Circle one)	
<b>Describe Communication of Action(s)</b>								
<b>Follow-up</b>								
Date				Contact				
Status of Action Taken								
Is additional action needed?				YES		NO		
<b>Additional Action Taken</b>								

HAZARD CLASSIFICATION							
						Report #	
Category of Hazard							
<b>Vehicle</b>				<b>Passenger</b>			
Mechanical				Behavior			
Performance				Weapon			
Interior				Suspended from svc.			
Exterior				Medical Emergency			
Towed				Injury			
Repaired on scene				Death			
Safety equipment				Mobility Devise			
Lift/Ramp/Securemt							
See Pre-Trip							
<b>Facility</b>				<b>Facility</b>			
Safety Equipment				Shelter			
Security Systems				Fueling			
Plumbing				Hazardous Materials			
Electrical				Fencing/Gate			
Foundation				Passenger Amenities			
Parking							
Equipment				<b>Employee</b>			
HVAC/Heat				Behavior			
Roof				Theft			
Storage				Endangering Others			
Computer/Data				Property Abuse			
Farebox/Vault				Illegal Activity			
				Chief Safety Officer Initials			

# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 20-1386

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**Agenda Date:** 6/8/2020

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.03

**TO:** Mayor and Members of City Council

**THRU:** Douglas J. Hewett, ICMA-CM, City Manager

**FROM:** Gina V. Hawkins, Police Chief  
Tracey Broyles, Budget and Evaluation Director

**DATE:** June 8, 2020

**RE:**

Adoption of Special Revenue Fund Project Ordinance 2020-15 2020 Coronavirus  
Emergency Supplemental Funding

**COUNCIL DISTRICT(S):**

ALL

**Relationship To Strategic Plan:**

Goal 1: Safe and Secure Community

**Executive Summary:**

Special Revenue Fund Project Ordinance 2020-15 will appropriate \$408,226 of federal funds, awarded by the U.S. Department of Justice, for the 2020 Coronavirus Emergency Supplemental Funding (CESF) Program. No local match is required. The grant will provide funding for equipment, supplies, software, and computers.

**Background:**

The Fayetteville Police Department (FPD) has been awarded a grant from the Office of Justice Programs, U.S. Department of Justice under the CESF Program, which provides funding to eligible states, local units of government, and tribes in preventing, preparing for and responding to the coronavirus.

FPD will use the grant funds to purchase air purifiers, replacement water fountains, decontamination showers, and other equipment to decrease the spread of the coronavirus in all law enforcement facilities. Funds will also be used to provide personal

protective equipment to law enforcement personnel, additional laptops and expanded bandwidth to increase remote work locations, and other software and communication systems to focus on increased work productivity within public safety.

**Issues/Analysis:**

None

**Budget Impact:**

There is no impact to the General Fund as no local match is required.

**Options:**

- 1) Adopt Special Revenue Fund Project Ordinance 2020-15.
- 2) Do not adopt Special Revenue Fund Project Ordinance 2020-15 and provide direction to staff.

**Recommended Action:**

Staff recommends that Council move to adopt Special Revenue Fund Project Ordinance 2020-15 as presented.

**Attachments:**

Special Revenue Fund Project Ordinance 2020-15  
CESF 2020 Budget Worksheet  
COVID19 Award Report  
COVID19 Funding Program Narrative

SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2020-15

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted:

Section 1. The authorized project is for the funding of the 2020 Coronavirus Emergency Supplemental Funding (CESF) Program, as awarded by the U.S. Department of Justice.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

U.S. Department of Justice Grant	\$ 408,226
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	\$ 408,226
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 8th day of June, 2020.



**Department of Justice (DOJ)**

Office of Justice Programs

Office of the Assistant Attorney General

*Washington, D.C. 20531*

May 13, 2020

Mr. Douglas Hewett  
City of Fayetteville  
467 Hay Street  
Fayetteville, NC 28301-5565

Dear Mr. Hewett:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has approved the application by City of Fayetteville for an award under the OJP funding opportunity entitled "BJA FY 20 Coronavirus Emergency Supplemental Funding Program." The approved award amount is \$408,226. These funds are for the project entitled 2020 Coronavirus Emergency Supplement Funding- City of Fayetteville, NC Funding.

The award document, including award conditions, is enclosed. The entire document is to be reviewed carefully before any decision to accept the award. Also, the webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](http://ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)) is to be consulted prior to an acceptance. Through that "Legal Notices" webpage, OJP sets out -- by funding opportunity -- certain special circumstances that may or will affect the applicability of one or more award requirements. Any such legal notice pertaining to award requirements that is posted through that webpage is incorporated by reference into the award.

Please note that award requirements include not only award conditions, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. Because these requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds), it is vital that all key staff know the award requirements, and receive the award conditions and the assurances and certifications, as well as the application as approved by OJP. (Information on all pertinent award requirements also must be provided to any subrecipient of the award.)

Should City of Fayetteville accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Please direct questions regarding this award as follows:

- For program questions, contact Christine O. Torres, Program Manager at (202) 305-1978; and
- For financial questions, contact the Customer Service Center of OJP's Office of the Chief Financial Officer at (800) 458-0786, or at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katharine T. Sullivan", is located below the "Sincerely," text.

Katharine T. Sullivan  
Principal Deputy Assistant Attorney General

Encl.



**Department of Justice (DOJ)**

Office of Justice Programs

*Office of Civil Rights*

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*Washington, DC 20531*

May 13, 2020

Mr. Douglas J. Hewett  
City of Fayetteville  
467 Hay Street  
Fayetteville, NC 28301-5565

Dear Mr. Hewett:

Congratulations on your recent award. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOPs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEOP requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

PAGE 1 OF 16

1. RECIPIENT NAME AND ADDRESS (Including Zip Code)

City of Fayetteville  
467 Hay Street  
Fayetteville, NC 28301-5565

4. AWARD NUMBER: 2020-VD-BX-0333

5. PROJECT PERIOD: FROM 01/20/2020 TO 01/31/2022  
BUDGET PERIOD: FROM 01/20/2020 TO 01/31/2022

6. AWARD DATE 05/13/2020

7. ACTION

2a. GRANTEE IRS/VENDOR NO.

566001226

8. SUPPLEMENT NUMBER

00

Initial

2b. GRANTEE DUNS NO.

027068282

9. PREVIOUS AWARD AMOUNT

\$ 0

3. PROJECT TITLE

2020 Coronavirus Emergency Supplement Funding- City of Fayetteville,  
NC Funding

10. AMOUNT OF THIS AWARD

\$ 408,226

11. TOTAL AWARD

\$ 408,226

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH  
ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C

14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)

16.034 - Coronavirus Emergency Supplemental Funding Program

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL

GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL

Katharine T. Sullivan  
Principal Deputy Assistant Attorney General

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Douglas J. Hewett  
City Manager

17. SIGNATURE OF APPROVING OFFICIAL

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. REG.	OFC.	SUB.	POMS	AMOUNT
X	B	VD	80	00	00		408226

21. VVDUGT0472





Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 2 OF 16

PROJECT NUMBER 2020-VD-BX-0333

AWARD DATE 05/13/2020

*SPECIAL CONDITIONS*

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](http://ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.



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2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2020 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2020 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2020 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.



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5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2018, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.



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8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).



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9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or



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any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email E-Verify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov).

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.



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13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or -subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.





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14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.





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19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.



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24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY20AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.



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27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.



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*SPECIAL CONDITIONS*

28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at [OJP.ComplianceReporting@ojp.usdoj.gov](mailto:OJP.ComplianceReporting@ojp.usdoj.gov). For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

31. Signing Authority

This award must be signed by an authorized official of the applicant State, local, or tribal government, on behalf of that applicant State, unit of local government, or Tribe, unless the applicant designates an organizational unit to apply on its behalf. For example, if designated by a unit of local government, a Police Department or Sheriff's Office (or similar agency) may apply on behalf of the applicant jurisdiction, as long as the department, office, or agency is listed as the organizational unit on the SF-424. In that case, the head of the designated organizational unit (such as a Police Chief or Sheriff) may sign the award. Documentation of the designation by the appropriate governing body must be retained by the grant recipient.

32. The "Emergency Appropriations for Coronavirus Health Response and Agency Operations" law (Public Law 116-136) includes definitions, reporting requirements, and certain other provisions that apply (whether in whole or in part) to this award. In addition, consistent with the CESF Program's purposes, which involve preparing for, preventing, and responding to the coronavirus national emergency, OJP will provide notice of any additional CESF program-specific grants administrative requirements on an award page, accessible at <https://www.ojp.gov/funding/explore/CESF-program-specific-condition>, that is incorporated by reference here.



Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 14 OF 16

PROJECT NUMBER 2020-VD-BX-0333

AWARD DATE 05/13/2020

*SPECIAL CONDITIONS*

33. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).
34. FFATA reporting: Subawards and executive compensation
- The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.
- This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
35. Required monitoring of subawards
- The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
36. Use of program income
- Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.
37. Justice Information Sharing
- Recipients are encouraged to comply any information-sharing projects funded under this award with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) is encouraged to conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [https://it.ojp.gov/gsp\\_grantcondition](https://it.ojp.gov/gsp_grantcondition). The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information.
38. Avoidance of duplication of networks
- To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity.



Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 15 OF 16

PROJECT NUMBER 2020-VD-BX-0333

AWARD DATE 05/13/2020

*SPECIAL CONDITIONS*

39. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA. The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are: a. New construction; b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places; c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories. The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/ or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bjagov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations. Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

40. Establishment of interest-bearing account

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish an interest-bearing account dedicated specifically to this award. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The award funds, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Coronavirus Emergency Supplemental Funding (CESF) program. The recipient also agrees to obligate the award funds in the account(including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

41. Expenditures requiring prior approval

No funds under this award may be expended on individual items costing \$500,000 or more, or to purchase Unmanned Aerial Systems (UAS), Unmanned Aircraft (UA), and/or Unmanned Aerial Vehicles (UAV) without prior written approval from BJA. Prior approval must be obtained post-award, through the submission and approval of a Grant Adjustment Notice (GAN) through OJP's Grant Management System (GMS).





Department of Justice (DOJ)  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD CONTINUATION  
SHEET  
Grant**

PAGE 16 OF 16

PROJECT NUMBER 2020-VD-BX-0333

AWARD DATE 05/13/2020

*SPECIAL CONDITIONS*

42. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after January 20, 2020

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (January 20, 2020), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds.

43. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

44. Body armor - compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.



**Department of Justice (DOJ)**

Office of Justice Programs

*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Categorical Exclusion for City of Fayetteville

The Coronavirus Emergency Supplemental Funding (CESF) Program allows eligible states, local units of government, and tribes to support a broad range of activities including preventing, preparing for, and responding to the coronavirus.

All recipients of CESF funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a sub-grantee or third party.

BJA's expectation is that none of the following activities will be conducted whether under this federal award or a related third party action:

- (1) New construction
- (2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species
- (3) A renovation that will change the basic prior use of a facility or significantly change its size
- (4) Research and technology whose anticipated and future application could be expected to have an effect on the environment
- (5) Implementation of a program involving the use of chemicals (including the identification, seizure, or closure of clandestine methamphetamine laboratories) other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

Consequently, the subject federal action meets the Office of Justice Programs' criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

If, however, award funds are proposed to be used for any of the enumerated projects or activities above, grant recipients must contact their grant manager, and receive written approval prior to commencing that project or activity.

Questions about this determination may be directed to your grant manager or Orbin Terry, Environmental Coordinator for BJA.



 <div>Department of Justice (DOJ) Office of Justice Programs  Bureau of Justice Assistance</div>	<b>GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY</b>  <b>Grant</b>	
	PROJECT NUMBER  2020-VD-BX-0333	PAGE 1 OF 1
This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C		
1. STAFF CONTACT (Name & telephone number)  Christine O. Torres (202) 305-1978	2. PROJECT DIRECTOR (Name, address & telephone number)  Tammy Pippen Grant Manager 467 Hay Street Fayetteville, NC 28301-5556 (910) 433-1423	
3a. TITLE OF THE PROGRAM  BJA FY 20 Coronavirus Emergency Supplemental Funding Program		3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)
4. TITLE OF PROJECT  2020 Coronavirus Emergency Supplement Funding- City of Fayetteville, NC Funding		
5. NAME & ADDRESS OF GRANTEE  City of Fayetteville 467 Hay Street Fayetteville, NC 28301-5565	6. NAME & ADDRESS OF SUBGRANTEE	
7. PROGRAM PERIOD  FROM: 01/20/2020 TO: 01/31/2022	8. BUDGET PERIOD  FROM: 01/20/2020 TO: 01/31/2022	
9. AMOUNT OF AWARD  \$ 408,226	10. DATE OF AWARD  05/13/2020	
11. SECOND YEAR'S BUDGET	12. SECOND YEAR'S BUDGET AMOUNT	
13. THIRD YEAR'S BUDGET PERIOD	14. THIRD YEAR'S BUDGET AMOUNT	
15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)  The Coronavirus Emergency Supplemental Funding (CESF) Program allows States, U.S. Territories, the District of Columbia, units of local government, and federally recognized tribal governments to support a broad range of activities to prevent, prepare for, and respond to the coronavirus. Funded projects or initiatives may include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, travel expenses (particularly related to the distribution of resources to the most impacted areas), and addressing the medical needs of inmates in state, local, and tribal prisons, jails, and detention centers.  NCA/NCF		



**Coronavirus Emergency Supplemental Funding Program Solicitation**  
**FY 2020 Formula Grant Solicitation**  
**CFDA #16.034**  
**City of Fayetteville Police Department**  
**Eligible Allocation: \$408,266.00**

**Program Narrative**

The Fayetteville Police Department is requesting \$408,266.00 in Coronavirus Emergency Supplemental Funding to prevent and respond to the Coronavirus (COVID-19) pandemic. The goal during the COVID-19 pandemic is to keep law enforcement safe but also operational. COVID-19 Emergency Supplement Funds would allow the Fayetteville Police Department reach the following goals:

1. Ensure that crucial law enforcement services are not unreasonably disrupted.
2. Ensure that all employees are provided with the means to prevent or mitigate the spread of infection.
3. Develop contingency plans, organizing resources, and establishing departmental protocols that can be used to respond to and help mitigate the effects of the COVID-19 pandemic or similar health emergency.

Officer Safety/Protection: Protective gear such as PPE Packs, gloves, disinfectant wipes/spray, shoe covers, mask/face shields will be worn by law enforcement officers while on duty. Funding would allow for a variety of styles of PPE may be necessary based on the type of operational duties This will ensure that officers are able to perform operational duties in a safe manner. It is vital that all surfaces of the Fayetteville Police Department remain safe and clean. This will ensure officers who have made contact with citizens or materials contaminated while providing law enforcement services (e.g., doors, patrol cars, officer's uniforms rails, break rooms, locker rooms, control panels, floors, walls, work surfaces) should be thoroughly cleaned and disinfected using an EPA-registered hospital grade disinfectant in accordance with the product label. \*Note: Mask material and supplies are for material needed to create mask due to the mask storage. The washer, dryer and mobile showers would allow for immediate decontamination for any employees that comes in contact with the virus.

Work Efficiency: NetMotion, the bandwidth expansion and the soft phone implementation would allow law enforcement employees to have remote access to their current work station as well as process citizen calls and reports from almost any location including a home based environment. This strategy will also decrease the risk of spreading the coronavirus by minimizing employee to employee contact or employee to citizen contact when deemed necessary.

FY 2020 Formula Grant Solicitation  
CFDA #16.034  
City of Fayetteville Police Department  
Eligible Allocation: \$408,266.00

## Budget Narrative

A. Personnel Cost: Not Applicable

B. Fringe Benefits: Not Applicable

C. Travel: Not Applicable

D. Equipment: (\$72,765.00) Funds are being requested to purchase essential equipment needed by public safety to maintain services during the COVID-19 Pandemic. Air purifiers, air cleaners, water fountain replacements, decontamination showers, washer /dryer would all be used by the Fayetteville Police Department to decrease the spread of the coronavirus in all law enforcement facilities. Laptops would allow the FPD to expand remote work locations while maintaining law enforcement services for the community.

E. Supplies (\$158,250.00) include a mass allotment of personal protective supplies. PPE bundles, gloves, masks, face shields, hand sanitizers, disinfectant wipes/spray, shoe covers and goggles would be used by law enforcement employees. Car air purifiers would be placed in each vehicle to minimize the spread of germs. Touch-less light switches and touch-less sanitizing machines would be used in all public safety facilities to minimize the spreading of the coronavirus. No contact thermometers would be used as a safety precaution and monitor symptoms of the coronavirus. Mask material mask, mask supplies, cricut supplies, and spoon-flower material were used to create mask for law enforcement employees during the mask storage during COVID-19 (this line item would be retro-active expenses per the guidelines of the grant).

F. Construction/Contracts: Not Applicable

G. Consultants/Contracts (\$177,251.00): The Fayetteville Police Department is requesting funds in this line item to focus on work productivity within public safety. FPD will expand the current soft phone system which will allow law enforcement employees to process reports and take calls from citizens. New Motion is a software enhancement needed to work with the soft phone system. Pingboard is a software upgrade that allows FPD to real-time track employee work stations/locations and status. This system served as a vital communication tool amongst commanders and employees. Smart Force will enhance the communication network within law enforcement which is vital by providing real-time information via a dashboard and mobile application. Bandwidth expansion is will expand the access of the Fayetteville Police Department to work in a remote environment.

H. Other: Not Applicable

I. Indirect Costs: Not Applicable

TOTAL PROJECT COST



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 20-1402

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**Agenda Date:** 6/8/2020

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.04

**TO:** Mayor and Members of City Council

**THRU:** Angel Wright-Lanier, ICMA-CM, Assistant City Manager

**FROM:** Christopher Cauley, MPA, Economic & Community Development  
Assistant Director  
Jay C. Toland, CMA, Chief Financial Officer

**DATE:** June 8, 2020

**RE:**

**Approval of an Amendment to the FY 2020 Annual Action Plan and Adoption of  
Special Revenue Project Ordinance (SRO) 2020-16 to Appropriate Community  
Development Block Grant Award for COVID-19**

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

Goal 2: Diverse & Viable Economy

Goal 4: Desirable Place to Live, Work, and Recreate

Goal 6: Citizen Engagement & Partnerships

**Executive Summary:**

The City has been awarded \$902,653 as part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). An amendment of the Fiscal Year 2020 Annual Action Plan is required to access and expend these funds. Council is asked to approve the amendment of the Annual Action Plan and adopt Special Revenue Project Ordinance (SRO) 2020-16 to appropriate this funding.

**Background:**

The CARES Act was passed into law on March 27, 2020. The legislation included \$5 billion in funding for the Community Development Block Grant program (CDBG). Of that total, \$2 billion was allocated to state and local governments based on the CDBG allocation formulas used for Fiscal Year 2020, and the City has received notification of the

award of \$902,653 of this funding.

While CDBG funds can be used for a wide variety of activities, the allocation referred to as CDBG-CV can only be used to prepare, respond and recover from COVID19. To better understand the community needs and to follow the established process for creating an action plan, the Economic and Community Development Department posted a Request for Proposals for the entire month of May, 2020. Substantial outreach was conducted and personal consultation was offered to all interested applicants.

The Department of Housing and Urban Development (HUD) established guidance directing local governments to amend their current Annual Action Plan (Fiscal Year 2020) to include this new funding source. This amendment also realigns funding to consolidate Economic Development programs, and meet current needs and obligations. Lastly, new emergency procedures from HUD required additional language in the Citizen Participation Plan.

**Issues/Analysis:**

The Economic and Community Development Department has evaluated the identified needs of the community and proposals from various community service providers and recommends funding the projects listed on the attached CDBG-CV Project List.

Public comment on this plan was received from June 3, 2020 to June 8, 2020 at 5PM.

**Budget Impact:**

These activities are funded by HUD's CDBG program and eligible expenses will be paid by the grant. No local match is required.

**Options:**

- Approve the amendment to the FY 2020 Annual Action Plan as presented to include the new CDBG-CV funds and adopt SRO 2020-16.
- Direct staff to alter the amendment to the Annual Action Plan and adopt SRO 2020-16.
- Do not approve the amendment to the FY 2020 Annual Action plan or adopt the SRO 2020-16 and provide further direction to staff.

**Recommended Action:**

Staff recommends that Council move to approve the amendment to the FY 2020 Annual Action Plan as presented to include the new CDBG-CV funds and adopt SRO 2020-16.

**Attachments:**

Special Revenue Ordinance 2020-16

FY 2020 Substantial Amendment for COVID19  
Award letter for CDBG-CV



SPECIAL REVENUE FUND PROJECT ORDINANCE  
ORD 2020-16

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted:

Section 1. The project authorized is for the funding of the Community Development Block Grant COVID-19 funding awarded by the U.S. Department of Housing and Urban Development, as authorized through the CARES Act.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various contract agreements executed with the Federal and State governments and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

CDBG - CV	\$ <u>902,653</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	\$ <u>902,653</u>
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Section 5. Copies of this special revenue project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out this project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 8th day of June, 2020.

## Fiscal Year 2020 CDBG-CV Action Plan

Agency	Project	Requested Amount	Recommended Amount	Notes
Greater Life of Fayetteville	Youth Transitional Housing	\$ 121,622	\$ -	
City of Fayetteville	Small Business Retention Grant	\$ 300,000	\$ 250,653	
Fayetteville Chamber of Commerce	Small Business Technical Assistance	\$ 79,300	\$ 50,000	Late Submission
Salvation Army	Shelter Services	\$ 25,000	\$ 29,000	
Family Services of America	Housing Rehabilitation	\$ 428,362	\$ -	
Veterans Empowering Veterans	Housing Rehabilitation	\$ 35,000	\$ -	Late Submission
Connections	Homeless Prevention	\$ 300,000	\$ 300,000	
Endeavors	Homeless Prevention	\$ 445,164	\$ 100,000	
Fayetteville Urban Ministries	Homeless Prevention	\$ 65,000	\$ 65,000	
Cumberland Health Net	Homeless Case Management	\$ 108,000	\$ 108,000	
Word of God Fellowship	Church Repairs	\$ 30,000	\$ -	Late Submission
FMHA - Hillside Manor	Community Center Renovations	\$ 117,431	\$ -	
<b>Total</b>		<b>\$ 2,054,879</b>	<b>\$ 902,653</b>	



ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
WASHINGTON, DC 20410-7000

April 2, 2020

The Honorable Mitch Colvin  
Mayor of Fayetteville  
433 Hay Street  
Fayetteville, NC 28301-5537

Dear Mayor Colvin:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department is immediately allocating \$2 billion based on the fiscal year 2020 CDBG formula. The remaining \$3 billion shall be allocated based on needs using best available data, in the following tranches: \$1 billion shall be allocated to States and insular areas within 45 days of enactment of the Cares Act, and \$2 billion shall be distributed to states and local governments at the discretion of the Secretary. Up to \$10 million will be set aside for technical assistance. Given the immediate needs faced by our communities, the Department has announced the first allocation of funds. Your jurisdiction's allocation is \$902,653.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the Secretary to grant waivers and alternative requirements of statutes and regulations the Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

The Department is developing a notice that will further describes the CARES Act's provisions, a Quick Guide to the CARES Act flexibilities and other provisions, and other resources to enable swift implementation of CDBG-CV grants. As these become available, they will be

posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and requirements that each grantee have adequate procedures to prevent the duplication of benefits. HUD will provide guidance and technical assistance on DOB and regarding prevention of fraud, waste, and abuse and documenting the impact of this program for beneficiaries.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or [CPDQuestionsAnswered@hud.gov](mailto:CPDQuestionsAnswered@hud.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'John Gibbs', with a stylized, cursive script.

John Gibbs  
Acting Assistant Secretary  
for Community Planning and Development  
U.S. Department of Housing and Urban Development

# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 20-1401

**Agenda Date:** 6/8/2020

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Consent

**Agenda Number:** 6.05

**TO:** Mayor and Members of City Council

**THRU:** David W. Trego, CEO/General Manager  
Fayetteville Public Works Commission

**FROM:** Fayetteville Public Works Commission

**DATE:** June 8, 2020

**RE:**

Bid Recommendation - Annexation Phase V Project XI, Area 24, Section A,  
Cliffdale Estates

**COUNCIL DISTRICT(S):**

All

**Relationship To Strategic Plan:**

High Quality Built Environment

**Executive Summary:**

Bids were received for the contract for Fayetteville Annexation Phase V Project XI Area 24, Section A, Cliffdale Estates. The recommended lowest responsive, responsible bidder is T. A. Loving Company, Goldsboro, NC, in the total amount of \$3,780,500.00.

**Background:**

Bids were received for the contract for Fayetteville Annexation Phase V Project XI Area 24, Section A, Cliffdale Estates. The recommended lowest responsive, responsible bidder is T. A. Loving Company, Goldsboro, NC, in the total amount of \$3,780,500.00.

Bids were received on May 13, 2020, as follows:

BIDDERS

TOTAL COST

T. A. Loving Company, Goldsboro, NC	\$3,780,500.00
Sanford Contractors, Sanford, NC	\$5,543,121.82
Billy Bill Grading Co., Inc., Fayetteville, NC	\$7,139,828.85

**Issues/Analysis:**

Notice of bid was advertised through our normal channels on April 15, 2020, with a bid opening date of May 13, 2020. Addendum No. 1 was issued on May 7, 2020, to address Contract Document revisions, to answer questions and provide minutes from the Mandatory Pre-Bid. Addendum No. 2 was issued on May 11, 2020, to modify the bid form quantities.

**Budget Impact:**

Funding for this project will be funded from WS-60 Phase V Annexation (CPR1000130).

**Options:**

N/A

**Recommended Action:**

The Fayetteville Public Works Commission recommends the Fayetteville City Council approve the bid recommendation to award the contract for the Fayetteville Annexation Phase V Project XI, Area 24, Section A, Cliffdale Estates to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of \$3,780,500.00.

**Attachments:**

Bid Recommendation - Area 24A, Cliffdale Estates

**PUBLIC WORKS COMMISSION  
ACTION REQUEST FORM**

**TO:** David W. Trego, CEO/General Manager

**DATE:** May 19, 2020

**FROM:** Trent K. Ensley, Procurement Manager

.....

**ACTION REQUESTED:** Approve contract award for the Fayetteville Annexation Phase V Project XI-Area 24 - Section A, Cliffdale Estates to the lowest, responsive, responsible bidder, T.A. Loving Company, Goldsboro, NC 27533. This project is will provide sewer service to the construction area 24- Section A for Phase V Annexation.

.....

**BID/PROJECT NAME:** The Fayetteville Annexation Phase V Project XI- Area 24- Section A, Cliffdale Estates

**BID DATE:** May 13, 2020

**DEPARTMENT:** Water Resources Engineering

.....

**BUDGET INFORMATION:** Funding for this project will be funded from WS-60 Phase V Annexation (CPR10000130).

.....

BIDDERS	TOTAL COST
T.A. Loving Company, Goldsboro, NC 27533	\$3,780,500.00
Sanford Contractors, Sanford, NC 27332	\$5,543,121.82
Billy Bill Grading Co., Inc., Fayetteville, NC 28311	\$7,139,828.85

.....

**AWARD RECOMMENDED TO:** T.A. Loving Company, Goldsboro, NC 27533

**BASIS OF AWARD:** Lowest responsive, responsible bidder

.....

**COMMENTS:** The Commission is asked to approve award of the Fayetteville Annexation Phase V Project XI-Area 24 - Section A, Cliffdale Estates, to the lowest, responsive, responsible bidder, T.A. Loving Company, Goldsboro, NC 27533. Notice of the bid was advertised through our normal channels on April 15, 2020 with a bid opening date May 13, 2020. Addendum No. 1 was issued on May 7, 2020 to address Contract Document Revisions, to answer questions, and provide minutes from the Mandatory Pre-Bid. Addendum No. 2 was issued on May 11, 2020 to modify the bid form quantities. The Bid received from T.A. Loving Company was the lowest responsive and responsible. Award is recommended to T.A. Loving Company.

**ACTION BY COMMISSION**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_

**DATE** \_\_\_\_\_

**ACTION BY COUNCIL**

**APPROVED** \_\_\_\_\_ **REJECTED** \_\_\_\_\_

**DATE** \_\_\_\_\_



**BID HISTORY**  
**FAYETTEVILLE ANNEXATION PHASE V**  
**PROJECT XI – AREA 24 – SECTION A, CLIFFDALE ESTATES**  
**BID DATE: MAY 13, 2020, AT 2:00PM**

**Consulting Engineer**

W.K. Dickson & Co., Inc., Raleigh, NC 27607

**Advertisement**

- |    |   |   |
|----|---|---|
| 1. | PWC Website<br>Addendum No. 1<br>Addendum No. 2 | 04/15/2020 through 05/07/2020<br>05/07/2020 through 05/11/2020<br>05/11/2020 through 05/13/2020 |
| 2. | The Fayetteville Press                          | General Monthly Ad  |

**List of Prospective Bidders**

1. Sanford Contractors, Sanford, NC 27332
2. BridgePoint Civil, Goldsboro, NC 27530
3. T.A. Loving Co., Goldsboro, NC 27530
4. T2 Contracting, Fuquay Varina, NC 27526
5. Billy Bill Grading, Fayetteville, NC 28311

**PWC Procurement Mailing List- Registered vendors via the PWC website and BBR registrants. (approximately 830 contacts)**

**Small Business Administration Programs:**

Small Business Administration Regional Office (SBA)  
NC Procurement & Technical Assistance Center (NCPTAC)  
Veterans Business Outreach Center (VBOC)  
Small Business Technology Center (SBTDC)  
Women's Business Center of Fayetteville (WBC)

**Local Business and Community Programs**

FSU Construction Resource Office (FSUCRO)  
FSU Economic Development Administration Program (FSUEDA)  
FSU Career Pathways Initiative  
NAACP, Fayetteville Branch  
FTCC Small Business Center (SBC)  
Greater Fayetteville Chamber  
Hope Mills Chamber  
Spring Lake Chamber  
Hoke Chamber  
Fayetteville Business & Professional League (FBPL)  
Latinos United for Progress  
Latino Community Connects  
The Center for Emerging Business

**State Business and Community Programs**

NC Institute of Minority Economic Development (The Institute) Durham, NC  
NAACP, State Branch Raleigh, NC  
National Utility Contracting Association- NC Chapter (NUCA)  
Durham Chapter of the National Association of Women in Construction (NAWIC)  
South Atlantic Region of National Association of Women in Construction (NAWIC)  
The Hispanic Contractors Association of the Carolinas (HCAC)  
United Minority Contractors of North Carolina  
International Women in Transportation- Triangle Chapter  
International Erosion Control Association (IECA)

**Media**

Fayetteville Observer  
WIDU, AM1600  
IBronco Radio at FSU  
Fayetteville Press News  
Up & Coming Weekly  
Bladen Journal

**SDBE/Local Participation**

**SDBE/Local:** T.A Loving Company is not a SDBE or local firm. T.A. Loving Company intends to subcontract with a female owned DBE, WBE, HUB Firm: Filler UP Trucking. The estimated amount of SDBE/HUB spend is \$70,000.00. T.A. Loving Company also intends to subcontract with a Local non-SDBE, Forrest's Landscaping & Lawn Care Sod, Fayetteville, NC. The estimated amount of Local spend is \$170,000.00.

# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 20-1396

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**Agenda Date:** 6/8/2020

**Version:** 2

**Status:** Agenda Ready

**In Control:** City Council Regular Meeting

**File Type:** Public Hearing

**Agenda Number:** 8.01

**TO:** Mayor and Members of City Council

**THRU:** Telly C. Whitfield, Ph.D., Assistant City Manager

**FROM:** Tracey Broyles, Budget and Evaluation Director

**DATE:** June 8, 2020

**RE:**

Public Hearing on Proposed Fiscal Year 2020-2021 Annual Operating Budget

**COUNCIL DISTRICT(S):**

All

### **Relationship To Strategic Plan:**

Goal V: Fayetteville will have unity of purpose and sustainable capacity across the organization.

Objective A: To ensure strong financial management with fiduciary accountability and plan for the future resource sustainability by aligning resources with City priorities.

### **Executive Summary:**

This public hearing has been set to receive comments from residents regarding the annual operating budget proposed for the City for fiscal year 2020-2021. The notice advertising the public hearing was published in the Fayetteville Observer on Friday, May 29, 2020.

### **Background:**

The proposed budget was initially presented to City Council beginning on May 21, 2020 and the City Manager delivered his formal budget presentation at the May 26, 2020 Council meeting.

The budget document has been made available for public inspection on the City's website at the following link:

<https://fayettevillenc.gov/government/city-departments/budget-evaluation/budget-chronicle>

[s/-folder-1653>](#)

In light of social distancing requirements due to the COVID-19 pandemic, the public hearing will be conducted using the ZOOM meeting platform. Instructions for the public to sign up to speak on the budget were specified in the advertisement and include contacting the City Clerk at 910-433-1312 or by email at [publiccomments@ci.fay.nc.us](mailto:publiccomments@ci.fay.nc.us) [<mailto:publiccomments@ci.fay.nc.us>](mailto:publiccomments@ci.fay.nc.us) not later than 5:00 pm on June 8th.

The public also has the option to submit written comments not later than midnight on June 9th by email to [publiccomments@ci.fay.nc.us](mailto:publiccomments@ci.fay.nc.us) [<mailto:publiccomments@ci.fay.nc.us>](mailto:publiccomments@ci.fay.nc.us), or by drop off or mail to the City Clerk at 433 Hay Street, Fayetteville NC, 28301. Any written comments received will be compiled and distributed to all Council Members.

**Issues/Analysis:**

This public hearing is required by the North Carolina Local Government Budget and Fiscal Control Act.

**Budget Impact:**

As presented in the Fiscal Year 2021 Recommended Budget document.

**Options:**

No Council action is required.

**Recommended Action:**

Receive public comments on the recommended budget.

**Attachments:**

FY 2021 Budget Public Hearing Presentation



City of  
*Fayetteville*  
North Carolina

# ANNUAL BUDGET

# 2021 FY

## Public Hearing on the Recommended Budget

June 8, 2020





- The City Manager's Recommended Budget was released to City Council on May 21<sup>st</sup> and formally presented at the May 26<sup>th</sup> council meeting
- The document has been available for public review in the Office of the City Clerk and on the City's website
- The proposed budget provides \$233,159,310 total expenditures across all funds, with \$178,698,215 in General Fund expenditures.



	FY2020 Original Adopted Budget	FY2021 Recommended Budget
General Fund	173,973,505	178,698,215
Environmental Services Fund	13,617,591	15,320,773
Transit Fund	10,750,770	11,521,673
Stormwater Fund	13,193,044	12,405,322
Airport Fund	11,525,233	8,003,097
PWC Assessment Fund	2,218,200	2,891,200
LEOSSA Fund	1,746,601	1,726,075
Emergency Telephone System Fund	1,082,195	994,752
Parking Fund	1,189,873	1,252,962
Central Business Tax District	290,097	312,693
Lake Valley MSD	82,500	32,548
<b>Total Budget All Funds</b>	<b>\$229,669,609</b>	<b>\$233,159,310</b>

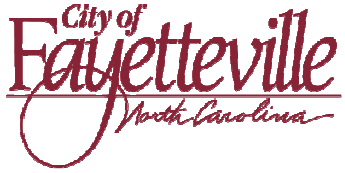


## Budget Development Priorities

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- Contend with COVID-19 pandemic economic impacts
  - Revenue impacts expected in the range of \$8M to \$10M over fiscal years 2020 and 2021
  - Prudent use of federal CARES Act funding
- Maintain current tax rate
- Maintain current levels of service
- Fund Council strategic priorities
  - Including significant investment in public safety compensation to address recruitment and retention





## Council Goal Areas

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-  **Goal 1:** Safe and Secure Community
-  **Goal 2:** Responsive City Government Supporting a Diverse and Viable Economy
-  **Goal 3:** Investment in Today and Tomorrow
-  **Goal 4:** Desirable Place to Live, Work and Recreate
-  **Goal 5:** Financially Sound City Providing Exemplary City Services
-  **Goal 6:** Collaborative Citizen and Business Engagement



## Revenue Highlights

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- General Property Tax Rate
  - Proposed to remain at 49.95 cents per \$100 of property valuation
  - Taxable property growth moderately improved
- Central Business Tax District
  - Tax rate recommended to remain at 10.0 cents
- Lake Valley Drive MSD
  - Tax rate recommended to reduce to 17.5 cents from 39.4 cents



## Revenue Highlights

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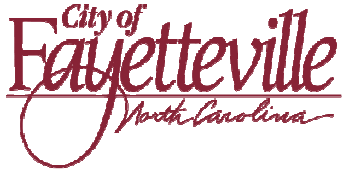
- Residential Solid Waste Fee
  - FY 2020:
    - Current fee is \$190 per single family residential unit
  - FY 2021:
    - Proposed fee is \$225 per single family residential unit
    - Increase of \$35 per year, or \$2.92 per month, in order to return the fund self-sufficiency as in FY 2019
    - Eliminates use of General Fund transfer to support solid waste operating costs



## Revenue Highlights

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- Stormwater fee
  - No change proposed to the current fee of \$6.00 per month per equivalent residential unit
- Transit Fares
  - No proposed changes



## Next Steps

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- Notice of the required public hearing on the budget was published in the Fayetteville Observer on Friday, May 29<sup>th</sup>
- Receive comments on the proposed budget through tonight's public hearing and by written comment through midnight tomorrow, June 9<sup>th</sup>
- Council is scheduled to adopt the budget, CIP and TIP, strategic plan and fee schedule on Monday, June 22<sup>nd</sup>



# Public Hearing on the Proposed Fiscal Year 2021 Annual Operating Budget

