



# Pender County

## Agenda

Board of County Commissioners Meeting  
Monday, February 1, 2021 @ 4:00 PM  
Pender County Public Assembly Room  
805 S. Walker Street, Burgaw, NC

|      |                                                                                                                                                                                                                                                                                                                                               | Presenter | Page    |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------|
| 1.   | CALL TO ORDER                                                                                                                                                                                                                                                                                                                                 |           |         |
| 2.   | INVOCATION                                                                                                                                                                                                                                                                                                                                    |           |         |
| 3.   | PLEDGE OF ALLEGIANCE                                                                                                                                                                                                                                                                                                                          |           |         |
| 4.   | ADOPTION OF AGENDA                                                                                                                                                                                                                                                                                                                            |           |         |
| 5.   | PUBLIC INFORMATION                                                                                                                                                                                                                                                                                                                            |           |         |
| 5.1. | Update on Fire & EMS Study by Fitch & Associates.<br><a href="#">FIRE STUDY UPDATE 02012021</a>                                                                                                                                                                                                                                               | Knight    | 5       |
| 5.2. | Update on Pender County Courthouse Remediation and Repairs<br><a href="#">Courthouse Update 02012021</a>                                                                                                                                                                                                                                      | Vann      | 7       |
| 5.3. | Penderlea Property Update<br><a href="#">Penderlea Property Update</a>                                                                                                                                                                                                                                                                        | White     | 9       |
| 6.   | PUBLIC COMMENT<br>In order to follow the CDC's guidelines for social distancing, those wishing to participate in Public Comment are encouraged to email their comments to <a href="mailto:cmo@pendercountync.gov">cmo@pendercountync.gov</a> . Comments received by 12 p.m. on February 1, 2021 will be distributed and placed in the record. |           |         |
| 7.   | CONSENT AGENDA                                                                                                                                                                                                                                                                                                                                |           |         |
| 7.1. | Approval of Minutes: January 19, 2021.<br><a href="#">MINUTES - JANUARY 19</a>                                                                                                                                                                                                                                                                | Long      | 11 - 31 |
| 7.2. | Resolution Accepting Petition to add Thrush Trail, Violetear Ridge and Sparrows Bend Drive in the Sparrows Bend Subdivision, Hampstead, to the State Maintained System.<br><a href="#">ROADS RESOLUTION - SPARROWS BEND 02012021</a>                                                                                                          | Long      | 33 - 36 |
| 7.3. | Approval of Tax Releases and Refunds<br><a href="#">January 2021 Releases and Refunds</a>                                                                                                                                                                                                                                                     | Pound     | 37 - 39 |
| 7.4. | Resolution Amending Article VIII – Employee Leave Benefits, Section 12. Leave Transfer, subsection A, # 3.<br><a href="#">Article VIII Amendment - Personnel Policy 02012021</a>                                                                                                                                                              | Kimler    | 41      |
| 7.5. | Resolution Amending Article IX – Employee Benefits, Section 12. Employee Assistance Program (EAP).<br><a href="#">Article IX Amendment - Personnel Policy 02012021</a>                                                                                                                                                                        | Kimler    | 43      |
| 7.6. | Consideration of Approval of Local Policies for State Acquisition Relocation Fund (SARF).                                                                                                                                                                                                                                                     | Henley    | 45 - 49 |

[SARF Local Policy Document 02012021](#)

|      |                                                                                                                                                                                                                                                             |        |           |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-----------|
| 7.7. | Approval of a Budget Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2020-2021: \$35,973.<br><a href="#"><u>716 CDC COVID-19 Vaccination Program 02012021</u></a>                                                         | Moser  | 51 - 52   |
| 8.   | APPROVALS AND RESOLUTIONS                                                                                                                                                                                                                                   |        |           |
| 8.1. | Resolution in Support of the NCACC Presidential Initiative to Promote Food System Resiliency.<br><a href="#"><u>Food System Resiliency Resolution 02012021</u></a>                                                                                          | Long   | 53 - 56   |
| 8.2. | Approval of Purchase Order to Fairway Ford in the amount of \$68,022.00 for the purchase of Two Ford Explorers for the NC Governor's Highway Safety Traffic Unit.<br><a href="#"><u>Fairway Ford Traffic Unit Vehicles 02012021</u></a>                     | Cutler | 57 - 59   |
| 8.3. | Approval of a Purchase Order for the Central Square (Zuercher) Annual Subscription and Annual Maintenance fee in the amount of \$91,570.00.<br><a href="#"><u>Central Square (Zuercher) Annual Maintenance 02012021</u></a>                                 | Cutler | 61 - 70   |
| 8.4. | Consideration of Contract Amendment with Thomas Construction for Courthouse Restoration Project (Roof Replacement).<br><a href="#"><u>Contract Amendment - Courthouse Project</u></a>                                                                       | Vann   | 71        |
| 8.5. | Consideration of Contract Amendment with LS3P for Courthouse Restoration Project (Roof Replacement).<br><a href="#"><u>Contract Amendment - Courthouse Project</u></a>                                                                                      | Vann   | 73        |
| 8.6. | Consideration of the Drainage Improvement Program.<br><a href="#"><u>Drainage Improvement Program 02012021</u></a>                                                                                                                                          | Henley | 75 - 87   |
| 8.7. | Approval of Budget Amendment and Purchase Order to accept the North Carolina Governor's Crime Commission Patrol Division Radio Upgrades in the amount of \$23,493.75.<br><a href="#"><u>NC Governor's Crime Commission Radio Upgrade Grant 02012021</u></a> | Cutler | 89 - 148  |
| 8.8. | Resolution to Adopt the Pender County Risk Manual.<br><a href="#"><u>Pender County Risk Manual 2021</u></a>                                                                                                                                                 | Kimler | 149 - 190 |
| 8.9. | Consideration of the sale of Surplus Property.<br><a href="#"><u>Surplus Property 02012021</u></a>                                                                                                                                                          | Long   | 191 - 195 |
| 9.   | APPOINTMENTS                                                                                                                                                                                                                                                |        |           |
| 9.1. | Approval of an Appointment to the Pender County Library Board.<br><a href="#"><u>LIBRARY BOARD 02012021</u></a>                                                                                                                                             | Long   | 197 - 201 |
| 9.2. | Approval of an Appointment to the Lower Cape Fear Water and Sewer Authority.<br><a href="#"><u>LCFWSA Appointment 02012021</u></a>                                                                                                                          | Long   | 203 - 205 |
| 10.  | PENDER COUNTY BOARD OF HEALTH                                                                                                                                                                                                                               |        |           |
| 11.  | SOCIAL SERVICES BOARD                                                                                                                                                                                                                                       |        |           |
| 12.  | ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGER, & COUNTY COMMISSIONERS                                                                                                                                                            |        |           |
| 13.  | CLOSED SESSION (IF APPLICABLE).                                                                                                                                                                                                                             |        |           |

13.1. [CLOSED SESSION MOTION](#)

207

14. ADJOURNMENT







## **Pender County Public Information**

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**TO:** Board of County Commissioners  
**FROM:** Steve Knight  
**DATE:** February 1, 2021  
**SUBJECT:** Update on Fire & EMS Study by Fitch & Associates.

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**SUMMARY:**

A preliminary briefing on the Fire and EMS Study will be provided to the Board of County Commissioners.





## **Pender County Public Information**

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**TO:** Board of County Commissioners  
**FROM:** Allen Vann  
**DATE:** February 1, 2021  
**SUBJECT:** Update on Pender County Courthouse Remediation and Repairs

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**SUMMARY:**

An informational update will be provided to the Board in reference to the scope of work and status of repairs of the Pender County Courthouse as a result of Hurricane Florence damages.





## **Pender County Public Information**

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**TO:** Board of County Commissioners

**FROM:** Zack White

**DATE:** February 1, 2021

**SUBJECT:** Penderlea Property Update

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**SUMMARY:**

An informational presentation will be provided to the Board in reference to the Penderlea Property status and ongoing repairs.





## **Pender County Request for Board Action**

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**TO:** Board of County Commissioners  
**FROM:** Melissa Long  
**DATE:** February 1, 2021  
**SUBJECT:** Approval of Minutes: January 19, 2021.

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**SUMMARY:**

The minutes for the Regular Meeting on January 19, 2021 are attached for review and approval.

**ACTION REQUESTED:**

To review and approve the attached minutes.



**MINUTES**  
**Board of County Commissioners Meeting**  
**Tuesday, January 19, 2021 4:00 PM**  
**Pender County Hampstead Annex**

**MEMBERS PRESENT:**

George Brown  
Fred McCoy  
Jacqueline A. Newton  
David Piepmeyer  
David Williams

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

Chad McEwen, County Manager  
Trey Thurman, County Attorney  
Melissa Long, Clerk to the Board  
Doug Shipley, Assistant County Manager  
Allen Vann, Assistant County Manager  
Other Staff and Members of the Press and Public.

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**1 CALL TO ORDER**

Chairman Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting.

**2 INVOCATION**

Commissioner Piepmeyer offered the invocation.

**3 PLEDGE OF ALLEGIANCE**

Commissioner McCoy led the Pledge of Allegiance.

Chairman Brown recognized veterans and thanked them for their service.

**4 ADOPTION OF AGENDA**

Moved by David Piepmeyer, seconded by David Williams

*Motion to remove item 8.3 and adopt the rest of the agenda as presented.*

|  |            |                |                  |               |
|--|------------|----------------|------------------|---------------|
|  | <b>For</b> | <b>Against</b> | <b>Abstained</b> | <b>Absent</b> |
|--|------------|----------------|------------------|---------------|



|                      |   |   |   |   |
|----------------------|---|---|---|---|
| George Brown         | x |   |   |   |
| Fred McCoy           | x |   |   |   |
| Jacqueline A. Newton | x |   |   |   |
| David Piepmeyer      | x |   |   |   |
| David Williams       | x |   |   |   |
|                      | 5 | 0 | 0 | 0 |

CARRIED.

## 5 PUBLIC INFORMATION

### 5.1 Update on Pender County Courthouse Remediation and Repairs

Mr. Vann explained that there was not much to report today with regard to the Courthouse project as no bids for the roof have been received. Bids were put out for a shingle and membrane roof and the bids are expected back this week. The information on the bids should be ready to be presented to the Board by next Wednesday and will be placed on the February 1 agenda for the Boards consideration. Chairman Brown asked if it would be possible to install more security cameras at the Courthouse noting that it may be a good time to do so. Mr. Vann explained that the plan was to put the Courthouse back to the condition it was before Hurricane Florence. Installation of more security cameras would require a change order and would slow the process down at this point. Mr. Vann stated that this is something that could be looked at at a later date. Commissioner Piepmeyer asked if there would be an option for a metal roof. Mr. Vann stated that if the county were to go through with a metal roof, the State Historic Preservation Office (SHPO) would have to review the plans which would further slow down the project. Commissioner Piepmeyer stated that he would never endorse going through SHPO in the future as they have only slowed this project down with very little monetary assistance to the tax payers of Pender County. Brief discussion ensued regarding historic preservation and it's importance. The Board thanked Mr. Vann for the update.

### 5.2 Update on the Beaver Trapping and Dam Removal Program through Pender Soil and Water.

Chairman Don Rawls of the Pender Soil and Water Conservation Board was present to update the Board on the Beaver Trapping and Dam Removal Program through Pender Soil and Water. Also present was Jason Turner of the Pender Soil and Water Conservation Office. Mr. Rawls explained how this program works. He explained that this is in correlation to the creek and stream cleanout programs from Hurricane Matthew and Hurricane Florence. Of the first grant, there was \$41,000

remaining and their office had contacted Raleigh to see if the leftover funds would be allowed to be used for beaver and dam removal. The office in Raleigh stated that this use would be okay and their office submitted a contract for approval to Raleigh to trap and remove beaver dams in the creeks and streams that have already been cleaned out in order to keep them flowing. This program is not open to citizens and is only for the creeks and streams that have been cleaned out through the program. Mr. Rawls explained how the process works. The trapper is paid by the hour and has his own liability insurance and is bonded. In order for the trapper to go onto a property both the property owner and the adjacent property owner must sign off on it. The trapper also meets face to face with property owners. Discussion ensued regarding this program. Mr. Rawls stated that he hoped that between this and the program that the county is working on that Pender County can get ahead of the game when it comes to beavers. The Board thanked Mr. Rawls for the update.

**6 PUBLIC COMMENT**

There were no signups for public comment.

**7 CONSENT AGENDA**

Moved by David Williams, seconded by Fred McCoy

*Motion to approve the consent agenda as presented.*

|                      | For | Against | Abstained | Absent |
|----------------------|-----|---------|-----------|--------|
| George Brown         | x   |         |           |        |
| Fred McCoy           | x   |         |           |        |
| Jacqueline A. Newton | x   |         |           |        |
| David Piepmeyer      | x   |         |           |        |
| David Williams       | x   |         |           |        |
|                      | 5   | 0       | 0         | 0      |

CARRIED.

7.1 Approval of Minutes: January 4, 2021.

7.2 Approval for a Purchase Order to LabCorp of America Holdings in the amount of \$85,000 for Fiscal Year 2020-2021.

15 - 17

[BOA 7.2 - 1](#)

[BOA 7.2 - 2](#)

**8 APPROVALS AND RESOLUTIONS**

8.1 Approval of Contract for Demolition Services - HMGP Hurricane Matthew and HMGP Hurricane Florence Expedited Acquisition.

Planning Director Travis Henley explained that as part of the multiple iterations of the Hazard Mitigation Grant Program (HMGP) Pender County is currently administering, the County has acquired twelve residential properties to mitigate future flood losses, one as part of the Hurricane Matthew HMGP effort, and eleven as part of the Hurricane Florence HMGP Expedited Acquisition Project, with an additional ten to be acquired in the near future. Following closing of these properties, it is the County's responsibility to restore the respective sites to their natural state to assist with floodplain function and capacity, a state in which they will remain in perpetuity. The Pender County Board of Commissioners previously approved an award for a portion of the demolition services for twelve of the twenty-two properties on November 2, 2020. Additional questions raised by Staff following the award led to a desire to rebid the project, and to advertise the entire scope of the project instead of piecemeal. As such, Staff and the Consultant (Insight Planning and Development, formerly known as Holland Consulting Planners, Inc.) advertised for demolition services through local newspaper (Pender-Topsail Post and Voice) as well as placed the advertisement on the County website and mailed the advertisement to regional contractors. The project was advertised as two separate groups (Group A and Group B). In total, there were four responses to the first group, and three responses to the second group, all submitted through a sealed-bid process, and 4 Seasons Demolition was selected as the lowest responsible bidder for both groups. Therefore, Staff is recommending that the Board consider the proposal and award a contract in the amount of \$120,700.00 (Group A) and \$169,500.00 (Group B) for demolition services. Funding to complete this project is provided through the various previously approved HMGP grant agreements on a reimbursement basis and is covered through federal and state funds, through funds 60-407441-6463 (Hurricane Matthew HMGP) and 60-407441-6467 (Hurricane Florence HMGP). Commissioner Newton asked if it would be possible for citizens in the community to be able to purchase the homes on these properties and have them moved. Mr. Henley explained that the program does not allow for it and that all structures on these properties that are accepted into the program must be demolished. Brief discussion ensued regarding the liability issues if this were to be allowed.

Moved by Fred McCoy, seconded by David Williams

*Motion to award contracts in the amount of \$120,700.00 (Group A) and \$169,500.00 (Group B) to 4 Seasons Demolition for demolition services as part of the Hurricanes Matthew and Florence HMGP projects.*

|  |            |                |                  |               |
|--|------------|----------------|------------------|---------------|
|  | <b>For</b> | <b>Against</b> | <b>Abstained</b> | <b>Absent</b> |
|--|------------|----------------|------------------|---------------|

|                      |   |   |   |   |
|----------------------|---|---|---|---|
| George Brown         | x |   |   |   |
| Fred McCoy           | x |   |   |   |
| Jacqueline A. Newton | x |   |   |   |
| David Piepmeyer      | x |   |   |   |
| David Williams       | x |   |   |   |
|                      | 5 | 0 | 0 | 0 |

CARRIED.

- 8.2 Resolution to Amend the Operating Agreement and Lease Agreements related to Pender Memorial Hospital to address their transition/assignment from New Hanover Regional Medical Center to its successor, Novant Health New Hanover Regional Medical Center, and to extend these for two years.

Mr. Thurman explained that this will extend the current agreement for both the lease and the operation of Pender Memorial Hospital and allows the agreement to be transferred to Novant Health. This agreement is effective from July 2021 through July 2023 and keeps things as they are. Commissioner Piepmeyer stated his concerns and that he believes that the status quo is just kicking the can. Commissioner Newton stated her concern for healthcare for residents on the western side of the county and the focus seems to be on the east side of the county. Commissioner Williams stated that this allows Pender County not to rush into a decision citing the Hospital sale and COVID over the most recent extension. He added that one of the most important factors of this agreement is to continue the strategic plan for New Hanover Regional Medical Center which includes replacement for Pender Memorial Hospital. Discussion ensued regarding the Certificate of Need which belongs to Pender County. Ruth Glaser, President of Pender Memorial Hospital spoke to the Certificate of Need. Discussion then ensued regarding the lease and ownership of the hospital. Commissioner Piepmeyer stated that this is a great time to see what opportunities are out there for this hospital. The Board thanked Ms. Glaser.

Moved by David Williams, seconded by Jacqueline A. Newton

*Motion to approve the contract extension with Novant Health New Hanover Regional Medical Center as discussed for a period of two years, July 2021 through July 2023.*

|              | For | Against | Abstained | Absent |
|--------------|-----|---------|-----------|--------|
| George Brown | x   |         |           |        |
| Fred McCoy   | x   |         |           |        |

|                      |   |   |   |   |
|----------------------|---|---|---|---|
| Jacqueline A. Newton | x |   |   |   |
| David Piepmeyer      |   | x |   |   |
| David Williams       | x |   |   |   |
|                      | 4 | 1 | 0 | 0 |

CARRIED.

8.3 Reconsideration of the Cost Per Copy Management Program with Systel.

This item was removed from the agenda at the beginning of the meeting.

**9 DISCUSSION**

9.1 Discussion of FY 2021-22 Budget Process.

Mr. McEwen asked that Finance Director Meg Blue give an update on the upcoming budget process. Ms. Blue explained that this new process defines fixed costs versus variable costs and will be focused on cost savings based on metrics. Commissioner Newton asked that when the budget is provided to the Board that it include three years of historical data. She also requested a paper copy of the budget. Commissioner Piepmeyer stated that he believes that the heavy lifting should be done at the manager level. He stated that he would like to see the highlights and comparisons. Commissioner Newton thanked Ms. Blue for a job well done and further explained her request. The Board thanked Ms. Blue for the update.

**10 PENDER COUNTY BOARD OF HEALTH**

The Board convened as the Pender County Board of Health at 5:03 p.m.

10.1 COVID-19 Update for Pender County.

Health and Human Services Director Carolyn Moser provided a COVID-19 update to the Board. Ms. Moser explained that Pender County has close to 3,600 cases with 91% of those cases being recovered. Health Department staff is conducting 75-90 tests daily. She explained that the school system has done a great job. Brief discussion ensued regarding vaccinating school staff. As of today, about 10% of tests are returning positive at the state level and 16.3% of tests are returning positive in Pender County. Ms. Moser explained the outbreaks that have taken place recently in nursing homes and how those have affected the metrics for Pender County. As of today, Pender County has administered 1,530 vaccines. Staff is scheduling 500 vaccines per week, 250 for Burgaw and 250 for Hampstead. North Carolina is ranked 41st

out of 50 states for getting vaccines in arms which has effected the supply of vaccines locally. Discussion ensued regarding the vaccine rollout. Commissioner Piepmeyer suggested formulating a plan to utilize providers in the county to assist with administering vaccines. Commissioner Newton explained that her mother had a wonderful experience at her vaccine appointment and thanked Ms. Moser. Chairman Brown read a letter from Everette Durham thanking the county as well as the Health Department for the job they are doing getting the vaccine out. Discussion then ensued regarding the call center and the volume of people calling to obtain a vaccine. Discussion further ensued regarding obtaining doses of the vaccine. Ruth Glaser of Pender Memorial Hospital stated that the hospital did not receive it's expected doses of vaccine. Ms. Moser stated that she would prefer to stay with the Moderna vaccine due to the ultra cold storage requirements for the Pfizer vaccine. Mr. Thurman stated that the public can get the vaccine anywhere that they are able to get an appointment. The Board thanked Ms. Moser and her staff.

**11 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS**

The Board reconvened as the Board of County Commissioners at 5:41 p.m.

**11.1 Items from the County Attorney.**

- Mr. Thurman stated that there was an item for closed session, item 3.

**11.2 Items from the County Commissioners.**

Commissioner Newton:

- Commissioner Newton stated that she attended the NCACC Legislative Goals Conference last week which was held virtually. She updated the Board on the associations decisions regarding Electronic Notices and the revocation of tax incentives for solar farms as these items were both pulled from the slate of goals.

Commissioner Piepmeyer:

- Commissioner Piepmeyer stated that the Jamestown Pender case was settled before the holidays and land acquisition for the Hampstead Bypass resumed as of January 1.
- Commissioner Piepmeyer stated that he met with Senator Michael Lee regarding his request to re-establish the indemnification of all the members of the WMPO back into state law as he was the original author of that wording which was in the MAP Act and was removed when the Map Act was removed from State Law. Senator Lee stated that Commissioner Piepmeyer

was not the first to make this request.

**12 CLOSED SESSION (IF APPLICABLE).**

Moved by David Williams, seconded by Fred McCoy

5:47 p.m.

*Motion to enter into closed session pursuant to G.S. 143-318.11: 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. The Board exited closed session at approximately 6:25 p.m. No announcement was made upon exiting closed session.*

|                      | For | Against | Abstained | Absent |
|----------------------|-----|---------|-----------|--------|
| George Brown         | x   |         |           |        |
| Fred McCoy           | x   |         |           |        |
| Jacqueline A. Newton | x   |         |           |        |
| David Piepmeyer      | x   |         |           |        |
| David Williams       | x   |         |           |        |
|                      | 5   | 0       | 0         | 0      |

CARRIED.

**13 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS**

13.1 Resolution Requesting Approval of a Conditional Zoning Map Amendment.

19 - 20

Chairman Brown opened the public hearing at 7:00 p.m.  
Planning Director Travis Henley introduced Sam Shore, Long Range Planner, to present the case. Mr. Shore explained that Stroud Engineering, applicant, on behalf of Rocky Point Properties LLC and Farm and Garden LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment for three tracts totaling

approximately ±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The proposed development is south of NC HWY 210, approximately ±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234- 29-6506-0000, 3234-38-5366-0000, and 3234-24-6900-0000. At their November 5, 2020 meeting, the Pender County Planning Board recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, with Staff also recommending approval. The proposed development is consistent with three goals, two objectives, and six policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is compliant with the Pender County Unified Development Ordinance. Mr. Shore stated that this presentation will focus on Transportation concerns, Environmental concerns, and conditions for this project. Commissioner Piepmeyer asked how many homes would be able to be built by-right. Mr. Shore stated that about 550 homes would be able to be built by-right. Chairman Brown asked if duplexes were allowed in both the Residential Performance and Rural Agricultural zoning districts. Mr. Shore stated that they were. Chairman Brown asked if the Water System would be able to handle both a development with 550 homes as well as a development with 750 homes. Utilities Director Kenny Keel explained that the location of this development is great for the water system and that it would be able to accommodate either size development. Chairman Brown asked about Fall Brook Lane and how it would be maintained until it becomes a state road. Mr. Shore explained that the applicant has agreed that they would maintain the road based on their percentage of usage until it can be turned over and accepted as a state road by the NCDOT. Commissioner Newton asked about the wetlands and making sure that the runoff does not go into Turkey Creek. Mr. Shore explained that the applicant has provided a stormwater and wetlands map, but it has not yet been approved by the Army Corps of Engineers. Lengthy discussion ensued regarding maintenance of Fall Brook Lane. Additional conditions were added after staff met with Chairman Brown last week with regard to construction traffic and reducing the speed limit and posting it at 25mph on Fall Brook Lane. Brief discussion ensued regarding collector streets. Mr. Shore reviewed the conditions of the request. Conditions of Approval include:

1. The project shall be designed so that the post development runoff from the project be no more than ten percent more than the pre-development runoff for the 10, 25, and 50 year return period



- events and be analyzed for the 100-year event.
2. All wetlands which will not be disturbed via an Army Corps of Engineers wetlands fill permit as part of the proposed development shall be placed under a conservation easement.
  3. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.
  4. Sidewalks will be installed along all streets, and crosswalks will be marked at all intersections with a Collector Street.
  5. Fall Brook Ln will be accepted for NCDOT maintenance prior to preliminary plat approval of the 601st lot of this development, preliminary plat approval of any portion of the development within the boundary of Tract 2 as shown on Pender County Map Book 42 P 116, or use of Fall Brook Ln for construction traffic, whichever shall come first.
  6. A siren-activated gate meeting the standards of the Pender County Fire Marshal will be required at the border of the development and the existing A.R. Black Av., to be installed prior to final plat approval of the appropriate section, and be required to remain in place until such time as A.R. Black Av. is brought up to the street design standards of the Pender County Unified Development Ordinance.
  7. The wastewater treatment plant shall utilize membrane filtration technology, or other technology certified by the project engineer to render no greater negative impact to local water quality than membrane filtration.
  8. Evidence that the Army Corps of Engineers has received any Certificate of Completion forms for wetland disturbance permits relating to the project shall be provided to staff prior to approval of the last Final Plat associated with this development.
  9. Prior to completing the roadway connection between Fall Brook and the proposed development, A measure similar to a chicane that is acceptable to the NCDOT and Pender County Emergency Services shall be installed within the proposed development near the interconnection with Fall Brook, as well as at least one additional traffic calming measure along Fall Brook that is acceptable to NCDOT. The applicant shall also make a written request to the North Carolina Department of Transportation that a speed limit of 25 MPH should be posted on Fall Brook Ln.
  10. The service area for the wastewater treatment plant shall be Tract #2-R as depicted on Map Book 52, Page 101; the remnant tract depicted on Map Book 56, Page 22; and the 34.34 acre tract depicted on Map Book 29, Page 148 as recorded with the Pender County Register of Deeds. Any expansion of this service area

shall require the approval of the Pender County Board of County Commissioners.

11. From the time that the road network of this development connects to Fall Brook Ln to the time that the 700th home receives its Certificate of Occupancy, a gate shall be placed on the roadway between the two developments to allow only residents of this proposed development, Fall Brook, and emergency vehicle traffic (siren activated) to utilize the connection. Means of access for construction vehicles shall not be granted. Following the Certificate of Occupancy for the 700th home, the gate shall be removed.

Samuel Potter, Attorney for the applicant spoke to the Board regarding the project. Discussion ensued regarding when the connection from Falls Mist Gardens to Fall Brook would take place. Per the plan, that connection would take place after the 601st lot is platted, but the applicant has agreed that the connection could take place after the 601st Certificate of Occupancy is received. Discussion ensued regarding enforcement of this conditional rezoning, especially as it relates to the proposed private wastewater facility. Mr. Henley stated that there is a mechanism to inspect and enforce violations. Chairman Brown stated that this process is good for all involved. Mr. Potter stated that Don Bennett, Traffic Engineer, was present to discuss the Traffic Impact Analysis (TIA). Discussion briefly ensued regarding traffic concerns. The Board stated that they would like to hear from those who were present to speak on the project.

There were signups for public comment:

- Stuart Peterson of 203 Fall Brook Lane spoke against this proposed project. He addressed concerns regarding traffic and the proposed private wastewater facility and how discharge will be handled. He stated that Falls Mist Gardens will destroy the quality of life for Fall Brook. Mr. Peterson passed out a list of his concerns to the Board which are attached as part of these minutes.
- Bob Dummermuth of 237 W. Tumbling Waters Lane referenced an email that was sent to the neighborhood from Scott Sherman regarding the proposed gate access. Mr. Dummermuth thanked the Board for addressing their concerns.
- Aubrey Harvey of 30 Owl Creek Court stated that she would appreciate another access for traffic citing her concerns about the increase of traffic should this case get approved. Ms. Hardee also stated her concerns about stormwater, noting the water stands in ditches and in yards with a regular rain storm. Ms. Harvey noted that she sees progress and concessions being made through this project but she does not feel that it is enough.

- Johnathan Vaughn of 160 Fall Brook Lane stated that he believes that growth is good, but it is not good for Fall Brook. He stated that Collector Streets need to be 34 feet wide and the streets in Fall Brook are only 19 feet wide. Mr. Vaughn also stated his concerns about the proposed Waste Water Treatment Plant for Falls Mist Gardens.

After public comment, discussion continued about roads and the potential of another access for this development. Mr. Potter stated that staff has looked at every alternative for this project. Discussion also ensued regarding the potential for by-right development and what that would mean. Per staff, 667 units could potentially be built by right with a likelihood of building 550 units if this proceeds by-right. Roads were discussed at length. Mr. Potter gave an overview of the presentation that he had brought with him. Mr. Potter introduced Mr. Bennet to discuss the TIA. Mr. Bennett reviewed the TIA and addressed traffic concerns. He explained that to address concerns regarding traffic safety in the existing Fall Brook development, the applicant has agreed to installing two traffic calming devices – one inside the platted development, one just within the proposed new development – upon agreement with NCDOT regarding the specific strategies that are appropriate with those locations. Additionally, the applicant and NCDOT staff have agreed that a speed limit of 25 MPH should be posted upon state acceptance of maintenance. Mr. Bennett explained that it could take approximately 4-8 weeks to re-evaluate the TIA. Commissioner Piepmeyer suggested tabling this item until another TIA can be completed to address the concerns that have been discussed tonight. Mr. Potter asked for a few minutes to discuss with his client which the Board granted. During this time, Jimmy Fentress addressed the concerns regarding the wastewater discharge. Mr. Fentress stated that no raw sewage can be or will be pumped into Turkey Creek. Discussion has taken place regarding how to handle the treated wastewater but no decision has been made to date. An infiltration basin is being considered. Mr. Thurman added that strait-piping raw sewage is a federal offense. The Board thanked Mr. Fentress. Mr. Potter returned and stated that the applicant was okay with readdressing the TIA and verified the Board's requests:

- The difference in traffic from 600 to 700 lots and the way the property is accessed.
- Are the properties on Highway 117 commercial and what impact if any would that place on the existing neighborhood.
- The distance from the bridge to the entrance of Fall Brook and how the additional traffic would effect that intersection.

There being no further discussion, Chairman Brown closed the public hearing at 9:16 p.m.

Moved by David Piepmeyer, seconded by David Williams

*Motion to table REZONE 2020-16 until such a time that a second Traffic Impact Analysis can be completed to address concerns discussed at this hearing.*

|                      | For | Against | Abstained | Absent |
|----------------------|-----|---------|-----------|--------|
| George Brown         | x   |         |           |        |
| Fred McCoy           | x   |         |           |        |
| Jacqueline A. Newton | x   |         |           |        |
| David Piepmeyer      | x   |         |           |        |
| David Williams       | x   |         |           |        |
|                      | 5   | 0       | 0         | 0      |

CARRIED.

[Peterson Concerns 01192021](#)

**14 ADJOURNMENT**

There being no further business, the meeting adjourned at 9:19 p.m.





Pender County Budget Ordinance Amendment

Friday, January 8, 2021

Date Friday, January 8, 2021  
Board Meeting Date (If Applicable) Monday, January 18, 2021

Fiscal Year FY 2020-2021 Fund 11 - HEALTH

Division, Program, Project, etc. Laboratory Department 900077 - LABORATORY

Purpose of Request  
Transfer funds to cover COVID Testing in Laboratory to Lab Corp.

REVENUES

|   | Account # (ORG-OBJECT) | Account Description      | Amount   |
|---|------------------------|--------------------------|----------|
| 1 | 11-370012              | Fees / Child Health      | 20000.00 |
| 2 | 11-370008              | Fees/Women's Health      | -5000.00 |
| 3 | 11-376003              | STD/Communicable Disease | -5000.00 |
| 4 | 11-375043              | Fees/Immunization        | -5000.00 |
| 5 | 11-370023              | Fees/Maternal Health     | -5000.00 |

Proposed Amendment:

EXPENDITURES

|    | Account # (ORG-OBJECT) | Account Description | Amount   |
|----|------------------------|---------------------|----------|
| 1  | 900077-404500          | Contracted Services | 43470.00 |
| 2  | 900051-400400          | Temporary Wages     | -5000.00 |
| 3  | 900052-400400          | Temporary Wages     | -5000.00 |
| 4  | 900053-400400          | Temporary Wages     | -3470.00 |
| 5  | 900057-400400          | Temporary Wages     | -5000.00 |
| 6  | 900060-400400          | Temporary Wages     | -5000.00 |
| 7  | 900061-400400          | Temporary Wages     | -5000.00 |
| 8  | 900065-400400          | Temporary Wages     | -5000.00 |
| 9  | 900076-400400          | Temporary Wages     | -5000.00 |
| 10 | 900077-400400          | Temporary Wages     | -5000.00 |

Total Revenues 0 Total Expenditures 0

Budget Amendment Balances when Zero. 0



**Prepared By:**

Donna Ramos

## Email

dramos@pendercountync.gov



Pender County Budget Ordinance Amendment

Friday, January 8, 2021

Date Friday, January 8, 2021  
Board Meeting Date (If Applicable) Monday, January 18, 2021

Fiscal Year FY 2020-2021 Fund 11 - HEALTH

Division, Program, Project, etc. Laboratory Department 900077 - LABORATORY

Purpose of Request  
Transfer funds to cover COVID Testing in Laboratory to Lab Corp.

REVENUES

|   | Account # (ORG-OBJECT) | Account Description | Amount    |
|---|------------------------|---------------------|-----------|
| 1 | 11-375076              | Fees/Adult Health   | 45000.00  |
| 2 | 11-370020              | Fees/Dental Health  | -5000.00  |
| 3 | 11-370011              | Fees/Mobile Dental  | -40000.00 |
| 4 |                        |                     |           |
| 5 |                        |                     |           |

Proposed Amendment:

EXPENDITURES

|    | Account # (ORG-OBJECT) | Account Description | Amount    |
|----|------------------------|---------------------|-----------|
| 1  | 900077-404500          | Contracted Services | 41530.00  |
| 2  | 900060-407400          | Capital Outlay      | -35000.00 |
| 3  | 900078-400400          | Temporary Wages     | -5000.00  |
| 4  | 900053-405500          | Training            | -1530.00  |
| 5  |                        |                     |           |
| 6  |                        |                     |           |
| 7  |                        |                     |           |
| 8  |                        |                     |           |
| 9  |                        |                     |           |
| 10 |                        |                     |           |

Total Revenues 0 Total Expenditures 0

Budget Amendment Balances when Zero. 0

Prepared By: Donna Ramos Email dramos@pendercountync.gov





June 30, 2020

Stuart W. Peterson  
203 Fall Brook Lane  
Rocky Point, NC 28457

## **Serious Issues with Proposed development Falls Mist Garden and how it would impact our community.**

**Safety** of our residents, currently all our neighborhood roads lead to a dead end, all traffic is either residents or guest.

Many residents have golf carts and bicycles ridden, walk, or jog on these roads for exercise, relaxation or personal enjoyment. (Currently there are four bicycles in our garage that are ridden daily weather permitting). Statisticians will tell you that when a given number of driven vehicles on a controlled course than a calculation of probable accidents can be determined. When the number of vehicles driven in the same controlled course is increased 2x, possibly 20x than the number of possible accidents will increase in the same increments. **Accidents or damage to property will increase with increased traffic.** Damage to property or lethal accidents to our residents or their dogs will increase, only time will tell the toll that it will take on our neighborhood.

**Crime**, There are 36 single family homes in our neighborhood. I believe that any resident can identify any other neighbor by the automobile that he or she drives. This will change when hundreds or possibly thousands of additional vehicles pass through our neighborhood daily. Some vehicles possibly loaded with thieves or thugs casing our neighborhood for opportunities to commit a larceny and or breaking and entering of our homes. (Could a resident be home and this lead to an assault and or murder? If already a thief and they will probably do anything to avoid prison.)

**Traffic**, as mentioned in the aforementioned paragraph above what is the expected daily traffic increase to our neighborhood? Hundreds or in the thousands? If one looks at Google Maps you can see that from our entrance to the subject property there is a slight left turn, a long continuous right turn, then slight turn to left, then a slight turn to right . Calculated from the scale on Google Maps to be 600 yards +/- . If one drives above safe speed on these curvy roads in our neighborhood, then accidents to vehicles and or personal property will most likely occur.

**Health**, Stress is a huge factor in causing the acceleration of many types of disease or illnesses. How much stress will be caused by this proposed development? During construction? When occupied by residents? The increase level of stress that this will cause is yet to be determined.

**Noise Pollution,** our residents currently enjoy "the country life" quite times, the hoot of an Owl, the cry of Coyotes, Quail, Morning Doves, other rural creatures. All will be drowned out by increase automobile traffic on our roads.

**Property Values,** Property values will decrease as automobile traffic increases and it becomes evident to potential real estate home buyers looking to buy into this neighborhood, that this is not a Safe neighborhood to live in and worse for families with young children. As activities for the betterment of both our mental and physical health are currently achieved on our roads but will come to an end

**Litter,** one can ride through our neighborhood and see freshly cut lawns, beds of flowers in front of homes, shrubs and trees, all improving the value of our properties. What you don't see is trash, cigarette butts and other debris on our lawns and roads. We as residents have pride of ownership. We do not litter. Do you really think our mindset will extend to the hundreds or thousands of drivers passing through our neighborhood daily? I would think not?

**Visual Pollution,** Will additional signage be added to our entrance? This becomes an eyesore and more additional maintenance to our neighborhood entrance. Maintained by all in our neighborhood on a voluntary basis. Also as written above, trash, litter, and debris added to our neighborhoods lawns and roads. The addition of homes and other lighting in the proposed development will cause the starry night skies to disappear.

**Impact to Rocky Point,** Has anyone considered that with increased automobile traffic in the hundreds possibly thousands of additional vehicles and then when drivers coming from Wilmington using HWY 177 heading North then turning left into Fall Brook and if a courteous driver heading South on HWY 117 stops to wave several drivers and their vehicles in and the traffic backs up towards the overpass, then drivers coming over the overpass at a speed of 55 mph or greater piles in the rear of stop vehicles how many cars will be involved? Only time will tell.

**Closing,** In closing I want all landowners to enjoy the full use of his or her property but not at my expense and the expense of others in our neighborhood. This proposed development enjoys hundred possibly thousands of road front footage on highway 210. Therefore, why can't multiple entrances be created from highway 210? Residents moving into and living in Falls Mist Garden will see their drive to their homes as this being the normal fashion as designed.

Thanks for all that have taken the time to read this. May we all keep and enjoy the quality of life that we purchased and work so hard to maintain.

---

Stuart W. Peterson





## Pender County Request for Board Action

---

**TO:** Board of County Commissioners

**FROM:** Melissa Long

**DATE:** February 1, 2021

**SUBJECT:** Resolution Accepting Petition to add Thrush Trail, Violetear Ridge and Sparrows Bend Drive in the Sparrows Bend Subdivision, Hampstead, to the State Maintained System.

---

**SUMMARY:**

Per the attached, Mary Catherine Santos is requesting a resolution for the addition of Thrush Trail, Violetear Ridge and Sparrows Bend Drive in the Sparrows Bend Subdivision, Hampstead, to the State Maintained System. As a matter of standard operating procedure, we routinely bring any petitions requesting either additions to, maintenance of, or improvements to any county roads to the Board, without evaluation, upon Board approval, to be summarily forwarded to the North Carolina Department of Transportation.

**ACTION REQUESTED:**

Staff requests the Board to consider a resolution to allow the Clerk to submit the attached petition to N.C. DOT.

0620-P

North Carolina Department of Transportation  
Division of Highways  
Petition for Road Addition

**ROADWAY INFORMATION:** (Please Print/Type)

County: Pender Road Name: Thrush Trl  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Sparrows Bend Length (miles): 1570 ft (.29 mi)

Number of occupied homes having street frontage: 13 Located (miles): .4

miles N ☒ S ☐ E ☐ W ☐ of the intersection of Route US 17 and Route SR 15109  
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Sparrows Bend in Pender County, do hereby request the Division of Highways to add the above described road.

**CONTACT PERSON:** Name and Address of First Petitioner. (Please Print/Type)

Name: Mary Catherine Santos Phone Number: 910 232-6720

Street Address: 60 Gregory Rd Belville NC 28451

Mailing Address: (Same as above)

**PROPERTY OWNERS**

Name

Mailing Address

Telephone

DRC Hampstead LLC 60 Gregory Rd Belville NC 28451 910-452-7175

**INSTRUCTIONS FOR COMPLETING PETITION:**

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

**FOR NCDOT USE ONLY:** Please check the appropriate block☐ Rural Road    ☐ Subdivision platted prior to October 1, 1975    ☐ Subdivision platted after September 30, 1975**REQUIREMENTS FOR ADDITION**

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

| <u>ROAD NAME</u> | <u>HOMES</u> | <u>LENGTH</u>       | <u>ROAD NAME</u> | <u>HOMES</u> | <u>LENGTH</u> |
|------------------|--------------|---------------------|------------------|--------------|---------------|
| Violetear Ridge  | 24           | 1051 ft<br>(.19 mi) |                  |              |               |
| Sparrows Bend Dr | 0            | 2743 ft<br>(.51 mi) |                  |              |               |
|                  |              |                     |                  |              |               |
|                  |              |                     |                  |              |               |
|                  |              |                     |                  |              |               |
|                  |              |                     |                  |              |               |
|                  |              |                     |                  |              |               |
|                  |              |                     |                  |              |               |
|                  |              |                     |                  |              |               |
|                  |              |                     |                  |              |               |



**Board of Commissioners**  
*George R. Brown, Jr., Chairman*  
*Archibald "Fred" McCoy, Vice Chairman*  
*Jaqueline A. (Jackie) Newton*  
*David A. Piepmeyer*  
*J. David Williams, Jr.*

**County Manager**  
*Chad McEwen*  
**County Attorney**  
*Carl W. "Trey" Thurman, III*  
**Clerk to the Board**  
*Melissa Long*

**Resolution Accepting Petition to add Thrush Trail, Violetear Ridge and Sparrows Bend Drive in the Sparrows Bend Subdivision, Hampstead, to the State Maintained System.**

WHEREAS, As a matter of standard operating procedure, the Manager's Office will routinely bring any petitions requesting either additions to, maintenance of, or improvements to any county roads to the Board, without evaluation, upon Board approval, to be summarily forwarded to the North Carolina Department of Transportation; and

WHEREAS, Mary Catherine Santos is requesting a resolution for the addition of, Thrush Trail, Violetear Ridge and Sparrows Bend Drive in the Sparrows Bend Subdivision, Hampstead, to the State Maintained System; and

WHEREAS, the petition submitted to the County Manager's office has been delivered to the Board for review and consideration.

NOW, THEREFORE IT BE RESOLVED by the Pender County Board of Commissioners that the petition to add, Thrush Trail, Violetear Ridge and Sparrows Bend Drive in the Sparrows Bend Subdivision, Hampstead, to the State Maintained System is hereby approved, and the Clerk is authorized to submit the petition to N.C. Department of Transportation.

Adopted this the 1<sup>st</sup> day of February 2021.

\_\_\_\_\_  
George R. Brown, Chairman  
Pender County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Melissa Long  
Clerk to the Board







## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Justian Pound  
**DATE:** February 1, 2021  
**SUBJECT:** Approval of Tax Releases and Refunds

---

**SUMMARY:**

Releases and refunds result from listing and assessing due to incorrect and incomplete information. Taxpayers will or have overpaid taxes. Board action rectifies the mistake. The refunds and releases are recommended as follows:

**ACTION REQUESTED:**

Staff requests that the board approves the attached list of releases and refunds for January 2021.



# Pender County

## Request For Board Action

**DATE OF MEETING:** February 1, 2021

**REQUESTED BY:** Justian Pound, Tax Assessor, Tax Assessor's Office

**SHORT TITLE:** Approval of Tax Releases and Refunds

**BACKGROUND:** Releases and refunds result from listing and assessing due to incorrect and incomplete information. Taxpayers will or have overpaid taxes. Board action rectifies the mistake. The refunds and releases are recommended as follows:

**RELEASES OVER \$100**

| YEAR | NAME | ACCOUNT | AMOUNT | REASON |
|------|------|---------|--------|--------|
|------|------|---------|--------|--------|

NONE

**REFUNDS OVER \$100**

| YEAR | NAME                       | ACCOUNT   | AMOUNT | REASON        |
|------|----------------------------|-----------|--------|---------------|
| 2020 | COLES, DANIEL LAMONT       | 275537296 | 160.58 | SITUS         |
| 2020 | COOMBS, ELWOOD             | 273273764 | 102.14 | SITUS         |
| 2020 | DEMCHOCK, NICOLE LEE       | 206497230 | 230.31 | SOLD          |
| 2020 | DOWNIE, DEAN ALLISON       | 205765983 | 142.61 | DOUBLELIST    |
| 2020 | GRIMMER, EUGENIA ELIZABETH | 206497836 | 142.44 | MILTRY EXEMPT |
| 2020 | HERRING, MICHAEL EARL      | 206497011 | 121.35 | SOLD          |
| 2020 | HUDSON, BRANDON ZACHARY    | 204657852 | 227.45 | MILTRY EXEMPT |
| 2020 | LAPP, ROBERT MICHAEL JR    | 205765626 | 144.18 | MILTRY EXEMPT |
| 2020 | LONG, CHRISTOPHER EARL     | 205944180 | 230.32 | SOLD          |
| 2019 | MANNING, JAMES ROY III     | 205404753 | 109.54 | SOLD          |
| 2019 | MATTSON, KENNETH JOHN      | 205849221 | 127.22 | SOLD          |
| 2020 | MINGUS, SHERI EDWARDS      | 205945641 | 125.31 | SOLD          |
| 2019 | STOWE, NICOLE ERNEST       | 204955317 | 118.28 | SOLD          |

TOTAL REFUNDS OVER \$100 \$1,981.73

**RELEASES UNDER \$100**

| YEAR | NAME | ACCOUNT | AMOUNT | REASON |
|------|------|---------|--------|--------|
|------|------|---------|--------|--------|

NONE

**REFUNDS UNDER \$100**

| YEAR | NAME                    | ACCOUNT   | AMOUNT | REASON |
|------|-------------------------|-----------|--------|--------|
| 2019 | BROWN, SANDRA ENGEL     | 204657351 | 47.34  | SOLD   |
| 2019 | COOMBS, AMANDA DAWN LEE | 205765551 | 32.68  | SOLD   |

|      |                            |           |       |              |
|------|----------------------------|-----------|-------|--------------|
| 2019 | DELORENZO, ANTHONY MICHAEL | 204657819 | 24.16 | SOLD         |
| 2019 | ESTATE OF MICHAEL ROBINSON | 204657741 | 5.20  | SOLD         |
| 2020 | FARROW, DAVID LEE JR       | 274873664 | 56.18 | ADJSTD VALUE |
| 2019 | FLUHARTY, MICHAEL DONOVAN  | 205156569 | 29.40 | SOLD         |
| 2019 | GASTON, SAMUEL JASON       | 204657027 | 19.48 | SOLD         |
| 2019 | GASTON, SAMUEL JASON       | 204657024 | 23.71 | SOLD         |
| 2020 | HARTUNG, SHARON JANE       | 206334468 | 16.27 | SOLD         |
| 2020 | HECK, MARILYN ANN          | 205515417 | 19.53 | OUT OF STATE |
| 2020 | HUOT, PAUL ROBERT          | 206334498 | 66.40 | SOLD         |
| 2020 | KING, MARCUS EUGENE        | 205074240 | 69.52 | SOLD         |
| 2019 | LANGDON, BARBARA HARRELL   | 206333787 | 3.56  | SOLD         |
| 2020 | LASLIE, ANGIE LYN          | 274465572 | 15.20 | SITUS        |
| 2019 | LEE, DAVID HUNTER JR       | 206497026 | 18.65 | SOLD         |
| 2019 | LUDLOW, ALICIA ELLEN       | 204869028 | 34.76 | DESTROYED    |
| 2019 | MASON, DAVID GLENN         | 205241679 | 82.21 | OUT OF STATE |
| 2020 | MATHEWS, JAMES CALVIN JR   | 204869502 | 50.25 | ADJSTD VALUE |
| 2020 | MCNULTY, DENNIS MICHAEL    | 275537828 | 48.06 | SITUS        |
| 2020 | MCNULTY, DENNIS MICHAEL    | 275537832 | 64.27 | SITUS        |
| 2020 | MCNULTY, DENNIS MICHAEL    | 275537836 | 28.74 | SITUS        |
| 2020 | MINGUS, JAMES WILBUR       | 274594196 | 64.40 | SITUS        |
| 2020 | PICKETT, LATANUA CHERISE   | 272875992 | 9.73  | SITUS        |
| 2020 | VENTERS, STEPHEN           | 205849404 | 36.37 | SOLD         |
| 2019 | VOMASKA, JANET ANN         | 205404759 | 6.06  | OUT OF STATE |
| 2019 | VOMASKA, JANET ANN         | 205404762 | 25.75 | OUT OF STATE |
| 2020 | WILCOX, DENAE CHARIS       | 205156758 | 21.44 | SOLD         |

|                           |          |
|---------------------------|----------|
| TOTAL REFUNDS UNDER \$100 | \$919.32 |
|---------------------------|----------|

|                       |      |
|-----------------------|------|
| TOTAL OF ALL RELEASES | NONE |
|-----------------------|------|

|                      |            |
|----------------------|------------|
| TOTAL OF ALL REFUNDS | \$2,901.05 |
|----------------------|------------|





## Pender County Request for Board Action

---

**TO:** Board of County Commissioners

**FROM:** Jennifer Kimler

**DATE:** February 1, 2021

**SUBJECT:** Resolution Amending Article VIII – Employee Leave Benefits, Section 12. Leave Transfer, subsection A, # 3.

---

**SUMMARY:**

The language in in Article VIII – Employee Leave Benefits, Section 12. Leave Transfer, subsection A, # 3 contradicts the general language of the Shared Leave policy to maintain the anonymity of the shared leave recipients. From the following wording I propose to remove, "...and to whom it is being donated"

"Donors shall complete an authorization form designating the number of hours being donated ~~and to whom it is being donated~~. The employee must sign the form to authorize the transfer."

**ACTION REQUESTED:**

To approve the amended wording in Article VIII – Employee Leave Benefits, Section 12. Leave Transfer, subsection A, #3 to maintain confidentiality of the employee receiving donations.





## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Jennifer Kimler  
**DATE:** February 1, 2021  
**SUBJECT:** Resolution Amending Article IX – Employee Benefits, Section 12.  
Employee Assistance Program (EAP).

---

**SUMMARY:**

Article IX – Employee Benefits, Section 12. Employee Assistance Program (EAP) indicates it is for all employees rather than full-time employees. I propose to amend the wording under the Eligibility section from “All employees” to “Full-time employees.”

A. **Eligibility:** ~~All~~ **Full-time** employees, spouses, and dependents are eligible to participate in the EAP.

**ACTION REQUESTED:**

To approve the amended wording in Article IX – Employee Benefits, Section 12. Employee Assistance Program (EAP) to clarify it is for full-time employees.







## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Travis Henley  
**DATE:** February 1, 2021  
**SUBJECT:** Consideration of Approval of Local Policies for State Acquisition  
Relocation Fund (SARF)

---

**SUMMARY:**

At the December 7, 2020 meeting of the Pender County Board of Commissioners, a memorandum of agreement was approved for Hurricane Florence State Acquisition Relocation Fund (SARF). SARF may be used to provide relocation assistance to homeowners whose primary residence was damaged during Hurricane Florence and is being acquired in a Hazard Mitigation Grant Program (HMGP), including homeowners whose assistance from HMGP or DRA is not enough to provide comparable housing outside of a flood hazard area. This assistance is provided as a grant. At the December 7, 2020 meeting, the Board also approved a Budget Ordinance Amendment for these funds.

The maximum amount of SARF assistance that a homeowner can receive for a property is \$50,000 with an additional \$5,000 to cover moving costs. Given the different amounts of other assistance provided for acquisition, all homeowners will not need the same amount of assistance with these funds. If the cost of replacement housing exceeds the amount the County pays for the current home, homeowners may be eligible for a SARF payment to cover the difference in price for a similar home. Based on the number of acquisitions approved through the Hurricane Florence HMGP Expedited Acquisition Program, twenty-one (21) homeowners may qualify for SARF funding with the total grant amount of \$1,512,500.

This policy document allows the county to provide homeowners with a more concrete understanding of how SARF funds can be used. The previously approved MOA established a number of these policies. Staff requests the adoption of this document to further clarify the implementation of this program.

**ACTION REQUESTED:**

Approval of Policy Document for Existing Hurricane Florence State Acquisition  
Relocation Fund.

**ATTACHMENTS:**

1. Pender County State Acquisition Relocation Fund Program Local Policy Document

**PENDER COUNTY STATE ACQUISITION RELOCATION FUND (SARF) PROGRAM**  
**Relocation Assistance Policy**

WHEREAS, Pender County has received Hazard Mitigation Grant Program (HMGP) funds from the North Carolina Division of Emergency Management to be used for the acquisition of residential property damaged during Hurricane Florence in September 2018; and,

WHEREAS, relocation assistance to displaced households is an approved activity under the terms of the HMGP grant agreement between the County and the North Carolina Division of Emergency Management; and,

WHEREAS, the County has also received award of State Acquisition Relocation Fund (SARF) Program funds from the North Carolina Division of Emergency Management to be used to provide supplementary relocation assistance to displaced homeowners; and,

WHEREAS, the County requires a formal policy establishing guidelines for the provision of SARF relocation benefits;

NOW, THEREFORE, BE IT RESOLVED:

Pender County hereby adopts the following Relocation Assistance Policy, to be used during implementation of the SARF Program for Hurricane Florence:

**A. HOMEOWNER RELOCATION ASSISTANCE**

**Eligibility.** A residential owner-occupied household who occupied the dwelling unit as a primary residence at the time of the event (Hurricane Florence, September 2018); whose dwelling unit was located in a regulated Special Flood Hazard Area (SFHA); whose dwelling unit was approved for acquisition under FEMA-4393-DR-NC; and whose annual household income is \$84,260 or less.

**Replacement Property.** Comparable replacement dwelling must:

- Meet HUD requirements for comparable decent, safe, and sanitary dwellings.
  - A comparable replacement home is:
    - Decent, safe, and sanitary.
    - Functionally equivalent to the participant's displacement dwelling.
    - Available for purchase.
    - Affordable. (i.e., having a monthly housing payment equal to or less than 30% of the participant's income).
    - Reasonably accessible to the participant's place of employment.
    - Generally as well located with respect to public and commercial facilities, such as schools and shopping, as the displacement dwelling.
    - Not subject to unreasonable adverse environmental conditions.
    - Available to all persons regardless of race, color, religion, sex, or national origin.

- Decent, safe, and sanitary housing meets local housing and occupancy requirements, and
  - Is structurally sound, weather tight, and in good repair.
  - Contains a safe, adequate electrical wiring system.
  - Has adequate living space for the occupants.
  - Has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator.
  - Has a separate, complete bathroom with hot and cold running water and sewage system.
  - Has heating as required by climatic conditions.
  - Has an unobstructed exit to safe, open space at ground level.
  - Is free of any barriers that would preclude reasonable use of the unit, if occupant has a physical disability.
- Be located outside of floodplain areas as shown on the current Flood Insurance Rate Map (FIRM) (i.e., 100- and 500-year floodplain).
  - If not possible, the County will certify that no appropriate housing or housing sites are available outside of the floodplain, and will seek approval by NCEM.
- Qualify as “real property.” Modular units are acceptable if they are permanently affixed to real property. Manufactured homes will not be considered real property for the purpose of this program.
- Relocation must be within the State of North Carolina.

**Terms and Limits of Assistance.** The terms of SARF-funded replacement housing assistance shall be as outlined in the Pender County SARF Program Memorandum of Agreement (DRA 5369-FR04B19):

- Replacement Housing Assistance: Eligible homeowners may be offered a gap payment in an amount up to but not exceeding \$50,000, which amount is the lesser of the difference in acquisition cost of the displacement dwelling and a comparable replacement dwelling (described above); OR the difference of acquisition cost of the displacement dwelling and the actual replacement dwelling selected by the displaced homeowner. Actual replacement dwelling must also meet the definition of a comparable replacement dwelling as described herein.
- Relocation Assistance: Eligible homeowners may be provided with up to but not exceeding \$5,000 in relocation cost assistance, to include moving expenses and closing cost assistance as allowed by North Carolina Division of Emergency Management guidelines.

#### B. BASIC RIGHTS OF DISPLACED PERSONS

Pender County shall not require any displaced person to accept a dwelling provided by the County under these procedures (unless the County and the displaced person have entered into a contract to do so) in lieu of any relocation payment for which the person may otherwise be eligible.

C. APPEALS

Any aggrieved person may file a written appeal with the Pender County Board of Commissioners in any case in which the person believes that the County has failed to properly consider the person's eligibility for assistance under this policy or has not provided assistance properly in accordance with this policy. Should, after a reasonable period, the aggrieved person believe that his/her appeal has not been properly addressed or considered by the County, then the aggrieved person may appeal his/her case to the North Carolina Department of Public Safety, Division of Emergency Management.

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

---

George Brown, Chairman  
Pender County Board of Commissioners

ATTEST:

---

Melissa Long, Clerk to the Board





## Pender County Request Board Action

---

**TO:** Board of County Commissioners

**FROM:** Carolyn Moser

**DATE:** February 1, 2021

**SUBJECT:** Approval of a Budget Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2020-2021: \$35,973.

---

**SUMMARY:**

Additional funds have been allocated to the Health Department to assist with COVID-19 vaccination planning and implementation of mass COVID-19 vaccination clinics. An additional \$35,973 has been awarded to the Pender County Health Department.

**ACTION REQUESTED:**

To consider approving a budget amendment for increasing programmatic revenues and related expenses for the Health Department by \$35,973.



Pender County Budget Ordinance Amendment

Friday, January 15, 2021

Page 2 of 2

Date

Friday, January 15, 2021

Board Meeting Date (If Applicable)

Monday, February 1, 2021

Fiscal Year

FY 2020-2021

Fund

11 - HEALTH

Division, Program, Project, etc.

Health - Immunization

Department

900057 - IMMUNIZATION

**Purpose of Request**  
Increase Revenue and Expenditures for additional funds allocated for the Immunization Program from the Women's and Children's Health Section. Included for approval on the February 1, 2021 BOCC Agenda Meeting.

REVENUES

|   | Account # (ORG-OBJECT) | Account Description | Amount   |
|---|------------------------|---------------------|----------|
| 1 | 11-375028              | Immunization - ATC  | 35973.00 |
| 2 |                        |                     |          |
| 3 |                        |                     |          |
| 4 |                        |                     |          |
| 5 |                        |                     |          |

Proposed Amendment:

EXPENDITURES

|    | Account # (ORG-OBJECT) | Account Description | Amount   |
|----|------------------------|---------------------|----------|
| 1  | 900057-404600          | Medical Expenses    | 35973.00 |
| 2  |                        |                     |          |
| 3  |                        |                     |          |
| 4  |                        |                     |          |
| 5  |                        |                     |          |
| 6  |                        |                     |          |
| 7  |                        |                     |          |
| 8  |                        |                     |          |
| 9  |                        |                     |          |
| 10 |                        |                     |          |

Total Revenues35973

Total Expenditures35973

Budget Amendment Balances when Zero.0

Prepared By:Donna Ramos

Emaildramos@pendercountync.gov





## **Pender County Request for Board Action**

---

**TO:** Board of County Commissioners

**FROM:** Melissa Long

**DATE:** February 1, 2021

**SUBJECT:** Resolution in Support of the NCACC Presidential Initiative to Promote Food System Resiliency.

---

**SUMMARY:**

The Washington County Board of Commissioner's has requested that each county consider the attached resolution. This is the NCACC Presidential Initiative for 2020-21 their Board would like for the rest of the counties to follow in their footsteps in passing a similar resolution. Also attached is a map of counties which outlines the food insecurity rates in North Carolina.

**ACTION REQUESTED:**

To consider the attached resolution in support of the NCACC Presidential Initiative to Promote Food System Resiliency.



**Board of Commissioners**

*George R. Brown, Jr., Chairman  
Archibald "Fred" McCoy, Vice Chairman  
Jaqueline A. (Jackie) Newton  
David A. Piepmeyer  
J. David Williams, Jr.*

**County Manager**

*Chad McEwen  
County Attorney  
Carl W. "Trey" Thurman, III  
Clerk to the Board  
Melissa Long*

**Resolution in Support of NCACC Presidential Initiative to Promote Food System Resiliency**

**WHEREAS**, access to food is a basic human need and is vital to the well-being of a community; and

**WHEREAS**, all 100 North Carolina counties are committed to ensuring the needs of their citizens are met; and

**WHEREAS**, food security, defined as reliable access to quality, affordable food, is vital to a thriving community and food insecurity threatens the fabric of a healthy society; and

**WHEREAS**, According to Feeding America's annual Map the Meal Gap study, conducted to improve our understanding of food insecurity and food costs at the local level, the average food insecurity rate across North Carolina's counties is 14 percent. And Feeding America projects that the rate will rise to 19.3 percent due to the pandemic.

**WHEREAS**, Pender County has a food insecurity rate of 18 percent; and

**WHEREAS**, the current pandemic is only further exacerbating the issue of food insecurity and families are facing difficult decisions about how to make ends meet, including whether they can afford the food they need; and

**WHEREAS**, it is projected that the food insecurity rate in North Carolina will rise to 19.3 percent due to the pandemic and the child food insecurity rate is projected to rise from 19.3 percent to 28.6 percent; and

**WHEREAS**, according to state officials, agriculture and agribusiness account for 17% of all jobs in the state and an annual economic impact of \$91.8 billion and is a vital aspect of the economy in North Carolina; and

**WHEREAS**, county commissioners have a responsibility to ensure the basic needs of our citizens are met; and

**WHEREAS**, the North Carolina Association of County Commissioners (NCACC), under the direction of President Ronnie Smith will be leading a task force to address food system resiliency to help counties take actions to ensure the resources we have are getting to the people in need; and

**WHEREAS**, the NCACC Task Force will be meeting to examine the various issues that go into creating and sustaining a resilient food system for our residents; and

**WHEREAS**, by supporting our farmers, supply chains, agribusiness, food industry, and hungry families, we can build resilient communities; and

**NOW, THEREFORE, LET IT BE RESOLVED, THAT THE** Pender County Board of County Commissioners, do hereby resolve to support the work of the NCACC task force and will commit to examining the food system in Pender County and take steps to help strengthen the system in the service of sustaining a thriving community.

Adopted this the 1<sup>st</sup> day of February 2021.

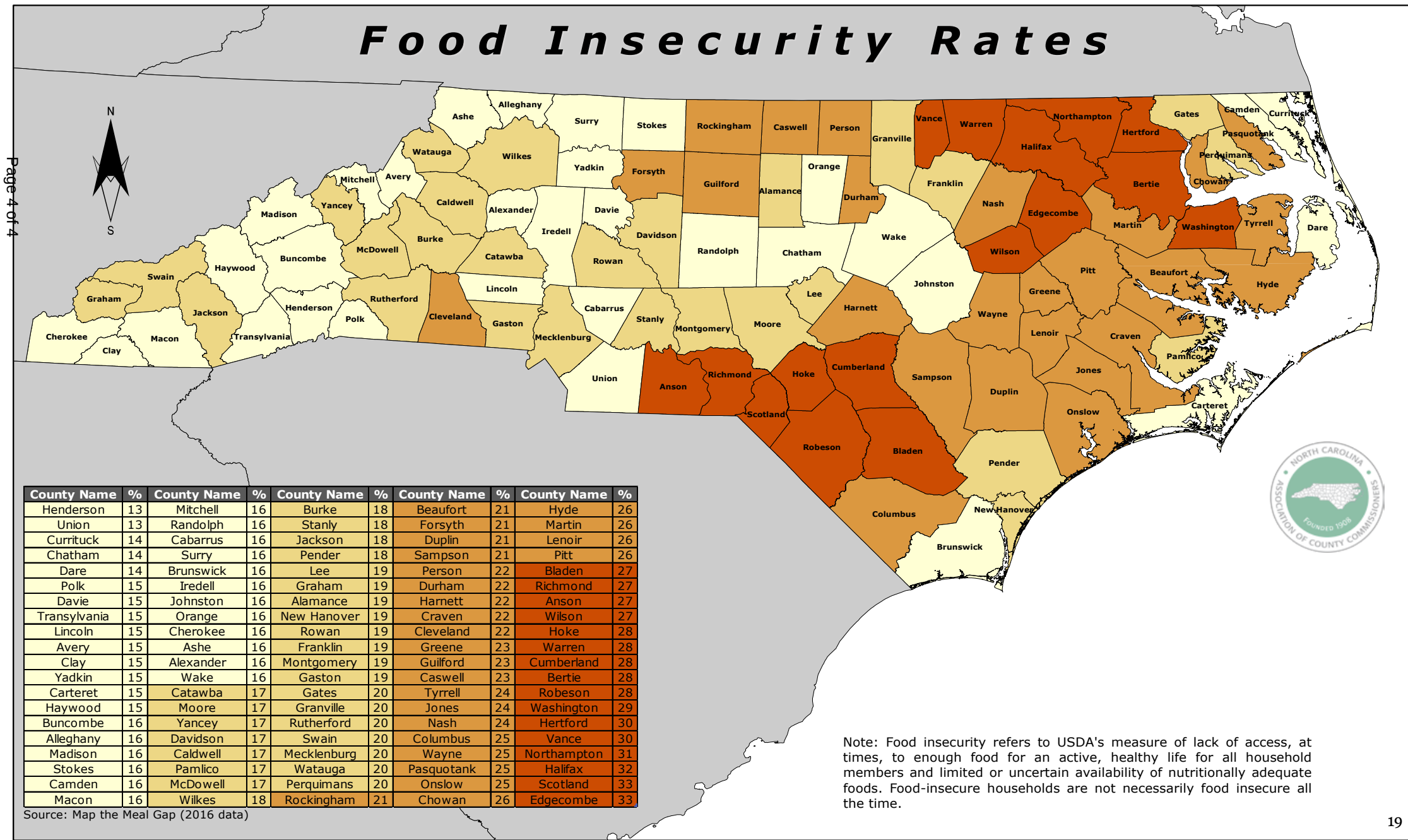
---

George R. Brown, Chairman  
Pender County Board of Commissioners

ATTEST:

---

Melissa Long  
Clerk to the Board



Source: Map the Meal Gap (2016 data)



## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Alan Cutler  
**DATE:** February 1, 2021  
**SUBJECT:** Approval of Purchase Order to Fairway Ford in the amount of \$68,022.00 for the purchase of Two Ford Explorers for the NC Governor's Highway Safety Traffic Unit.

---

**SUMMARY:**

The North Carolina Governor's Highway Safety Program is dedicated to reducing the numbers of traffic crashes and fatalities in North Carolina, the Governor's Highway Safety Program promotes highway safety awareness through a variety of grants and safe-driving initiatives. These two (2) vehicles will be purchased from Fairway Ford at the state contract price of \$68,022.00. These funds will come from account 510014-407403.

**ACTION REQUESTED:**

The Board of Commissioners is requested to authorize the purchase order to Fairway Ford in the amount of \$68,022.00



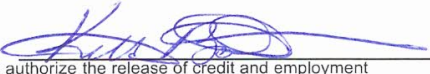
Date: 1/11/2021  
Salesperson: Keith Batson  
Manager: Keith Batson

FOR INTERNAL USE ONLY

BUSINESS NAME PENDER COUNTY SHERIFF'S DEPT Home Phone : \_\_\_\_\_  
CONTACT \_\_\_\_\_  
Address : 605 E FREMONT ST  
BURGAW, NC 28425 Work Phone : (910) 259-1212  
PENDER CO  
E-Mail : KEITH.WELLS@PENDERSHERIFF.COM Cell Phone : \_\_\_\_\_

VEHICLE  
Stock # : PCSD UTILITY New / Used : New VIN : 9999999999999999 Mileage: 0  
Vehicle : 2021 Ford Police Interceptor Utility Color : \_\_\_\_\_  
Type : Base All-wheel

|                            |           |
|----------------------------|-----------|
| Market Value Selling Price | 40,160.00 |
| Discount                   | 6,149.00  |
| Adjusted Price             | 34,011.00 |
| Cash Deposit               | .00       |
| Balance                    | 34,011.00 |

Customer Approval: \_\_\_\_\_ Management Approval:   
By signing this authorization form, you certify that the above personal information is correct and accurate, and authorize the release of credit and employment information. By signing above, I provide to the dealership and its affiliates consent to communicate with me about my vehicle or any future vehicles using electronic, verbal and written communications including but not limited to eMail, text messaging, SMS, phone calls and direct mail. Terms and Conditions subject to credit approval. For Information Only. This is not an offer or contract for sale.



## Fairway Ford, Inc.

444 US Highway 117 South  
PO Box 959  
Burgaw, NC 28425

January 11, 2021

Captain Wells,

The quote for a 2021 Ford Police Interceptor Utility / Explorer is below:

2021 Ford Explorer AWD Police Interceptor as per NCSA specifications with 3.3I V6 engine plus the following options:

- (67U) Ultimate wiring kit \$526.00
- (67V) Connector kit \$174.00
- (51R) Driver Side LED Spotlight \$371.00
- (55F) 4 FOB Keyless Remote Entry \$320.00
- (76D) Deflector Plate \$315.00

NCSA Price: \$32305.00  
Options: \$ 1706.00  
Net Total: \$34011.00

If you have any questions or need any further details, please do not hesitate to contact me at any time.  
Respectfully submitted,

**Keith Batson**  
Financial Services Manager  
Fairway Ford, Inc.  
Burgaw, NC  
Phone: (910) 259-2371  
Fax: (910) 259-9638







## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Alan Cutler  
**DATE:** February 1, 2021  
**SUBJECT:** Approval of a Purchase Order for the Central Square (Zuercher) Annual Subscription and Annual Maintenance fee in the amount of \$91,570.00.

---

**SUMMARY:**

The Pender County Sheriff's Office selected Zuercher Technologies as the replacement to the VisionAir system in 2019. The Zuercher solution uses one application and one database, all from one vendor (Zuercher). The hardware is provided as part of the solution, saving costly equipment upgrades every 5 years, and is monitored 24x7x365. The system is continuously updated to include enhancements, new features and customer requests. Zuercher is the only Public Safety solution to follow this model and would qualify as the Sole Source Exception under North Carolina State Competitive Bidding Requirements.

The annual subscription and maintenance fee for Zuercher is \$91,570.00. These funds will come from account 510-406000 and 252-404500. These funds were budgeted for FY 21.

**ACTION REQUESTED:**

To a Purchase Order for the Central Square (Zuercher) Annual Subscription and Annual Maintenance fee in the amount of \$91,570.00.



## Invoice

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| 304593     | 1/6/2021 | 1 of 9 |

Tritech Software Systems, a CentralSquare Company  
1000 Business Center Drive  
Lake Mary, FL 32746

Billing Inquiries: Accounts.Receivable@centralsquare.com

**Bill To**  
Pender County Sheriff, NC  
Earl Moore  
605 East Fremont Street  
PO Box 1449  
Burgaw NC 28425-1449  
United States

**Ship To**  
Pender County Sheriff, NC  
Earl Moore  
605 East Fremont Street  
PO Box 1449  
Burgaw NC 28425-1449  
United States

| Customer No | Customer Name             | Customer PO # | Currency | Terms  | Due Date |
|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|                      | Description                                                                                                                                                                                                                                              | Units | Rate       | Extended   |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| Contract No. Q-26970 |                                                                                                                                                                                                                                                          |       |            |            |
| 1                    | Zuercher Data Maintenance Service Prof Svc-Annual Subscripti -<br>Annual Maintenance Fee<br>Mapping - GIS Data Maintenance (up to 3 hours per month)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                     | 1     | \$4,500.00 | \$4,500.00 |
| 2                    | CAD-CLQ Location & Image Retrieval Sub Core (Agency Site Lic<br>- Annual Subscription Fee<br>CAD - CLQ Location and Image Retrieval Subscription Core<br>(Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                           | 1     | \$2,000.00 | \$2,000.00 |
| 3                    | CAD - Priority SMS Paging Subscription Core (Agency Site Lic -<br>Annual Subscription Fee<br>CAD - Priority SMS Paging Subscription Core (Agency Site<br>License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                        | 1     | \$2,000.00 | \$2,000.00 |
| 4                    | CAD - Priority SMS Paging Subscription Core Annual Subscript -<br>Annual Subscription Fee<br>CAD - Priority SMS Paging Subscription Core (up to 1,500<br>messages per full-time dispatch seat per month)<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$2,000.00 | \$2,000.00 |
| 5                    | Mapping - Custom Interface Placeholder Annual Maintenance Fe<br>- Annual Maintenance Fee<br>Mapping - Custom Interface Placeholder Annual Maintenance<br>Fee<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                             | 1     | \$1,683.75 | \$1,683.75 |
| 6                    | Records - Custom Interface Placeholder Annual Maintenance Fe<br>- Annual Maintenance Fee<br>Records - Custom Interface Placeholder Annual Maintenance<br>Fee<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                             | 1     | \$2,020.50 | \$2,020.50 |
| 7                    | CAD - PulsePoint Interface (Export) Annual Maintenance Fee -<br>Annual Maintenance Fee<br>CAD - PulsePoint Interface (Export)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                            | 1     | \$0.00     | \$0.00     |



## Invoice

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| 304593     | 1/6/2021 | 2 of 9 |

Tritech Software Systems, a CentralSquare Company  
1000 Business Center Drive  
Lake Mary, FL 32746

Billing Inquiries: Accounts.Receivable@centralsquare.com

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Pender County Sheriff, NC  
Earl Moore  
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PO Box 1449  
Burgaw NC 28425-1449  
United States

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Burgaw NC 28425-1449  
United States

| Customer No | Customer Name             | Customer PO # | Currency | Terms  | Due Date |
|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                      | Units | Rate       | Extended   |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| 8  | CAD - Rip and Run (Fax/Email) Interface Annual Maintenance F - Annual Maintenance Fee<br>CAD - Rip and Run (Fax/Email) Interface<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$0.00     | \$0.00     |
| 9  | CAD Advanced (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>CAD Advanced (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021         | 1     | \$1,010.25 | \$1,010.25 |
| 10 | CAD Core Annual Maintenance Fee - Annual Maintenance Fee<br>CAD Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                             | 1     | \$2,020.50 | \$2,020.50 |
| 11 | CAD Core (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>CAD Core (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                 | 1     | \$3,030.75 | \$3,030.75 |
| 12 | Civil Advanced (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>Civil Advanced (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021     | 1     | \$240.58   | \$240.58   |
| 13 | Civil Core Annual Maintenance Fee - Annual Maintenance Fee<br>Civil Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                         | 1     | \$673.50   | \$673.50   |
| 14 | Civil Core (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>Civil Core (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021             | 1     | \$722.53   | \$722.53   |
| 15 | Financial Core Annual Maintenance Fee - Annual Maintenance Fee<br>Financial Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                 | 1     | \$0.00     | \$0.00     |
| 16 | Financial Core (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>Financial Core (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021     | 1     | \$0.00     | \$0.00     |



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| Invoice No | Date     | Page   |
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United States

| Customer No | Customer Name             | Customer PO # | Currency | Terms  | Due Date |
|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                       | Units | Rate       | Extended   |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| 17 | Jail - Commissary Interface (Export) Annual Maintenance Fee - Annual Maintenance Fee<br>Jail - Commissary Interface (Export)<br>Maintenance: Start:12/4/2020, End: 12/3/2021      | 1     | \$735.46   | \$735.46   |
| 18 | Jail - M2SYS Fingerprint Interface (Import) Annual Maintenance Fee - Annual Maintenance Fee<br>Jail - M2SYS Fingerprint Interface<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$735.46   | \$735.46   |
| 19 | Jail - N-Dex Adapter (IB IEPD) Annual Maintenance Fee - Annual Maintenance Fee<br>Jail - N-Dex Adapter (IB IEPD)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                  | 1     | \$0.00     | \$0.00     |
| 20 | Jail - VINE Interface (Export) Annual Maintenance Fee - Annual Maintenance Fee<br>Jail - VINE Interface (Export)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                  | 1     | \$735.46   | \$735.46   |
| 21 | Jail Advanced (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>Jail Advanced (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021        | 1     | \$542.17   | \$542.17   |
| 22 | Jail Core Annual Maintenance Fee - Annual Maintenance Fee<br>Jail Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                            | 1     | \$2,694.00 | \$2,694.00 |
| 23 | Jail Core (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>Jail Core (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                | 1     | \$1,626.50 | \$1,626.50 |
| 24 | Jail Extend Annual Maintenance Fee - Annual Maintenance Fee<br>Jail Extend<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                        | 1     | \$202.05   | \$202.05   |



## Invoice

| Invoice No | Date     | Page   |
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| Customer No | Customer Name             | Customer PO # | Currency | Terms  | Due Date |
|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                                                           | Units | Rate       | Extended   |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| 25 | Mapping AVL (Agency Site License): Full-Time CAD Workstation<br>- Annual Maintenance Fee<br>Mapping AVL (Agency Site License) for Full-Time CAD Workstations<br>Maintenance: Start:12/4/2020, End: 12/3/2021          | 1     | \$1,212.30 | \$1,212.30 |
| 26 | Mapping AVL Playback (Agency Site License): Full-Time CAD<br>Wo - Annual Maintenance Fee<br>Mapping AVL Playback (Agency Site License) for Full-Time CAD Workstations<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$673.50   | \$673.50   |
| 27 | Mapping Core Annual Maintenance Fee - Annual Maintenance Fee<br>Mapping Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                                          | 1     | \$1,616.40 | \$1,616.40 |
| 28 | Mapping Core (Agency Site License) for Full-Time CAD Worksta<br>- Annual Maintenance Fee<br>Mapping Core (Agency Site License) for Full-Time CAD Workstations<br>Maintenance: Start:12/4/2020, End: 12/3/2021         | 1     | \$1,616.40 | \$1,616.40 |
| 29 | Mapping Core(Seat License): Backup/Supervisor/Part-Time Work<br>- Annual Maintenance Fee<br>Mapping Core (Seat License) for Backup/Supervisor/Part-Time Workstations<br>Maintenance: Start:12/4/2020, End: 12/3/2021  | 1     | \$1,695.33 | \$1,695.33 |
| 30 | Mobile AVL Annual Maintenance Fee - Annual Maintenance Fee<br>Mobile AVL<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                                              | 1     | \$1,964.43 | \$1,964.43 |
| 31 | Mobile CAD Annual Maintenance Fee - Annual Maintenance Fee<br>Mobile CAD<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                                              | 1     | \$4,419.97 | \$4,419.97 |
| 32 | Mobile Civil Annual Maintenance Fee - Annual Maintenance Fee<br>Mobile Civil<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                                          | 1     | \$0.00     | \$0.00     |



## Invoice

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|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                      | Units | Rate        | Extended    |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------------|-------------|
| 33 | Mobile Core Annual Maintenance Fee - Annual Maintenance Fee<br>Mobile Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                       | 1     | \$673.50    | \$673.50    |
| 34 | Mobile Mapping Annual Maintenance Fee - Annual Maintenance Fee<br>Mobile Mapping<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                 | 1     | \$10,804.37 | \$10,804.37 |
| 35 | Mobile NCIC Annual Maintenance Fee - Annual Maintenance Fee<br>Mobile NCIC<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                       | 1     | \$0.00      | \$0.00      |
| 36 | Mobile Records Annual Maintenance Fee - Annual Maintenance Fee<br>Mobile Records<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                 | 1     | \$8,947.58  | \$8,947.58  |
| 37 | Personnel Advanced (Agency Site License) Annual Maintenance - Annual Maintenance Fee<br>Personnel Advanced (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$343.08    | \$343.08    |
| 38 | Personnel Core Annual Maintenance Fee - Annual Maintenance Fee<br>Personnel Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                 | 1     | \$0.00      | \$0.00      |
| 39 | Personnel Core (Agency Site License) Annual Maintenance Fee - Annual Maintenance Fee<br>Personnel Core (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021     | 1     | \$0.00      | \$0.00      |
| 40 | Portal - Attorney Case View Annual Maintenance Fee - Annual Maintenance Fee<br>Portal - Attorney Case View<br>Maintenance: Start:12/4/2020, End: 12/3/2021                       | 1     | \$689.33    | \$689.33    |



Tritech Software Systems, a CentralSquare Company  
1000 Business Center Drive  
Lake Mary, FL 32746

Billing Inquiries: Accounts.Receivable@centralsquare.com

## Invoice

| Invoice No | Date     | Page   |
|------------|----------|--------|
| 304593     | 1/6/2021 | 6 of 9 |

**Bill To**  
Pender County Sheriff, NC  
Earl Moore  
605 East Fremont Street  
PO Box 1449  
Burgaw NC 28425-1449  
United States

**Ship To**  
Pender County Sheriff, NC  
Earl Moore  
605 East Fremont Street  
PO Box 1449  
Burgaw NC 28425-1449  
United States

| Customer No | Customer Name             | Customer PO # | Currency | Terms  | Due Date |
|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                                              | Units | Rate       | Extended   |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| 41 | Portal - Community Involvement Pack Annual Maintenance Fee -<br>Annual Maintenance Fee<br>Portal - Community Involvement Pack<br>Maintenance: Start:12/4/2020, End: 12/3/2021                            | 1     | \$689.33   | \$689.33   |
| 42 | Portal - Remote CFS View Pack Annual Maintenance Fee -<br>Annual Maintenance Fee<br>Portal - Remote CFS View Pack<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                        | 1     | \$689.33   | \$689.33   |
| 43 | Records - NC Crime Reporting (N-DEX/NIBRS) Interface Annual<br>- Annual Maintenance Fee<br>Records - NC Crime Reporting (N-DEX/NIBRS) Interface<br>Maintenance: Start:12/4/2020, End: 12/3/2021          | 1     | \$0.00     | \$0.00     |
| 44 | CAD - ProQA Platinum-Certified Interface (Import and Export) -<br>Annual Maintenance Fee<br>CAD - ProQA Platinum-Certified Interface (Import and Export)<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$1,953.15 | \$1,953.15 |
| 45 | Records Advanced (Agency Site License) Annual Maintenance<br>Fe - Annual Maintenance Fee<br>Records Advanced (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                       | 1     | \$1,468.23 | \$1,468.23 |
| 46 | Records Core Annual Maintenance Fee - Annual Maintenance<br>Fee<br>Records Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                          | 1     | \$1,010.25 | \$1,010.25 |
| 47 | Records Core (Agency Site License) Annual Maintenance Fee -<br>Annual Maintenance Fee<br>Records Core (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                              | 1     | \$4,404.69 | \$4,404.69 |
| 48 | Reporting Core Annual Maintenance Fee - Annual Maintenance<br>Fee<br>Reporting Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                      | 1     | \$0.00     | \$0.00     |



## Invoice

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| 304593     | 1/6/2021 | 7 of 9 |

Tritech Software Systems, a CentralSquare Company  
1000 Business Center Drive  
Lake Mary, FL 32746

Billing Inquiries: Accounts.Receivable@centralsquare.com

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|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                                                                              | Units | Rate       | Extended   |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| 49 | Reporting Universal Interface Engine Annual Maintenance Fee - Annual Maintenance Fee<br>Reporting Universal Interface Engine<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                             | 1     | \$0.00     | \$0.00     |
| 50 | ZSuite - NCJIS/NCIC Interface (Basic Queries) Annual Maintenance Fee<br>Zuercher Suite - NCCJIS/NCIC Interface (Basic Queries)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                           | 1     | \$1,571.50 | \$1,571.50 |
| 51 | ZSuite - Time Synchronization Interface Annual Maintenance Fee<br>Zuercher Suite - Time Synchronization Interface<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                        | 1     | \$0.00     | \$0.00     |
| 52 | ZSuite Production GIS Server Hardware Maintenance - Annual Maintenance Fee<br>Zuercher Suite Production GIS Server (Virtualized Server, OS, Software, Analytics, Installation & Testing)<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$0.00     | \$0.00     |
| 53 | ZSuite Production NCIC Server Hardware Maintenance - Annual Maintenance Fee<br>Zuercher Suite Production NCIC Server (Virtualized Server, OS, Installation & Testing)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                    | 1     | \$0.00     | \$0.00     |
| 54 | ZSuite Production Server Hardware Maintenance - Annual Maintenance Fee<br>Zuercher Suite Production Server (Dell Server, OS, DBMS, Installation & Testing)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                               | 1     | \$3,401.62 | \$3,401.62 |
| 55 | ZSuite Training/Testing Server Hardware Maintenance - Annual Maintenance Fee<br>Zuercher Suite Training/Testing Server (Dell Server, OS, DBMS, Installation & Testing)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                   | 1     | \$2,148.02 | \$2,148.02 |





## Invoice

| Invoice No | Date     | Page   |
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| 304593     | 1/6/2021 | 8 of 9 |

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| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                                                                | Units | Rate       | Extended   |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| 56 | ZSuite Warm Standby GIS Server - Annual Maintenance Fee<br>Zuercher Suite Warm Standby GIS Server (Virtualized Server,<br>OS, Software, Analytics, Installation & Testing)<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$0.00     | \$0.00     |
| 57 | ZSuite Warm Standby NCIC Server - Annual Maintenance Fee<br>Zuercher Suite Warm Standby NCIC Server (Virtualized Server,<br>OS, Installation & Testing)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                    | 1     | \$0.00     | \$0.00     |
| 58 | CAD Hardware Annual Maintenance Fee - Annual Maintenance<br>Fee<br>Administration - Inventory/Equipment Barcode Scanner and<br>Printer Package (Wasp)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                      | 1     | \$0.00     | \$0.00     |
| 59 | Administration Core Annual Maintenance Fee - Annual<br>Maintenance Fee<br>Administration Core<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                              | 1     | \$538.80   | \$538.80   |
| 60 | Administration Core (Agency Site License) Annual Maintenance -<br>Annual Maintenance Fee<br>Administration Core (Agency Site License)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                      | 1     | \$702.46   | \$702.46   |
| 61 | CAD - Basic Paging (SMTP/Email) Interface Annual Maintenance<br>- Annual Maintenance Fee<br>CAD - Basic Paging Interface (SMTP/Email)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                      | 1     | \$0.00     | \$0.00     |
| 62 | CAD - E911 (ANI/ALI) Interface Annual Maintenance Fee -<br>Annual Maintenance Fee<br>CAD - E911 (ANI/ALI) Interface<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                        | 1     | \$0.00     | \$0.00     |
| 63 | ZSuite Warm Standby Server - Annual Maintenance Fee<br>Zuercher Suite Warm Standby Server (Dell Server, OS, DBMS,<br>Installation & Testing)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                               | 1     | \$3,401.62 | \$3,401.62 |



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|-------------|---------------------------|---------------|----------|--------|----------|
| 14336       | Pender County Sheriff, NC |               | USD      | Net 30 | 2/5/2021 |

|    | Description                                                                                                                                                                                                                               | Units | Rate       | Extended   |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|------------|
| 64 | CAD - Emergency Reporting Interface (Export) Annual Maintena<br>- Annual Maintenance Fee<br>CAD - Emergency Reporting Interface (Export)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                  | 1     | \$740.85   | \$740.85   |
| 65 | CAD - emsCharts Interface (Export) Annual Maintenance Fee -<br>Annual Maintenance Fee<br>CAD - EMS Charts Interface (Export)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                              | 1     | \$740.85   | \$740.85   |
| 66 | CAD - EvenTide Voice Recorder Interface (Import and Export) -<br>Annual Maintenance Fee<br>CAD - EvenTide Voice Recorder Interface<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                        | 1     | \$1,279.65 | \$1,279.65 |
| 67 | Records - N-DEx Adapter (IA IEPD) Annual Maintenance Fee -<br>Annual Maintenance Fee<br>Records - N-DEx Adapter (IA IEPD)<br>Maintenance: Start:12/4/2020, End: 12/3/2021                                                                 | 1     | \$0.00     | \$0.00     |
| 68 | CAD - CLQ Location and Image Retrieval Subscription Core Ann<br>- Annual Subscription Fee<br>CAD - CLQ Location and Image Retrieval Subscription Core (up<br>to 1,000 messages per month)<br>Maintenance: Start:12/4/2020, End: 12/3/2021 | 1     | \$3,000.00 | \$3,000.00 |

**Please include invoice number(s) on your remittance advice,  
made payable to Tritech Software Systems**

**ACH:**

Routing Number 121000358  
Account Number 1416612641  
E-mail payment details to: Accounts.Receivable@CentralSquare.com

**Check:**

12709 Collection Center Drive  
Chicago, IL 60693

**Subtotal** \$91,570.00

**Tax** \$6,180.99

**Invoice Total** \$97,750.99

**Payments Applied** \$0.00

**Balance Due** \$97,750.99



## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Allen Vann  
**DATE:** February 1, 2021  
**SUBJECT:** Consideration of Contract Amendment with Thomas Construction for  
Courthouse Restoration Project (Roof Replacement)

---

**SUMMARY:**

It has been determined that the on-going Courthouse roof leak issues cannot be contained. Therefore, to avoid damages to new ceiling, drywall, and paint scope of work to be performed, the roof is in need of replacement now as opposed to waiting until the new budget year (after July 1 as originally planned).

Thomas Construction is asking for the Board to consider both a time extension request as well as additional costs to their contract for added General Conditions, etc.

The breakdown consists of:

Scope of roof work awarded to subcontractor (TBD)  
Additional charges to Thomas Construction contract extension (TBD)

Grand Total for Thomas Construction Change Order is forthcoming.

*\*Please note that this document will be edited as more information becomes available closer to the Board meeting date.*

**ACTION REQUESTED:**

Approval of the following: 1) Change Order which will extend the contract between Thomas Construction and Pender County by calendar days and additional costs, and 2) Budget Ordinance Amendment to transfer this total amount from Building Maintenance 500-401500 into the Courthouse Project Code of 60-404500-6501.





## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Allen Vann  
**DATE:** February 1, 2021  
**SUBJECT:** Consideration of Contract Amendment with LS3P for Courthouse Restoration Project (Roof Replacement).

---

**SUMMARY:**

It has been determined that the on-going Courthouse roof leak issues cannot be contained. Therefore, to avoid damages to new ceiling, drywall, and paint scope of work to be performed, the roof is in need of replacement now as opposed to waiting until the new budget year (after July 1 as originally planned).

LS3P and Associates is asking for the Board to consider both a time extension request as well as additional costs to their contract in lieu of changes to the Thomas Construction contract.

The total costs associated with this Change Order is TBD.

*\*Please note that this document will be edited as more information becomes available closer to the Board meeting date.*

**ACTION REQUESTED:**

Approval of the following: 1) Change Order which will extend the contract between LS3P and Pender County by calendar days and additional costs, and 2) Budget Ordinance Amendment to transfer this total amount from Building Maintenance 500-401500 into the Courthouse Project Code of 60-404500-6501.





## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Travis Henley  
**DATE:** February 1, 2021  
**SUBJECT:** Consideration of the Drainage Improvement Program.

---

**SUMMARY:**

Planning and Community Development staff developed a Drainage Improvement Program and presented it to the Board of County Commissioners for discussion at their December 7, 2020 meeting. Following that presentation, staff have continued to refine the proposal and are now presenting the program for approval to be included in the FY 2021-22 County budget. The program is designed to improve drainage in the county and reduce the impacts of flood events. Staff conducted research and held meetings with stakeholders and subject matter experts as part of the development of this program. Staff are recommending the creation of a full-time position whose focus is on resolving drainage issues throughout the county's natural waterways, to include removing drainage impediments, trapping beavers, removing dams, and administering the proposed Beaver Bounty Program. Staff will also develop a strategic plan outlining maintenance schedules and potential funding sources. The proposed Beaver Bounty Program is modeled after the Brunswick County and Columbus County Beaver Bounty Programs.

Please see attachments for a description and framework of the program, including the Beaver Bounty Program, applications and forms, a job description for the Watershed and Drainage Technician, and proposed program budget to begin in FY 2021-22.

**ACTION REQUESTED:**

Consideration of approval of Drainage Improvement Program as presented and to be included in FY 2021-22 county budget.

**ATTACHMENTS:**

1. Memorandum on Drainage Improvement Program
2. Beaver Bounty Program Framework
3. Beaver Bounty Program Application and Forms

4. Watershed and Drainage Technician Job Description
5. Drainage Improvement Program Budget



## Pender County Planning and Community Development

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

---

To: Pender County Board of Commissioners

From: Daniel Adams

Date: February 1, 2021

RE: Drainage Improvement Program

---

Pender County has experienced significant flooding events in the past five years. Heavy rain associated with Hurricanes Matthew and Florence impacted thousands of county residents. Such flood events create a cross-sector effect on the county's economy by reducing property values and damaging many of the industries that allow residents to prosper, including farming, timber harvesting, and tourism.

Even heavy rain events not associated with hurricanes can cause damage to roadways, restrict access to parts of the county, and flood private property. The two largest watercourses in Pender County, the Black River and the Northeast Cape Fear River, serve as drainage routes for their respective watersheds. Therefore, impacts from minor rain events upstream are magnified as the water flows through the county. Blockages along the roughly one thousand miles of tributaries in the county diminish the carrying capacity and reduce water flow in the tributaries, causing water to spill over their banks resulting in flooding.

Many tributaries of the Black River and Northeast Cape Fear River have become constricted as storms and natural processes deposit debris into the watercourse. In many instances, the impediments to natural flow also includes beaver dams. When the drainage routes of a watershed are blocked, it causes water to rise upstream as the impediment creates a dam. Due to the flat topography of Pender County, small blockages can cause water to back up several thousand feet, causing damage to crops, timber, and homes.

Regular maintenance to remove the debris from the waterways is required to ensure the natural flow of water is unobstructed as it drains through the county. Pender County recently received almost \$2 million in grant funding through the Hurricane Florence Emergency Watershed Protection Program (EWP) to remove debris that is impeding the flow of water at 41 sites across the county. This work is very popular among landowners because it results in visible and tangible impacts, mainly the restored flow of water and the decrease in the depth of water. The pace at which beavers rebuild their dams, though, can render this work ineffective and restore some of the issues that contributed to significant flooding during Hurricanes Matthew and Florence.

Therefore, it is vital that the county's waterways are continually maintained to ensure drainage channels are open to alleviate flooding in areas where debris has impeded the flow of water. By improving the county's drainage, the impacts of future flood events will be reduced.

### **Recommendations**

Using ideas, examples and best practices from surrounding counties and advice from North Carolina Wildlife Resources Commission staff, Pender County staff have developed a Drainage Improvement Program and recommend the following steps be implemented beginning July 1, 2021.

*Recommendation 1 – Hire a Watershed and Drainage Technician*

Staff recommend creating a full-time position focused on resolving watershed and drainage issues in the county. This position will be responsible for identifying areas of poor drainage, removing obstructions from local waterways, trapping beavers, and serving as a subject matter expert when property owners are experiencing flooding as a result of beavers or other drainage impediments.

This person will also be responsible for administering the proposed Pender County Beaver Bounty Program. These duties will include maintaining a list of licensed and qualified trappers, inspecting trapping sites to provide quality assurance and reduce fraud, conducting beaver collection returns twice per month during trapping season, serving as the public's point of contact for the bounty program, serving as the liaison between the trappers and landowners, maintaining the county's furbearers license with the North Carolina Wildlife Resources Commission, and coordinating with neighboring counties on their bounty programs.

During the warmer months when trapping is less desirable, this person will be responsible for identifying areas of poor drainage along natural waterways and conducting targeted public outreach to nearby landowners to discuss ways to improve drainage. This person will also work with the Floodplain Administrator to develop a strategic plan that addresses how the county aims to conduct continuous maintenance on our waterways. This plan will include potential funding sources like state or federal grants, and inventory areas prone to drainage issues. It will also include a maintenance report that determines inspection schedules and how frequently each waterway needs to be cleared. The primary function of this position is addressing drainage issues along the county's waterways, so this person will not be responsible for resolving stormwater issues related to subdivision development.

*Recommendation 2 – Implement a Beaver Bounty Program*

Staff is also recommending the creation of a Pender County Beaver Bounty Program with the goal of removing beavers who build dams in conflict with landowners, thereby reducing the harmful effects of flooding. The beaver population is so vast that one full-time trapper cannot effectively manage it. The Bounty Program will serve to address the beaver conflicts that the Watershed and Drainage Technician is unable to address, while also incentivizing trappers and landowners to remove drainage impediments. The Watershed and Drainage Technician will be responsible for administering the Beaver Bounty Program, which is modeled after the Columbus County and Brunswick County Beaver Bounty Programs.

The Bounty Program is to serve as a resource for county landowners who are experiencing conflicts with beavers. The goal is not to trap as many beavers as possible, but instead to remove the beavers that are causing harm. More detail on the Bounty Program is provided in the attached framework.

*Recommendation 3 – Assign this program to the Planning and Community Development Department*

The Planning and Community Development Department houses the Floodplain Administrator, so staff recommend placing the Watershed and Drainage Technician and Beaver Bounty Program within that department. The Floodplain Administrator will serve as the direct supervisor of the newly created position and will collaborate with Pender Soil and Water Conservation District staff to continue to improve drainage in Pender County.

## **Pender County Planning and Community Development**

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### **Pender County Beaver Bounty Program Framework**

Beaver dams create a significant obstruction to the natural flow of water. Due to the flat topography of Pender County, it is important that drainage channels are maintained regularly so water can pass through the county quickly, thus minimizing flooding. With regard to beaver dams, removing the dam is not enough to solve the problem. In most cases, the beavers also need to be removed or they will just build the dam back. Beaver dams have exacerbated flooding during recent hurricane and heavy rain events. Farmers have lost crops, timber companies have lost their timber yield, and property owners have seen rising water in their yard and sometimes in their homes as a result of flooding.

The goal of the Pender County Beaver Bounty Program is to restore the natural flow of water to the county's waterways by providing continual maintenance on our drainage channels. This will be achieved by:

1. Removing dams that are impeding the natural flow of water, thus reducing the impacts of flood events. Removing these dams will improve drainage throughout the county and reduce conflicts between beavers and landowners.
2. Identifying areas where beaver conflicts are prevalent and methods by which they can be removed to restore the hydraulic and hydrologic functions of the waterway.

Pender County will have a Beaver Advisory Committee that includes subject matter experts and county staff to provide guidance regarding the Bounty Program. This committee will consist of seven members and its role will be strictly advisory. The members will include a representative of the Soil and Water Conservation District, Planning and Community Development Department, Emergency Management Department, Health Department, an employee of the North Carolina Wildlife Resources Commission, and two private trappers.

Each year, in accordance with state and local laws, Pender County will provide public notice for licensed beaver trappers to register to be on the county's trapping list. Trappers will be required to show a valid trappers license, issued by the North Carolina Wildlife Resources Commission, before being admitted on the list. Trappers must be Pender County taxpayers, as the idea is not to have out of county or out of state trappers participating in this bounty program.

When landowners are experiencing issues with beavers on their property, they will contact the county to request a staff member evaluate the site for beaver activity. Once staff have visited the site and validated the landowner's request for assistance, staff will provide the landowner with a list of verified trappers. It will be the responsibility of the landowner to contact a trapper on that list to begin the trapping process.

Before any work commences, the landowner will be required to sign a Right of Entry and Hold Harmless agreement with the county that provides written approval allowing the trapper to access the property and holds the county harmless in the event of any damage to real or personal property. Upon completion of the work, the landowner and trapper must sign a document stating the number of beavers removed from the site and that the landowner considers the work to have been completed in a satisfactory manner. The intent of this requirement is to reduce fraudulent activity and ensure that landowners are receiving proper treatment from the trappers. Additionally, a trapper will be limited to removing ten beavers from one site unless county staff approve continued trapping. This is another effort to reduce fraud.

To claim the bounty, the trapper must return a pre-identified body part (e.g. tail, ear, foot) to county staff on a specified collection date. At that time, the trapper will complete a W-9 and be paid the bounty for each beaver removed as if they were a county vendor. The county must receive the signed approval form from the landowner before the bounty will be paid.

Pender County will coordinate with Brunswick and Columbus County to ensure we are all collecting the same body part in an effort to reduce fraud. We will also want to offer the same bounty as Brunswick and Columbus County to ensure trappers are not bringing in beavers from other counties and claiming the reward. Brunswick and Columbus County are currently offering \$60 per beaver.

Drafts of the forms referenced throughout this document are attached.

## Pender County Planning and Community Development

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Phone: 910-259-1202  
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### Pender County Beaver Bounty Program Trapper Registration Form

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Trapper License Number: \_\_\_\_\_

Do you want to be on the Pender County trapper call list?

YES \_\_\_\_\_ NO \_\_\_\_\_

Trappers Signature: \_\_\_\_\_ Date: \_\_\_\_\_

NOTES:

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### Pender County Beaver Bounty Program Landowner Application

Name: \_\_\_\_\_

Property Identification Number: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Disclaimer: I hereby apply for assistance with beaver management under the Pender County Beaver Bounty Program. I assume full responsibility and liability of any beaver management activities conducted on my property and in no way will I hold Pender County, its employees, nor any agencies or committees appointed by or contracted with Pender County responsible for any disturbance associated with beaver management activities on my property. I also understand that any misrepresentation of locations of where beavers are taken, or the number turned in for bounty while participating in this program will be considered fraud and may cause the landowner and trapper to be subject to criminal prosecution. Any misrepresentation by the landowner or trapper participating in this program will cause both the landowner and trapper to be banned from future participation in the Pender County Beaver Bounty Program.

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

NOTES:

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**Right of Entry/Hold Harmless Agreement for Beaver Management Assistance**

PARCEL NUMBER (PIN): \_\_\_\_\_

DATE: \_\_\_\_\_

PROPERTY ADDRESS/DESCRIPTION: \_\_\_\_\_

NAME (OWNERS OR OWNERS' AUTHORIZED AGENT)

\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE NO: \_\_\_\_\_

**RIGHT OF ENTRY:** I certify that I am the owner or the owner's authorized agent of the above described property, and that I have the legal authority to enter into this Agreement. I grant freely and without coercion the right of access and entry to said property to employees of Pender County and their representatives, agents, contractors and subcontractors, for purposes of conducting beaver management assistance.

**HOLD HARMLESS:** I agree to hold harmless Pender County, North Carolina and any of their agencies, agents, contractors, and subcontractors, for damages of any type whatsoever, either to the above-described property and/or any improvements on, or a part of the property, or to persons situated thereon. I release, discharge, and waive any action, either legal or equitable, that might arise by reason of any action of the above entities while performing work on the property

**This agreement shall remain in effect for 180 days from the date on the signature line below.**

**Property Owner Printed Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property Owner Signature:** \_\_\_\_\_

## Pender County Planning and Community Development

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

### Pender County Beaver Bounty Program Trapper Verification & Payment Form

I, \_\_\_\_\_ (trapper name), hereby certify that \_\_\_\_\_  
(number of beavers) beaver(s) has/have been taken from the property of \_\_\_\_\_  
(property owners name), which is located within the jurisdictional boundaries on Pender County. I also  
certify that the beaver(s) was/were taken in accordance with the guidelines of the Pender County  
Beaver Bounty Program. I understand that any misrepresentation of these numbers will be considered  
fraud and that property owners and/or trappers making false statements of locations of where beavers  
were taken will be subject to criminal prosecution and will be banned from participating in the Pender  
County Beaver Bounty Program.

Trapper Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Landowner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

---

#### Staff Use Only

I hereby certify that \_\_\_\_\_ (trapper name) turned in the pre-  
approved part of \_\_\_\_\_ (number of beavers taken) beaver(s) on \_\_\_\_\_  
(date). I hereby approve payment for \_\_\_\_\_ (number of beavers taken)  
beaver(s) at \$60 per beaver. The total payment on this certification is \_\_\_\_\_.

Staff Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Watershed and Drainage Technician

FLSA Status: Non-Exempt, Grade 8

### General Definition of Work

Performs intermediate skilled work related to identifying strategies for reducing drainage impediments in the county's waterways; to include trapping and removing beavers and their dams. Work is performed under the moderate supervision of the Floodplain Administrator.

### Qualification Requirements

*To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

### Essential Functions

- Trap beavers and remove dams from the county's creeks, streams, swamps and waterways, which involves exposure to various weather and natural conditions.
- Manage and administer the Pender County Beaver Management Bounty Program, which includes contacting pre-approved trappers when property owners are experiencing issues with beavers or dams, tracking the number of beavers trapped and dams removed, ensuring trappers work was completed in a satisfactory manner, and ensuring compensation is paid for trappers in the bounty program.
- Maintain and evaluate list of approved trappers to ensure trappers participating in the Bounty Program are licensed and qualified to trap.
- Identify areas of poor drainage and techniques for resolving the drainage issue.
- Apply for grant funding for drainage projects if the scope of the work exceeds the capacity of county resources.
- Assist in the implementation of grant funded watershed restoration projects, including the Emergency Watershed Protection Program.
- Conduct public outreach sessions to inform the public of ways the county is addressing drainage issues and how the public can participate.
- Serve as the point of contact between property owners and the USDA's Beaver Management Assistance Program.
- Utilize GPS/GIS to track areas of poor drainage and monitor the progress towards resolving those drainage issues, including making site visits to ensure proper completion of work.
- Procure necessary licenses and permits from regulatory agencies as part of the Beaver Management Bounty Program.
- Maintain inventory of necessary equipment (e.g. traps, boots, rakes) to perform the essential functions.
- Respond to requests from the public to identify drainage issues on private property. Before works commences on private property, ensure property owner has completed the right of entry/hold harmless documentation.

### Knowledge, Skills and Abilities

General knowledge of the county's waterways and perspective on the drainage issues facilitated by previous storms and heavy rain events; ability to maneuver through creeks, streams and swamps on foot or in a self-propelled boat; experience with trapping beavers, including setting of traps and removal of dams; ability to remove impediments with chain saw, hands tools (e.g. rake, shovel), or motorized winch; ability to communicate the intent and goals of resolving drainage issues to property owners and members of the public in a clear manner. Thorough/Intermediate knowledge of techniques to analyze and interpret project maps and convey information from those maps to members of the public and elected officials. Intermediate knowledge of data management, to include tracking the areas where beavers have been removed, the number of beavers removed, the amount of money spent in the bounty program, and using those data to anticipate future needs.

## **Watershed and Drainage Technician**

### **Education and Experience**

High school diploma or GED and moderate to significant experience trapping beavers and familiarity with maneuvering throughout the county's waterways, or an equivalent combination of education, training and experience.

### **Other Duties**

This job description is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the employee for this job. Duties, activities and responsibilities may change at any time with or without notice by the department director.

### **Special Requirements**

Maintain proper certifications, including a valid North Carolina driver's license and North Carolina Wildlife Resources Commission trappers license to perform necessary duties. North Carolina WRC trappers license shall be obtained within one year of the start of employment.

### **Physical Requirements**

This work frequently requires physical exertion, including carrying, pushing or pulling items of moderate weight (20 pounds) and occasionally heavy items (up to 75 pounds); work regularly requires sitting, speaking or hearing, using hands to finger, handle or feel and reaching with hands and arms, frequently requires standing and walking and regularly requires climbing or balancing, stooping, kneeling, crouching or crawling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; work requires preparing and analyzing written or computer data, using measuring devices, operating motor vehicles or equipment and observing general surroundings and activities; work frequently requires exposure to outdoor weather conditions; work is generally in a moderately noisy location (e.g. outdoors, business office, light traffic). Must be adaptable to performing under stress when confronted with emergency, unusual or dangerous situations. The worker may be subject to danger or risk to a moderate degree and/or to tension as a consistent part of the job.

### **Salary Range**

The salary range for this position is \$33,675 - \$53,834.53. This position is a salary grade 8.

| Watershed and Drainage Restoration Budget |            |                  |                  |                 |
|-------------------------------------------|------------|------------------|------------------|-----------------|
|                                           | First Year |                  | Recurring Years  |                 |
| <u>PERSONNEL</u>                          |            |                  | <u>PERSONNEL</u> |                 |
| Salary                                    | \$40,000   |                  | \$40,000         |                 |
| FICA                                      | \$3,060    |                  | \$3,060          |                 |
| Retirement                                | \$4,084    |                  | \$4,084          |                 |
| Health                                    | \$6,388    |                  | \$6,388          |                 |
| 401K                                      | \$1,000    |                  | \$1,000          |                 |
| <b>TOTAL PERSONNEL</b>                    |            | <b>\$54,532</b>  |                  | <b>\$54,532</b> |
|                                           |            |                  |                  |                 |
| <u>OPERATING*</u>                         |            |                  |                  |                 |
| Gasoline                                  | \$1,500    |                  | \$1,500          |                 |
| Creek boat                                | \$600      |                  |                  |                 |
| Boat accessories                          | \$200      |                  |                  |                 |
| Lewis winch                               | \$1,000    |                  |                  |                 |
| Straps/block and tackle                   | \$500      |                  |                  |                 |
| Traps                                     | \$500      |                  |                  |                 |
| Waders                                    | \$200      |                  |                  |                 |
| Winter coat                               | \$200      |                  |                  |                 |
| Rain gear                                 | \$120      |                  |                  |                 |
| Boots                                     | \$300      |                  | \$300            |                 |
| Gloves                                    | \$100      |                  | \$100            |                 |
| Chainsaw                                  | \$300      |                  |                  |                 |
| Hand tools                                | \$150      |                  |                  |                 |
| Cell phone                                | \$500      |                  | \$500            |                 |
| Furbearer license                         | \$120      |                  | \$120            |                 |
| Handheld GPS                              | \$500      |                  |                  |                 |
| Laptop                                    | \$1,500    |                  |                  |                 |
| Bounty (\$60/beaver)                      | \$20,000   |                  | \$20,000         |                 |
| <b>TOTAL OPERATING</b>                    |            | <b>\$28,290</b>  |                  | <b>\$22,520</b> |
|                                           |            |                  |                  |                 |
| <u>CAPITAL</u>                            |            |                  |                  |                 |
| 4x4 vehicle                               | \$27,000   |                  | \$0              |                 |
| <b>TOTAL CAPITAL</b>                      |            | <b>\$27,000</b>  |                  | <b>\$0</b>      |
|                                           |            |                  |                  |                 |
| <b>TOTALS</b>                             |            | <b>\$109,822</b> |                  | <b>\$77,052</b> |

\*Certain initial expenses can be covered by grant funding.





## Pender County Request for Board Action

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**TO:** Board of County Commissioners

**FROM:** Alan Cutler

**DATE:** February 1, 2021

**SUBJECT:** Approval of Budget Amendment and Purchase Order to accept the North Carolina Governor's Crime Commission Patrol Division Radio Upgrades in the amount of \$23,493.75.

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**SUMMARY:**

The Pender County Sheriff's Office has been awarded a North Carolina Governor's Crime Commission Patrol Division Radio Upgrade grant in the amount of \$23,493.75. The grant will be used to purchase portable and mobile radios for the new Traffic Unit as well as the Patrol Division. These funds will come from account 510016-403300 and 510016-407100.

**ACTION REQUESTED:**

Approval of Budget Amendment and Purchase Order to accept North Carolina Governor's Crime Commission Patrol Division Radio Upgrades in the amount of \$23,493.75.

**Award Instructions for  
NC Governor's Crime Commission  
Grant Awards 2020**

Dear Project Director and Authorizing Official,

Attached to this DocuSign envelope is your (1) **Award and Special Conditions** and (2) **FY 2020 Governor's Crime Commission Grant Award Supplemental Forms** packet

**Instructions:**

**1. Attachment 1: Award Instructions**

- a. Download these instructions.
- b. Keep these instructions for your records with your agency's office grant file.

**2. Attachment 2: Award and Special Conditions**

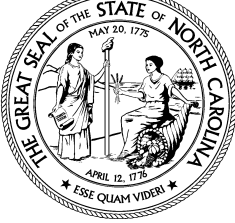
- a. Sign in DocuSign as indicated by the boxes with your name:
  - i. the Award
  - ii. and each page of the Special Conditions.
- b. The Project Director is the first to electronically receive and sign the Award and Special Conditions.
- c. Once the Project Director has signed the Award and Special Conditions, DocuSign sends the DocuSign envelope to the Authorizing Official electronically.
- d. Once the Authorizing Official has signed the Award and Special Conditions, DocuSign sends the DocuSign envelope back to GCC electronically.
- e. GCC staff will review the signed Award and signed Special Conditions for completeness.

**3. Attachment 3: FY 2020 Governor's Crime Commission Grant Award Supplemental Forms**

- a. Download this document which contains additional forms that you must complete.
- b. Sign or notarize the documents as indicated on each form.
- c. Scan all of these forms as one document and title the document "FY 2020 Governor's Crime Commission Grant Award Supplemental Forms"
- d. Upload this as an attachment to the attachments section in GEMS.
- e. Email GCC's administrative staff that the upload is complete.
  - a. [gcc\\_admin@ncdps.gov](mailto:gcc_admin@ncdps.gov)
  - b. For the subject line, type:  
**PROJ##### - FY 2020 Governor's Crime Commission Grant Award Supplemental Forms**
- f. NOTE: One form must be notarized. Notarize the form *State Grant Certification – No Overdue Tax Debts*. Keep the original notarized form in your agency's office grant file to be checked during a GCC site visit or an audit.
- g. NOTE: If you forget to download the supplemental forms from DocuSign, these forms are now available on the GCC website for you to download under the forms section.

If you have any questions, please contact your assigned planner.

Sincerely,  
The Planning Team



STATE OF NORTH CAROLINA  
**DEPARTMENT OF PUBLIC SAFETY**  
 GOVERNOR'S CRIME COMMISSION  
 1201 Front Street, Suite 200  
 Raleigh, NC 27609  
 Telephone: (919) 733-4564 Fax: (919) 733-4625  
 http://www.ncgccd.org

## GRANT AWARD

**Applicant:** County of Pender  
**Authorizing Official:** Chad McEwen  
 County Manager  
**Address:** 805 S. Walker St.  
 Burgaw, North Carolina 28425-5001  
**Vendor Number:** 566000329

**Project Name:** 2020 - Pender County Sheriff's Office - Patrol  
 Division Radio Upgrades  
**Implementing Agency:** Pender County Sheriff's Office  
**Project Director:** George Valsame  
 Investigator  
**Project Number:** PROJ014181  
**Account Manager:** Keith Bugner

**Grant Period:** 10/01/2020 - 09/30/2021

### Budgets

| Period                    | Personnel | Contractual | Travel | Supplies    | Equipment | Indirect Costs | Total              |
|---------------------------|-----------|-------------|--------|-------------|-----------|----------------|--------------------|
| Year 1                    | \$0.00    | \$273.00    | \$0.00 | \$23,220.75 | \$0.00    | \$0.00         | \$23,493.75        |
| <b>Grant Budget Total</b> |           |             |        |             |           |                | <b>\$23,493.75</b> |

| Source                                | Federal Grant # | CFDA # | % Funding | Federal Award |
|---------------------------------------|-----------------|--------|-----------|---------------|
| 2020::Byrne Justice Assistance Grants | 2020-DJ-BX-0052 | 16.738 | 100%      | \$23,493.75   |

In accordance with the laws and regulations of the United States and the State Of North Carolina, and on the basis of the grantee's application, the Department of Public Safety hereby awards to the foregoing grantee an award in the amount above.

This grant is subject to the conditions listed in the approved grant application as well as all applicable rules, regulations and conditions, as may be described by the Department of Public Safety. Special conditions are attached to this award.

This grant shall become effective, as of the start date of the grant period listed, once this original grant award has been properly executed on behalf of the grantee and returned to the Governor's Crime Commission, attention of the Grants Management Director. The grant award must be returned within 30 days of the date the award is mailed from the Governor's Crime Commission. No alterations of any kind may be made on this grant award.

### Authorizing Official

DocuSigned by:  
 1/13/2021 | 16:25:43 EST  
 Signature of Authorizing Official Date  
 Chad McEwen, County Manager  
 Name and Title of Authorizing Official

### Governor's Crime Commission

DocuSigned by:  
 1/13/2021 | 08:12:23  
 Signature of Director Date  
 Caroline C. Valand, Executive Director  
 Name and Title of Director

### Project Director

DocuSigned by:  
 1/13/2021 | 14:57:55 EST  
 Signature of Project Director Date  
 George Valsame, Investigator  
 Name and Title of Project Director

☐ This award is subject to the attached conditions, which must be signed by both the authorizing official and the project director, and returned along with this Grant Award. No alterations of any kind may be made on this grant award.





## **Federal Award Identification Worksheet**

**Federal award identification :** 2020-DJ-BX-0052

**Project ID :** PROJ014181

**Subrecipient :** County of Pender

**Federal Award Identification # (FAIN) :** 2020-DJ-BX-0052

**DUNS # :** 082361403

**Federal award date :** Oct 01, 2019 - Sep 30, 2023

**Subaward period of performance start and end date :** Oct 01, 2020 - Sep 30, 2021

**Federal funds obligated in this agreement :** \$23,493.75

**Federal funds obligated to the subrecipient :** \$23,493.75

**Total federal award :** \$4,607,333.00

**Catalog of federal domestic assistance (CFDA) :** Edward Byrne Memorial Justice Assistance Grant Program 16.738

**Indirect cost rate for the federal award :** We do not receive an indirect cost rate

**Indirect cost rate to be used by the subrecipient (either a federally-approved rate, a rate negotiated between the pass-through entity and the subrecipient, or the de minimis indirect cost rate) :** Direct/Allocated Costs Only

**Identification of whether the award is research and development (R&D) :** We do not fund research and development

**Pass through entity and awarding official :** NC Governor's Crime Commission  
Caroline C. Valand  
caroline.valand@ncdps.gov

**Federal awarding agency :** United States Department of Justice - Office of Justice Programs - Bureau of Justice Assistance

**Federal award description :** The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for a large variety of law enforcement programs.





DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

## AWARD CONTINUATION SHEET

GRANT

- 1 -

CRIMINAL JUSTICE SYSTEM IMPROVEMENT COMMITTEE  
GRANT AWARD  
SPECIAL CONDITIONS  
BYRNE JUSTICE ASSISTANCE GRANT FUNDING

SUBRECIPIENT: County of Pender  
DUNS NUMBER: 082361403  
PROJECT NAME: 2020 - Pender County Sheriff's Office - Patrol Division Radio Upgrades  
PROJECT NUMBER: PROJ014181

## 1. 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 the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this 2016 award from the Office of Justice Programs (OJP).

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this 2016 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded in 2014 or earlier years), the Part 200 Uniform Requirements to 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 2020 award.

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

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.

## 2. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide"), including any updated version that may be posted during the period of performance.

## 3. 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 DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

## 4. Requirements related to System for Award Management and Unique Entity Identifiers

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <http://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

DocuSigned by:

Authorizing Official:

Chad McEwen

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DocuSigned by:

Project Director:

George Valsame

George Valsame



DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

## AWARD CONTINUATION SHEET

GRANT

- 2 -

("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 <http://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This special 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).

5. 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 <http://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: Award Condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

6. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$150,000

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, \$150,000). 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 <http://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 \$150,000) and are incorporated by reference here.

7. 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 <http://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.

8. 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

|                                                                                                |                                                                                                      |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| DocuSigned by:<br><br>Authorizing Official: <u>Chad McEwen</u><br>Chad McEwen ID5012054D407... | DocuSigned by:<br><br>Project Director: <u>George Valsame</u><br>George Valsame ID327B0419A7F1441... |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|



DEPARTMENT OF PUBLIC SAFETY  
GOVERNOR'S CRIME COMMISSION  
1201 FRONT STREET  
RALEIGH, NORTH CAROLINA 27609

## AWARD CONTINUATION SHEET

GRANT

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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 "Post-award Requirements" in the "2015 DOJ Grants Financial Guide").

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

The recipient must collect and maintain data that measure the performance and effectiveness of activities 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, and other applicable laws.

10. 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 <http://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

11. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (Governor's Crime Commission (GCC)) may withhold award funds, or may impose other related requirements, if (as determined by the Governor's Crime Commission (GCC)) 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.

12. The recipient agrees to comply with any additional requirements that may be imposed by the Governor's Crime Commission 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.

13. 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.

14. 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, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

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 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious

DocuSigned by:

Authorizing Official:

Chad McEwen

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Project Director:

George Valsame

George Valsame

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|                                                                                   |                                                                                                                            |                                              |              |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------|
|  | <p>DEPARTMENT OF PUBLIC SAFETY<br/>GOVERNOR'S CRIME COMMISSION<br/>1201 FRONT STREET<br/>RALEIGH, NORTH CAROLINA 27609</p> | <p>AWARD CONTINUATION SHEET</p> <p>GRANT</p> | <p>- 4 -</p> |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------|

activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter I, Part 38, under e-CFR "current" data.

15. Restrictions on "lobbying"

Federal funds 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.

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 this prohibition, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

16. Compliance with general appropriations-law restrictions on the use of federal funds (FY2019)

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, including from various "general provisions" in the Consolidated Appropriations Act, 2018, are set out at <http://ojp.gov/funding/Explore/FY2018-appropriationsLawRestrictions.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 the Governor's Crime Commission (GCC), and may not proceed without the express prior written approval the Governor's Crime Commission (GCC).

17. Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) and the Governor's Crime Commission (GCC) 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 and the Governor's Crime Commission (GCC). by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N. W. Room 4706, Washington, DC 20530; Governor's Crime Commission, 1201 Front Street, Raleigh, N.C. 27609. (2) e-mail to: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov); and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881(fax).

Additional information is available from the DOJ OIG website at <http://www.usdoj.gov/oig>.

18. 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

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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.

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

The recipient 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

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OVW, as appropriate) for guidance.

20. 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.

21. The recipient agrees to comply with the Governor's Crime Commission's monitoring guidelines, protocols, and procedures, and to cooperate with OJP and OCF0 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 the Governor's Crime Commission (GCC) 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 the Governor's Crime Commission (GCC) for providing the requested documents.
- Failure to cooperate with the Governor's Crime Commission's (GCC) 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).
22. 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.
23. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
24. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
25. 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, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
26. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C.3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.

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27. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtaining of Institutional Review Board approval, if appropriate, and subject informed consent.
28. Grantee agrees to comply with all confidentiality requirements of 34 U.S.C. section 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular 28 C.F.R. 22.23.
29. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
30. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
31. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
32. The grantee agrees to 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 grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee 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 grant, the grantee agrees to contact BJA. The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special 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 grantee 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 grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at

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<http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, 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.

33. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
34. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
35. The recipient agrees to submit a signed certification that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.
36. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
37. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
38. The recipient understands that, pursuant to recommendation 2.1 of Executive Order 13688, law enforcement agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient agrees to provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.
39. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may

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be accessed here:

[https://www.whitehouse.gov/sites/default/files/docs/le\\_equipment\\_wg\\_final\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf).

40. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
41. Recipient understands and agrees that, notwithstanding 2 CFR § 200.3 13, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
- Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
  - Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
  - Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.

42. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
43. Any law enforcement agency receiving direct or sub-awarded JAG funding must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
44. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
45. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal

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System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIS") within SAM are posted on the OJP web site at <http://ojp.gov/funding/FAPIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIS), and are incorporated by reference here.

46. Recipient acknowledges the final agency decision made by the U.S. Department of Justice that recipient's jurisdiction did not substantially implement the Sex Offender Registration and Notification Act (P.L. 109-248) before the deadline, which determination impacts the funding amount of this award, pursuant to 42 U.S.C. § 16925. In accepting this specific formula award, recipient hereby voluntarily agrees that if it elects to file a judicial appeal of that final agency decision, which was integral in determining this particular funding amount, no such appeal may commence more than 6 months after the date of this award.
47. Ongoing compliance with 8 U.S.C. 1373 is required 1. With respect to the "program or activity" funded in whole or part under this award (including any such "program or activity" of any subrecipient at any tier), throughout the period of performance for the award, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in 8 U.S.C. 1373(b). For purposes of this award, any prohibition (or restriction) that violates this condition is an "information-communication restriction." 2. Certifications from subrecipients. The recipient may not make a subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Similarly, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the further subaward, using the appropriate OJP form. 3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition. 4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State or local government or a "public" institution of higher education, incurs to implement this condition. 5. Rules of Construction A. For purposes of this condition: (1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe. (2) A "public" institution of higher education is one that is owned, controlled, or directly funded by a State or local government. (3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a). (4) "Immigration status" means what it means for purposes of 8 U.S.C. 1373 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and terms that are defined in 8 U.S.C. 1101 (Immigration and Nationality Act) mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. 901(a)(2)). (5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 are to be read as references to particular components of the Department of Homeland Security (DHS). B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any "public" institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.
48. Authority to obligate award funds contingent on compliance with 8 U.S.C. 1373; unallowable costs; obligation to notify 1. If the recipient is a State or local government-- A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a either a State or unit of local government or a "public" institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction." B. In addition, with respect to any project costs it incurs "at risk," the recipient may not

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obligate award funds to reimburse itself if -- at the time it incurs such costs -- the "program or activity" of the recipient (or of any subrecipient at any tier that is either a State or unit of local government or a "public" institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any "information-communication restriction." C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and all subrecipients (regardless of tier) are in compliance with 8 U.S.C. 1373. D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded "program or activity" of the recipient, or of any subrecipient at any tier that is either a State or a local government or a "public" institution of higher education, may be subject to any "information-communication restriction." In addition, any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient such credible evidence regarding an "information-communication restriction." 2. Any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any "information-communication restriction." 3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required." 4. Rules of Construction A. For purposes of this condition "information-communication restriction" has the meaning set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required." B. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

49. Required local-government-level rules or practices related to aliens; allowable costs The following provisions apply to the recipient of this award, if the recipient is a unit of local government, and also apply to any local-government subrecipient of this award at any tier (whether or not the recipient itself is a unit of local government). 1. Requirements With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award-- A. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, - policy, or -practice) must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given access a local-government (or local-government-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States. B. A local ordinance, -rule, -regulation, - policy, or -practice (or an applicable State statute, -rule, -regulation, - policy, or -practice) must be in place that is designed to ensure that, when a local-government (or local-government/contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see "Rules of Construction" incorporated by para. 4.B. of this condition) -- provide the requested notice to DHS. 2. Monitoring The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition. 3. Allowable costs Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, ordinances, rules, regulations, policies, and practices to satisfy this condition, (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above. 4. Rules of construction A. The "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full. B. The "Rules of Construction" set out in the award condition entitled "Required State-level rules or practices related to aliens; allowable costs" are incorporated by reference as though set forth here in full.
50. 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

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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.

51. 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 certifications or assurances 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. Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("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. The Department of Justice ("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 42 U.S.C. 3795a), 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.
52. Requirement to report actual or imminent breach of personal 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)" (2CFR 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 the assigned GCC Grants Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.
53. Submission of eligible records relevant to the National Instant Background Check System Consonant with federal statutes that pertain to firearms and background checks—including 18 U.S.C 922 and 34 U.S.C. ch 409 -if the recipient (or any subrecipients at any tier) uses this award to fund (in whole or in part) a specific project or program (such as law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records, that are "eligible records" (under Federal or State Law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State Law) relevant to the NICS, the recipient, (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State Law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -when appropriate—promptly must update, correct, modify, or remove such NICS-relevant "eligible record". In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.
54. Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance 1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, - agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or - agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication

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restriction" under this award.

2. Certifications from subrecipients. The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or educational institution that would receive the subaward, using the appropriate form available at <https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm>. Also, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State, a local government, or a public institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373 and 1644, properly executed by the chief legal officer of the government or institution that would receive the further subaward, using the appropriate OJP form.

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

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. 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) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.

## 5. Rules of Construction

## A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe. (2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.") (3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a). (4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa. (5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

55. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement (8 U.S.C. 1373 and 1644); unallowable costs; notification

1. If the recipient is a "State," a local government, or a "public" institution of higher education:

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction. C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance."

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made

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the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction.

2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction.

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling

circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition.

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the

"Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition.

B. Both the "Rules of Construction" and the "Important Note" set out in the

"Noninterference ... 8 U.S.C. 1373 and 1644 and ongoing compliance" condition are incorporated by reference as though set forth here in full.

56. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law enforcement sensitive information  
SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier).
1. Noninterference: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a).
  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 (e.g., training) designed to ensure compliance with this condition.
  4. Rules of construction  
A. For purposes of this condition--  
(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3));  
(2) the term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity;  
(3) the term "law enforcement sensitive information" means records or information compiled for any law enforcement purpose; and  
(4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity.  
B. Both the "Rules of Construction" and the "Important Note" set out in the  
"Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

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57. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier).
1. Noninterference with statutory law enforcement access to correctional facilities Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States."
  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 (e.g., training) designed to ensure compliance with this condition.
  4. Rules of construction  
A. For purposes of this condition:  
(1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)).  
(2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).  
(3) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that--  
(a) is designed to prevent or to significantly delay or complicate, or  
(b) has the effect of preventing or of significantly delaying or complicating.  
B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.
58. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier.
1. Noninterference with "removal" process: Notice of scheduled release date and time Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[ felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government contracted) correctional facility receives from DHS a formal

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written request pursuant to the INA that seeks such advance notice.

## 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 (e.g., training) designed to ensure compliance with this condition.

## 4. Rules of construction

## A. For purposes of this condition:

(1) The term "alien" means what it means under section 101 of the INA (see 8 U.S.C. 1101(a)(3)).

(2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released.

## C. Applicability

(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable.

(2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

D. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

## 59. Requirement to collect certain information from subrecipients

The recipient may not make a subaward to a State, a local government, or a "public" institution of higher education unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with regular document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

## 60. Reporting requirements

The subrecipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation. These PMT Reports must then be uploaded into the appropriate PMT Tabs with the correct corresponding quarters in the GEMS System. Failure to do so will result in the subrecipient not being to file and submit reimbursements in a timely manner. The subrecipient must also submit an annual progress report in the GEMS system that must be reviewed by its assigned Grants Manager for review. Failure to do this will also result in a GEMS hold that will prevent further

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activity on this project.

61. Required data on law enforcement agency training  
Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.
62. Expenditures prohibited without waiver No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.
63. Law enforcement task forces - required training  
Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.  
The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates. Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
64. Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance
  1. With respect to the "program or activity" funded in whole or part under this award (including any such program or activity of any subrecipient at any tier), throughout the period of performance, no State or local government entity, - agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award.
  2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.
  3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. 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) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition.
  4. Rules of Construction
    - A. For purposes of this condition:
      - (1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.
      - (2) A "public" institution of higher education is defined as one that is owned, controlled, or directly funded (in whole or in substantial part) by a State or local government. (Such a public institution is considered to be a "government entity," and its officials to be "government officials.")
      - (3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).
      - (4) "Immigration status" means what it means under 8 U.S.C. 1373 and 8 U.S.C. 1644; and terms that are defined in 8 U.S.C. 1101 mean what they mean under that section 1101, except that "State" also includes American Samoa.
      - (5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition ... and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 and 1644 are to be read as references to particular components of the Department of Homeland Security (DHS).
    - B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any public institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

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65. No use of funds to interfere with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance 1. Throughout the period of performance, no State or local government entity, -agency, or -official may use funds under this award (including under any subaward, at any tier) to prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in either 8 U.S.C. 1373(b) or 1644. Any prohibition (or restriction) that violates this condition is an "information-communication restriction" under this award. 2. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition. 3. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. 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) that the recipient, or any subrecipient at any tier that is a State, a local government, or a public institution of higher education, incurs to implement this condition. 4. Rules of Construction. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance" condition are incorporated by reference as though set forth here in full.
66. Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; unallowable costs; notification 1. If the recipient is a "State," a local government, or a "public" institution of higher education: A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction." B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction. C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance." D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction. 2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction. 3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "Noninterference ... 8 U.S.C. 1373 and 1644; ongoing compliance" award condition. 4. Rules of Construction A. For purposes of this condition "information-communication restriction" has the meaning set out in the "Noninterference ... 8 U.S.C. 1373 and 1644; ongoing compliance" condition. B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference ... 8 U.S.C. 1373 and 1644; ongoing compliance" condition are incorporated by reference as though set forth here in full.
67. Authority to obligate award funds contingent on no use of funds to interfere with federal law enforcement: 8 U.S.C. 1373 and 1644; unallowable costs; notification 1. If the

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recipient is a "State," a local government, or a "public" institution of higher education: A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction." B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the program or activity of the recipient (or of any subrecipient at any tier that is a State, a local government, or a public institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any information-communication restriction. C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and each subrecipient (regardless of tier) that is a State, local government, or public institution of higher education, is in compliance with the award condition entitled "No use of funds to interfere with federal law enforcement: 8 U.S.C. 1373 and 1644; ongoing compliance." D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded program or activity of the recipient, or of any subrecipient at any tier that is either a State or a local government or a public institution of higher education, may be subject to any information-communication restriction. In addition, any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient have such credible evidence regarding an information-communication restriction. 2. Any subaward (at any tier) to a subrecipient that is a State, a local government, or a public institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the program or activity of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any information-communication restriction. 3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the "No use of funds to interfere ... 8 U.S.C. 1373 and 1644; ongoing compliance" award condition. 4. Rules of Construction. The "Rules of Construction" set out in the "Authority to obligate award funds contingent on noninterference (within the funded "program or activity") with federal law enforcement: 8 U.S.C. 1373 and 1644; unallowable costs; notification" condition are incorporated by reference as though set forth here in full.

68. Noninterference (within the funded "program or activity") with federal law enforcement: No public disclosure of certain law enforcement sensitive information SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier). 1. Noninterference: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no public disclosure may be made of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a). 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 (e.g., training) designed to ensure compliance with this condition. 4. Rules of construction A. For purposes of this condition-- (1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3)); (2) the term "federal law enforcement information" means law enforcement sensitive information communicated or made available, by the federal government, to a State or local government entity, -agency, or -official, through any means, including, without limitation-- (1) through any database, (2) in connection with any law enforcement partnership or -task-force, (3) in connection with any request for law enforcement assistance or -cooperation, or (4) through any deconfliction (or courtesy) notice of planned, imminent, commencing, continuing, or impending federal law enforcement activity; (3) the term "law enforcement sensitive information" means records or information compiled

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|  | DEPARTMENT OF PUBLIC SAFETY<br>GOVERNOR'S CRIME COMMISSION<br>1201 FRONT STREET<br>RALEIGH, NORTH CAROLINA 27609 | AWARD CONTINUATION SHEET<br><br>GRANT | - 20 - |
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for any law enforcement purpose; and (4) the term "public disclosure" means any communication or release other than one-- (a) within the recipient, or (b) to any subrecipient (at any tier) that is a government entity. B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.

69. No use of funds to interfere with federal law enforcement: No public disclosure of certain law enforcement sensitive information SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward (at any tier). 1. No use of funds to interfere: No public disclosure of federal law enforcement information in order to conceal, harbor, or shield Consistent with the purposes and objectives of federal law enforcement statutes and federal criminal law (including 8 U.S.C. 1324 and 18 U.S.C. chs. 1, 49, 227), no funds under this award may be used to make any public disclosure of any federal law enforcement information in a direct or indirect attempt to conceal, harbor, or shield from detection any fugitive from justice under 18 U.S.C. ch. 49, or any alien who has come to, entered, or remains in the United States in violation of 8 U.S.C. ch. 12 -- without regard to whether such disclosure would constitute (or could form a predicate for) a violation of 18 U.S.C. 1071 or 1072 or of 8 U.S.C. 1324(a). 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 (e.g., training) designed to ensure compliance with this condition. 4. Rules of construction. The "Rules of Construction" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: No public disclosure of certain law enforcement sensitive information" award condition are incorporated by reference as though set forth here in full.
70. Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier). 1. Noninterference with statutory law enforcement access to correctional facilities Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- within the funded program or activity, no State or local government entity, -agency, or -official may interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government-contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States." 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 (e.g., training) designed to ensure compliance with this condition. 4. Rules of construction A. For purposes of this condition: (1) The term "alien" means what it means under section 101 of the Immigration and Nationality Act (INA) (see 8 U.S.C. 1101(a)(3)). (2) The term "correctional facility" means what it means under the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 34 U.S.C. 10251(a)(7)). (3) The term "impede" includes taking or continuing any action, or implementing or maintaining any law, policy, rule, or practice, that-- (a) is designed to prevent or to significantly delay or complicate, or (b) has the effect of preventing or of significantly delaying or complicating. B. Both the "Rules of Construction" and the "Important Note" set out in the "Noninterference (within the funded 'program or activity') with federal law enforcement: 8 U.S.C. 1373 and 1644 and ongoing compliance" award condition are incorporated by reference as though set forth here in full.
71. No use of funds to interfere with federal law enforcement: Interrogation of certain aliens SCOPE. This condition applies as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award. Its provisions must be among those included in any subaward (at any tier). 1. No use of funds to interfere with statutory law enforcement access to correctional facilities Consonant with federal law enforcement statutes and regulations -- including 8 U.S.C. 1357(a), under which certain

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federal officers and employees "have power without warrant ... to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States," and 8 C.F.R. 287.5(a), under which that power may be exercised "anywhere in or outside the United States" -- no State or local government entity, -agency, or -official may use funds under this award to interfere with the exercise of that power to interrogate "without warrant" (by agents of the United States acting under color of federal law) by impeding access to any State or local government (or government contracted) correctional facility by such agents for the purpose of "interrogat[ing] any alien or person believed to be an alien as to his [or her] right to be or to remain in the United States." 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 (e.g., training) designed to ensure compliance with this condition. 4. Rules of construction. The "Rules of Construction" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth here in full.

72. Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release SCOPE. This condition applies with respect to the "program or activity" that is funded (in whole or in part) by the award, as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier. 1. Noninterference with "removal" process: Notice of scheduled release date and time Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[ felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- within the funded program or activity, no State or local government entity, -agency, or -official (including a government-contracted correctional facility) may interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice. 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 (e.g., training) designed to ensure compliance with this condition. 4. Rules of construction A. The "Rules of Construction" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: Interrogation of certain aliens" award condition are incorporated by reference as though set forth herein full. B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual otherwise would have been released. C. Applicability(1) Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). If (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to allow for the advance notice that DHS has requested, it shall NOT be a violation of this condition to provide only as much advance notice as practicable. (2) Current DHS practice is to use the same form for a second, distinct purpose -- to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition does NOT encompass such DHS requests for detention.

73. No use of funds to interfere with federal law enforcement: Notice of scheduled release SCOPE. This condition applies as of the date the recipient accepts the award, and throughout the remainder of the period of performance. Its provisions must be among those included in any subaward at any tier. 1. No use of funds to interfere with "removal" process: Notice of scheduled release date and time Consonant with federal law enforcement statutes -- including 8 U.S.C. 1231 (for an alien incarcerated by a State or local government, a 90-day "removal period" during which the federal government "shall" detain and then "shall" remove an alien from the U.S. "begins" no later than "the date the alien is released from ... confinement"; also, the federal government is expressly authorized to make payments to a "State or a political subdivision of the State ... with respect to the

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incarceration of [an] undocumented criminal alien"); 8 U.S.C. 1226 (the federal government "shall take into custody" certain criminal aliens "when the alien is released"); and 8 U.S.C. 1366 (requiring an annual DOJ report to Congress on "the number of illegal alien[ felons] in Federal and State prisons" and programs underway "to ensure the prompt removal" from the U.S. of removable "criminal aliens") -- no State or local government entity, - agency, or - official (including a government-contracted correctional facility) may use funds under this award to interfere with the "removal" process by failing to provide -- as early as practicable (see para. 4.C. below) -- advance notice to DHS of the scheduled release date and time for a particular alien, if a State or local government (or government-contracted) correctional facility receives from DHS a formal written request pursuant to the INA that seeks such advance notice. 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 (e.g., training) designed to ensure compliance with this condition. 4. Rules of construction. The "Rules of Construction" set out in the "Noninterference (within the funded "program or activity") with federal law enforcement: Notice of scheduled release" award condition are incorporated by reference as though set forth here in full. Requirement to collect certain information from subrecipients Except as provided in this condition, the recipient may not make a subaward to a State, a local government, or a "public" institution of higher education, unless it first obtains from the proposed subrecipient responses to the questions identified in the program solicitation as "Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)." All subrecipient responses must be collected and maintained by the recipient, consistent with document retention requirements, and must be made available to DOJ upon request. Responses to these questions are not required from subrecipients that are either a tribal government/organization, a nonprofit organization, or a private institution of higher education.

74. Employment eligibility verification for hiring under the award:  
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. I 324a(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 1-9 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

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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](https://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 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. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

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

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Award Attachment 01 –  
Equal Employment Opportunity Plan  
Certification

## **FY2020 Governor's Crime Commission Grant Award Supplemental Form: Award Attachment 01 – Equal Employment Opportunity Plan Certification**

An Equal Employment Opportunities Plan (EEOP) is a workforce report that some organizations must complete as a condition for receiving Justice Department funding authorized by the Omnibus Crime Control and Safe Streets Act of 1968. The EEOP's purpose is to ensure that subrecipients of financial assistance from the Justice Department are providing equal employment opportunities to men and women regardless of sex, race or national origin. Federal regulations establishing the EEOP requirement also link a diverse workforce to effective law enforcement:

The experience of the [Justice Department] in implementing its responsibilities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, . . . has demonstrated that the full and equal participation of women and minority individuals in employment opportunities in the criminal justice system is a necessary component to the Safe Streets Act's program to reduce crime and delinquency in the United States. 28 C.F.R. § 42.301.

Justice Department regulations pertaining to the development of a comprehensive EEOP can be found at [28 C.F.R. § 42.301-.308](#).

The US Department of Justice Office of Civil Rights (OCR) developed the EEOP Utilization Report to help recipients comply with the EEOP regulations. Instead of requiring subrecipients to report all of the employment data that federal regulations require them to keep (see [28 C.F.R. § 42.301-.308](#)), OCR uses the Report to prompt subrecipients to collect and analyze key employment data, organized by race, national origin and sex. OCR also uses the Report as an initial screening tool. If OCR's review of an agency's Report indicates that a more thorough examination of employment practices may be appropriate, it may request that the subrecipient provide additional employment data.

Subrecipients subject to the authority of the Safe Streets Act (as well as subrecipients of VOCA, VAWA and OJJDP funds) must develop an EEOP if they meet **ALL** of the following criteria:

- The subrecipient is a state or local government agency or a business; AND
- The subrecipient has 50 or more employees; AND
- The subrecipient has received a single award of \$25,000 or more.

Subrecipients subject to the Safe Streets Act (as well as subrecipients receiving VOCA, VAWA and OJJDP funds) are exempt from the EEOP requirement, if the subrecipient:

- is a nonprofit organization, a medical or educational institution or an Indian Tribe; OR
- has less than 50 employees; OR,
- received a single award for less than \$25,000.

Subrecipients that are exempt from the EEOP requirement must still claim the exemption from the EEOP requirement. To claim the exemption or to complete your organization's EEOP utilization report, your organization should log into the online Equal Employment Opportunity (EEO) Reporting System. This system will allow you to create your organization's account, then prepare and submit an EEO Certification Form and if required, create and submit an EEO Utilization Report. You will also be able to access your organization's saved information in subsequent logins.

To claim the exemption from developing an EEOP, the subrecipient must complete Section A of the [Certification Form](#) and submit it online. Subrecipient organizations who claim the exemption will receive a "Thank You" acknowledgement from OCR once they have submitted their exemption request (Section A). Subrecipients who must submit additional EEOP information will receive a "congratulations" acknowledgement once they submit the required information.

If a subrecipient does not wish to use the tool, they should fill out the form and submit it to [EEOPForms@usdoj.gov](mailto:EEOPForms@usdoj.gov). Note, however, that the criteria provided for Section B are no longer correct, and that all recipients of awards of \$25,000 or more are required to prepare and submit an EEOP.

**All subrecipients should save a screenshot/copy of their EEOP submission acknowledgement or a copy of the email sent to USDOJ at the address above. The Project Director or Authorizing Official should sign and date the screenshot or email copy. This document should be uploaded for Attachment 1.**

### Relevant Links

- EEOP Reporting Tool/EEO Reporting System Log-in
  - [www.ojp.gov/about/ocr/eeop](http://www.ojp.gov/about/ocr/eeop)
- EEOP Reporting Tool Job Aid (Instructions on how to complete the online EEO reports or claim exemption)
  - [https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/EEOPReportTool\\_JobAid.pdf](https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/EEOPReportTool_JobAid.pdf)
- EEOP Frequently Asked Questions
  - <https://www.ojp.gov/program/civil-rights/equal-employment-opportunity-program-eeop-faqs>

Award Attachment 02 –  
Certification Regarding Lobbying, Debarment, and  
Suspension



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

OJP FORM 4061/6 (3-91) REPLACES OJP FORMS 4061/2, 4061/3 AND 4061/4 WHICH ARE OBSOLETE.

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

#### **DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

**DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                 |                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Type of Federal Action:</b><br><input type="checkbox"/> a. contract<br><input type="checkbox"/> b. grant<br><input type="checkbox"/> c. cooperative agreement<br><input type="checkbox"/> d. loan<br><input type="checkbox"/> e. loan guarantee<br><input type="checkbox"/> f. loan insurance                                                                                                                                                                                                                                                                                                                       | <b>2. Status of Federal Action:</b><br><input type="checkbox"/> a. bid/offer/application<br><input type="checkbox"/> b. initial award<br><input type="checkbox"/> c. post-award | <b>3. Report Type:</b><br><input type="checkbox"/> a. initial filing<br><input type="checkbox"/> b. material change<br><b>For Material Change Only:</b><br>year _____ quarter _____<br>date of last report _____ |
| <b>4. Name and Address of Reporting Entity:</b><br><input type="checkbox"/> Prime <input type="checkbox"/> Subawardee<br>Tier _____, if known:<br><br>Congressional District, if known:                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                 | <b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b><br><br>Congressional District, if known:                                                                                |
| <b>6. Federal Department/Agency:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>7. Federal Program Name/Description:</b><br><br>CFDA Number, if applicable: _____                                                                                            |                                                                                                                                                                                                                  |
| <b>8. Federal Action Number, if known:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>9. Award Amount, if known:</b><br>\$                                                                                                                                         |                                                                                                                                                                                                                  |
| <b>10. a. Name and Address of Lobbying Registrant</b><br>(if individual, last name, first name, MI):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>b. Individuals Performing Services</b> (including address if different from No. 10a)<br>(last name, first name, MI):                                                         |                                                                                                                                                                                                                  |
| <b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. | Signature: _____<br>Print Name: _____<br>Title: _____<br>Telephone No.: _____ Date: _____                                                                                       |                                                                                                                                                                                                                  |
| <b>Federal Use Only:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                 | Authorized for Local Reproduction<br>Standard Form LLL (Rev. 7-97)                                                                                                                                               |



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### INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Award Attachment 03 –  
Single Audit Certification Form



## GCC Subrecipient Single Audit Certification Form

Effective with fiscal years beginning on or after December 26, 2014, the Uniform Guidance requires all recipients of Federal funds to have a Single audit conducted when total Federal award expenditures are \$750,000 or more during a fiscal year. [Subpart F—Audit Requirements](#)

This threshold includes Federal award expenditures from all sources, not just from GCC. For this reason, the certification form should be completed by a financial official in your organization who has access to grant records for your entire organization.

Your assistance is needed in completing and returning this form to GCC. Please upload the completed form to: Documents in each project and send the original back with your signed grant award.

\_\_\_\_\_  
Sub-recipient Name

\_\_\_\_\_  
Tax ID Number

**Did your organization expend \$750,000 or more in total Federal awards in fiscal year 2018?**

YES ☐ A Single Audit is required. \_\_\_\_\_  
(Expected completion date)

\*If the answer is YES above, your organization must submit a copy of your Single Audit reporting package to the Federal Audit Clearinghouse (FAC) within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the audit period. In addition, if the audit disclosed audit findings that relate to the award(s) provided by (GCC), your organization must concurrently submit the audit report package to GCC, along with a list of related findings and a corrective action plan to address those findings.

NO ☐ A single audit is not required.

**I certify that, to the best of my knowledge, the above information is correct:**

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
(Financial Officer)

Date: \_\_\_\_\_ E-mail: \_\_\_\_\_

Award Attachment 04 –  
Certification of No Overdue Tax Debts



## Grant Certification – No Overdue Tax Debts NONGOVERNMENTAL ENTITIES ONLY

Date: \_\_\_\_\_

To: Agency Head and Chief Fiscal Officer

### **Certification:**

We certify that \_\_\_\_\_ does not have any overdue tax debts, as defined by N.C.G.S. §105-243.1, at the federal, State, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. §143C-6-23(c) is guilty of a criminal offense punishable as provided by N.C.G.S. §143C-10-1.

### **Sworn Statement:**

\_\_\_\_\_ and \_\_\_\_\_ being duly sworn, say that we are the Board Chair and Project Director, respectively, of \_\_\_\_\_ of \_\_\_\_\_ in the State of North Carolina; and that the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by us. We also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Project Director

Sworn to and subscribed before me on the day of the date of said certification.

\_\_\_\_\_  
(Notary Signature and Seal) My Commission Expires: \_\_\_\_\_

If there are any questions, please contact the Governor's Crime Commission's Grants Management Director at (919) 733-4564 or you may contact the North Carolina Office of State Budget and Management, [NCGrants@osbm.nc.gov](mailto:NCGrants@osbm.nc.gov) - (919) 807-4795.

G.S. §105-243.1 defines: "Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement."

Award Attachment 05 –  
Employment Eligibility Verification Certification



## Employment Eligibility Verification Certification

I hereby certify that, as part of the hiring and contracting processes, the employment eligibility of all individuals that are currently hired and/or contracted (or will be hired) and funded (in whole or in part) with grant funds awarded from the N.C. Governor's Crime Commission, has been verified (or will be verified) consistent with the provisions of 8 U.S.C. §1324a(a)(1) and (2).

I furthermore certify that:

a. All persons, who are or will be involved in activities under this award, have been notified or will be notified of both (1) the 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.

b. As part of the recordkeeping for this award (including pursuant to 2 CFR §200 - Uniform Requirements), records are maintained and will be maintained 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.

c. For purposes of satisfying the requirement of verification of employment eligibility, our agency may also choose to participate in and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)). An appropriate person, authorized to act on behalf of our agency, may use E-Verify (and will subsequently follow the proper E-Verify procedures, including those procedures related to a "Tentative Non-confirmation" or a "Final Non-confirmation") to confirm employment eligibility for all individuals that are currently hired and/or contracted (or will be hired and/or contracted) and funded (in whole or in part) with grant award funds.

d. I understand that these records may be monitored by the federal awarding agency and/or GCC at any time and will retain copies of the records in accordance with federal record retention requirements.

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Project Number

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Authorizing Official Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Financial Officer Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Director Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Award Attachment 06 –

Certification of Advance Determination of Suitability for  
Individuals Interacting with Participating Minors





## Advance Determination of Suitability for Individuals Interacting with Participating Minors

On behalf of the Subrecipient, and in support of this grant agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

I have the authority to make the following representations on behalf of myself and the subrecipient organization.

I certify that this organization will implement processes to make advance determination of suitability for all individuals who may interact with participating minors as part of programs/activities funded (in whole or in part) with funds awarded from the N.C. Governor's Crime Commission (GCC) or included in the GCC approved budget in accordance with the information provided.

1. Advance determination regarding suitability. The recipient (and any subrecipient at any tier) may not permit any covered individual (to include employees, consultants, contractors, employees of a contractor, trainees, volunteers, and/or teachers) to interact with any participating minor in the course of activities under the award, unless the recipient or subrecipient first has made a written determination of the suitability of that individual to interact with participating minors, based on current and appropriate information as described in paragraph 3.E., and taking into account the factors and considerations described in paragraph 4.

### 2. Updates and reexaminations

A. The recipient (or subrecipient) must, at least every five years, update the searches described reexamine the covered individual's suitability determination in light of those search results, and, if appropriate, modify or withdraw that determination.

B. The recipient also must reexamine a covered individual's suitability determination upon learning of information that reasonably may suggest unsuitability and, if appropriate, modify or withdraw that determination.

### 3.. "Current and appropriate information"

In addition to information resulting from checks or screening required by applicable federal, state, tribal, or local law, and/or by the recipient's (or subrecipient's) written policies and procedures, current and appropriate information includes the results of all required searches listed below, each of which must be completed no earlier than six months before the determination regarding suitability. I understand that the following searches are mandatory!!

**(1) Public sex offender and child abuse websites/registries**

A search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably-accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including--

- (a) the Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov));
- (b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

**(2) Criminal history registries and similar repositories of criminal history records**

For each individual at least 18 years of age who is a covered individual under this FY 2019 award, a fingerprint search (or, if the recipient or subrecipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) (-- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--

- (a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and
- (b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

**4.. Factors and considerations for determining suitability.**

A. In addition to the factors and considerations that must or may be considered under applicable federal, state, tribal, or local law, and under the recipient's (or subrecipient's) written policies and procedures, in making a determination regarding suitability, the recipient (or subrecipient) must consider the current and appropriate information as collected within the applicable timeframes.

In particular (unless applicable law precludes it), with respect to either an initial determination of suitability or a subsequent reexamination, the recipient (or subrecipient) may not determine that a covered individual is suitable to interact with participating minors in the course of activities under the award if the covered individual--

- (a) Withholds consent to a criminal history search required by this condition;
- (b) Knowingly makes (or made) a false statement that affects, or is intended to affect, any search required by this condition;
- (c) Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;

(d) To the knowledge of the recipient (or subrecipient), has been convicted -- whether as a felony or misdemeanor -- under federal, state, tribal, or local law of any of the following crimes (or any substantially equivalent criminal offense, regardless of the specific words by which it may be identified in law):

- sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense;
- rape/sexual assault, including conspiracy to commit rape/sexual assault;
- sexual exploitation, such as through child pornography or sex trafficking;
- kidnapping;
- voyeurism; or

(e) Is determined by a federal, state, tribal, or local government agency not to be suitable.

Furthermore, I certify that I understand that these records may be monitored by the federal awarding agency and/or GCC at any time and will retain copies of the records in accordance with federal record retention requirements.

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Project Number

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Authorizing Official Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Financial Officer Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Director Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Award Attachment 07 –  
NCID Acceptable Use Policy



**N.C. Department of Public Safety, Governor's Crime Commission  
NCID Acceptable Use Policy**

**Section 1. Application**

This policy applies to any state employee, contractor, **sub-recipient, or third party** who uses any device, whether state-owned or personal, to connect to the State Network. G.S. §143B—1336(a)(5) defines the State Network as “any connectivity designed for the purpose of providing Internet Protocol transport of information for State agencies.” State law also requires the Department of Information Technology (DIT) to manage the State Network.

**Section 2. Requirements**

1. Users may not connect personal devices to the State Network without express written permission from the agency head or the agency head’s designee. This requirement does not apply to users who connect to the State Network through a state-supplied “guest” Wi-Fi network.
2. Personally owned “smart” devices may not be connected to the State Network. “Smart” devices, commonly referred to as the “Internet of Things,” include such devices as thermostats, wearable technologies, or appliances.
3. All devices connected to the State Network must have updated malware/anti-virus protection.
4. **Users must not attempt to access any data, documents, email correspondence, and programs contained on systems for which they do not have authorization.**
5. Systems administrators and authorized users must not divulge remote connection information or other access points to information technology resources to anyone without proper authorization.
6. **Users must not share their account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), or other similar information or devices used for identification and authorization purposes.**
7. Users must not make unauthorized copies of copyrighted or state-owned software.
8. **Users must ensure all files downloaded from an external source to the State Network or any device connected to the State Network, including a diskette, compact disc (CD), USB flash drive, or any other electronic medium, is scanned for malicious software such as viruses, Trojan horses, worms or other malicious code.**
9. Users must ensure that the transmission or handling of personally identifiable information (PII) or other sensitive data is encrypted or has adequate protection.
10. Users may not download, install or distribute software to state-owned devices unless it has been approved by the agency head or the agency head’s designee.
11. Users must not download State data to personally owned devices unless approved by the agency head or the agency head’s designee.
12. Users must not purposely engage in activity that is illegal according to local, state or federal law, or activity that may harass, threaten or abuse others, or intentionally access, create, store or transmit material which may be deemed to be offensive, indecent or obscene.
13. Users accessing the State Network through a Local Area Network (LAN) must avoid unnecessary network traffic and interference with other users. Specific prohibitions include, but are not limited to, the following:
  - (a) Unsolicited commercial advertising by public employees and State Network users. For the purpose of this policy, “unsolicited commercial advertising” includes any transmission initiated by a vendor, provider, retailer, or manufacturer of goods, products, or services, or by a third party retained by, affiliated with, or related to the vendor, provider, retailer, or manufacturer that describes goods, products, or services. This prohibition does not include the following:

- (i) discussions of a product or service's relative advantages and disadvantages by users of those products or services (unless the user is also the vendor, retailer, or manufacturer, or related to or affiliated with the vendor, provider, retailer, or manufacturer);
  - (ii) responses to questions, but only if such responses are direct replies to those who inquired via electronic mail, or
  - (iii) mailings to individuals or entities on a mailing list so long as the individual or entity voluntarily placed his/her name on the mailing list.
- (b) Any other type of mass mailing by employees and others accessing the State Network through the agency LAN that does not pertain to governmental business or a state-sponsored activity.
14. Users accessing the State Network through an agency LAN must only access Internet-streaming sites as consistent with the mission of the agency for the minimum amount of time necessary.
15. Users must not engage in activity that may degrade the performance of information resources, deprive an authorized user access to resources, obtain extra resources beyond those allocated, or circumvent information security measures.
16. Users must not download, install or run security programs or utilities such as password cracking programs, packet sniffers, or port scanners that reveal or exploit weaknesses in the security of information technology resources unless approved in writing by the agency head or the agency head's designee.
17. Information technology resources must not be used for personal benefit, political activity, unsolicited advertising, unauthorized fund raising, personal business ventures, or for the solicitation of performance of any activity that is prohibited by any local, state or federal law.
- 18. Access to the Internet from state-owned, home based, devices must adhere to all acceptable use policies. Employees must not allow family members or other non-employees to access nonpublic accessible information systems.**
19. Users must report any weaknesses in computer security to the Grant Management Specialist for follow-up investigation. Weaknesses in computer security include unexpected software or system behavior, which may indicate an unauthorized disclosure of information or exposure to security threats.
- 20. Users must report any incidents of possible misuse or violation of the Acceptable Use Policy.**
- 21. Users have a responsibility to promptly report the theft, loss or unauthorized disclosure of information.**

### Section 3. Violations

Violation of this policy could result in disciplinary action, termination, loss of information resources and criminal prosecution.

### Section 4. References

The following sections in the Statewide Information Security Manual provide additional guidance in the appropriate use of State information technology resources.

*020201 Accessing State Resources in an Acceptable Way*  
*030301 Sending and Receiving Electronic Mail (Email)*  
*030302 Using the Internet for Work Purposes*  
*030303 Downloading Files and Information from the Internet*  
*030307 Filtering Inappropriate Material from the Internet*  
*040102 Implementing New / Upgraded Software*

I certify that I have read and understand the NCID Acceptable Use Policy and that I will ensure compliance with this policy.

\_\_\_\_\_  
Signature, Project Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Award Attachment 08 –  
Civil Rights Compliance Self Certification



## Civil Rights Compliance Self-Certification for GCC Grantees

**Completed for:** \_\_\_\_\_

**Organization Name**

**GCC Project Number:** \_\_\_\_\_

I hereby certify that I have viewed the following online training modules offered by the U.S. Department of Justice, Office for Civil Rights (OCR) listed below.

I accept responsibility for ensuring that project staff members are trained and understand their responsibilities to comply with federal civil rights laws applicable to recipients of Department of Justice funds covered in the training materials cited below. I may do this by having project staff also view the OCR videos.

| <b>Training Video (Found at:<br/><a href="https://ojp.gov/about/ocr/assistance.htm">https://ojp.gov/about/ocr/assistance.htm</a>)</b>                  | <b>Date Completed</b> | <b># Staff Trained</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------|
| What is the Office for Civil Rights and What Laws Does It Enforce?                                                                                     |                       |                        |
| What are the Standard Assurances and How Does the Office for Civil Rights Enforce Civil Rights Laws?                                                   |                       |                        |
| What Obligations Do Recipients of Justice Department Funding Have to Provide Services to Limited English Proficient Persons?                           |                       |                        |
| What are the Civil Rights Laws that Affect Funded Faith-Based Organizations?                                                                           |                       |                        |
| What Civil Rights Protections Do American Indians Have in Programs Funded by the Justice Department? What are the Obligations of Funded Indian Tribes? |                       |                        |

I also certify that I have read and understand "Civil Rights and Responsibilities for GCC Grantees" and that I will ensure that activities funded with federal grant funds under this project are in compliance with applicable civil rights laws. I understand that this self-certification is valid for the period of performance of the listed grant project.

\_\_\_\_\_  
Signature, Project Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title



Award Attachment 09 –  
Civil Rights Compliance Checklist



## NC Governor's Crime Commission

### Civil Rights Compliance Checklist

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has authority to monitor civil rights compliance for grants awarded by the DOJ, such as those issued by the Bureau of Justice Assistance, Office for Victims of Crime, and Office on Violence Against Women. OCR has established monitoring standards for State Administering Agencies (e.g., GCC) of DOJ grants to ensure civil rights compliance by each subrecipient. This checklist was adapted from an OCR sample checklist and is part of the civil rights monitoring process. Please complete the checklist and upload a copy in GEMS to your project.

**Name of Agency** \_\_\_\_\_

**Project Number:** \_\_\_\_\_

**Contact Information:**

**Name** \_\_\_\_\_

**Title** \_\_\_\_\_

**Phone** \_\_\_\_\_

**Email** \_\_\_\_\_

**Date of Submission** \_\_\_\_\_

1. If the subrecipient is required to prepare an Equal Employment Opportunity Plan (EEOP) in accordance with 28 C.F.R. pt. 42, subpt. E, does the subrecipient have an EEOP on file for review? (If a subrecipient is unsure as to whether they are required to prepare an EEOP, they can find out at <https://ojp.gov/about/ocr/eeop.htm>, where they can also prepare and file their EEOP electronically).

☐ Yes

☐ No

If yes, on what date did the subrecipient complete the EEOP?

2. If the subrecipient is required to submit an EEOP Utilization Report to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) in accordance with 28 C.F.R. pt. 42, subpt. E, has the subrecipient done so?

☐ Yes

☐ No

If yes, on what date did the subrecipient submit the EEOP Utilization Report?

3. Has the subrecipient submitted a Certification Form to the OCR certifying compliance with the EEOP requirements?

☐ Yes

☐ No

If yes, on what date did the subrecipient submit the Certification Form?

4. How does the subrecipient notify program participants and beneficiaries (e.g., through brochures, postings, or policy statements) that it does not discriminate in the delivery of services or benefits based on race, color, national origin, religion, sex, disability, and age (as well as sexual orientation and gender identity if the subrecipient receives funding from the Office on Violence Against Women (OVW) or under the Violence Against Women Act (VAWA) of 1994, as amended)?

Comments:

5. How does the subrecipient notify employees and prospective employees (e.g., through advertisements, recruitment materials, postings, dissemination of orders or policies) that it does not discriminate on the basis of race, color, national origin, religion, sex, and disability (as well as sexual orientation and gender identity if the subrecipient receives funding from OVW or under VAWA)?

Comments:

6. Does the subrecipient have written policies or procedures for notifying employees on how to file complaints alleging discrimination by the subrecipient?

☐ Yes

☐ No

If yes, explain these policies and procedures.

7. Does the subrecipient have written policies or procedures for notifying program participants and beneficiaries on how to file complaints alleging discrimination by the subrecipient, including how to file complaints with the NC Governor's Crime Commission and the OCR?

☐ Yes

☐ No

If yes, explain these policies and procedures.

8. If the subrecipient has fifty or more employees and receives DOJ funding of \$25,000 or more, has the subrecipient taken the following actions:
- a. Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. pt. 42, subpt. G, which prohibit discrimination on the basis of disability in employment practices and the delivery of services?  
☐ Yes ☐ No
  - b. Designated a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. pt. 42, subpt. G?  
☐ Yes ☐ No
  - c. Notified program participants, beneficiaries, employees, applicants, and others that the subrecipient does not discriminate on the basis of disability?  
☐ Yes ☐ No

Comments:

9. If the subrecipient operates an educational program or activity, has the subrecipient taken the following actions:
- a. Adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 C.F.R. pt. 54, which prohibit discrimination on the basis of sex?  
☐ Yes ☐ No
  - b. Designated a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. pt. 54?  
☐ Yes ☐ No

- c. Notified applicants for admission and employment, employees, students, parents, and others that the subrecipient does not discriminate on the basis of sex in its educational programs or activities?

☐ Yes

☐ No

Comments:

10. Has the subrecipient complied with the requirement to submit to the OCR any adverse findings of discrimination against the subrecipient based on race, color, national origin, religion or sex that are the result of a due process hearing conducted by a federal or state court or a federal or state administrative agency?

☐ Yes

☐ No

Comments:

11. What steps has the subrecipient taken to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP)?

Comments:

12. Does the subrecipient have a written language-access policy on providing services to LEP persons?

☐ Yes

☐ No

13. Does the subrecipient conduct any training for its employees on the requirements of applicable federal civil rights laws?

☐ Yes

☐ No

Comments

14. Does the subrecipient provide federally funded services to eligible beneficiaries regardless of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice?

☐ Yes

☐ No

If the subrecipient engages in explicitly religious activities, does it do the following:

- a. Separate the explicitly religious activities in either time or location from the federally funded activities?

☐ Yes

☐ No

- b. Ensure that participation in the explicitly religious activities is voluntary for participants in the federally funded program?

☐ Yes

☐ No

Comments:

15. If the subrecipient is a religious institution or a faith-based organization, does the subrecipient do the following:

- a. Provide appropriate notice to program beneficiaries or prospective beneficiaries that the subrecipient does not discriminate on the basis of religion in the delivery of services or benefits?

☐ Yes

☐ No

- b. Provide appropriate notice to program beneficiaries or prospective beneficiaries that if they object to the “religious character” of the subrecipient, the subrecipient will make a reasonable effort to find an acceptable alternative provider in close geographic proximity that offers comparable services?

☐ Yes

☐ No

- c. Keep a record of the requests for an alternative provider from beneficiaries or prospective beneficiaries who object to the subrecipient’s “religious character,” noting the subrecipient’s efforts to find an appropriate alternative provider and to follow up with the beneficiary or prospective beneficiary?

☐ Yes

☐ No

Comments:

16. If the subrecipient receives funding under VAWA or from OVW, does it serve male victims of domestic violence, dating violence, sexual assault, and stalking?

☐ Yes

☐ No

Comments:

17. If the subrecipient receives funding under VAWA or from OVW, does the subrecipient provide sex- segregated or sex-specific services?

☐ Yes

☐ No

If yes, describe how the services are sex-segregated or sex-specific.

If yes, has the subrecipient determined that providing services that are sex-segregated or sex specific is necessary to the essential operation of the program?

☐ Yes

☐ No

If yes, describe how the subrecipient determined that providing sex-segregated or sex-specific services is necessary to the essential operation of the program.



Pender County Budget Ordinance Amendment

Friday, January 15, 2021

Page 60 of 60

Date Friday, January 15, 2021  
Board Meeting Date (If Applicable) Monday, February 1, 2021

Fiscal Year FY 2020-2021 Fund 10 - GENERAL

Division, Program, Project, etc. Sheriff's Office Department 510 - SHERIFFS DEPARTMENT

Purpose of Request  
NC Governor's Crime Commissions-Patrol Division Radio Upgrade grant.

REVENUES

|   | Account # (ORG-OBJECT) | Account Description | Amount    |
|---|------------------------|---------------------|-----------|
| 1 | 510016-348300          | general fund        | 23,493.75 |
| 2 |                        |                     |           |
| 3 |                        |                     |           |
| 4 |                        |                     |           |
| 5 |                        |                     |           |

Proposed Amendment:

EXPENDITURES

|    | Account # (ORG-OBJECT) | Account Description              | Amount    |
|----|------------------------|----------------------------------|-----------|
| 1  | 510016-403300          | supplies/accessories             | 2,000.00  |
| 2  | 510016-407100          | Capital Outlay/radio programming | 21,493.75 |
| 3  |                        |                                  |           |
| 4  |                        |                                  |           |
| 5  |                        |                                  |           |
| 6  |                        |                                  |           |
| 7  |                        |                                  |           |
| 8  |                        |                                  |           |
| 9  |                        |                                  |           |
| 10 |                        |                                  |           |

Total Revenues 23493.75 Total Expenditures 23493.75

Budget Amendment Balances when Zero. 0

Prepared By: Jennie Coleman Email jennifer.coleman@pendersheriff.com





## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Jennifer Kimler  
**DATE:** February 1, 2021  
**SUBJECT:** Resolution to Adopt the Pender County Risk Manual.

---

**SUMMARY:**

Aside from the Health Department's Bloodborne pathogens/clinical policies, Pender County has not had a formal Risk Manual, Bloodborne Pathogen's, or Safety Fleet policy in place. Over the past year, the HR Risk Management Specialist collaborated with numerous departments to develop these policies. The proposed policy has been developed in consultation with the NCACC Risk Pool and various members of the Safety Team. Members held multiple work sessions with key staff from the County Managers Office, Health & Human Services, the Sheriff's office, Utilities, Emergency Management and Facilities & Fleet Services. The proposed policy has also been sent to the County Attorney for review.

**ACTION REQUESTED:**

To consider approving the Pender County Risk Manual as presented.



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# RISK MANUAL

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**Pender County Human Resources**  
**805 S. Walker Street**  
**Burgaw, NC 28425**

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## **Article I. Introduction**

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Pender County recognizes that our employees drive the services which we provide to our citizens. As the most critical resource, employees will be safeguarded through training, provision of appropriate work surroundings, and policies/procedures that foster safety.

Employees are encouraged to report any unsafe work practices or safety hazards encountered on the job. All accidents/incidents (no matter how slight) are to be immediately reported to the supervisor on duty.

A key factor in implementing this policy will be the strict compliance to all applicable Federal, State, and local policies and procedures. Failure to comply with these policies and procedures may result in disciplinary actions.

Pender County will make every reasonable effort to provide a safe workplace that is free from any recognized or known potential hazards. Additionally, Pender County adheres to these principles:

- A. Most accidents are preventable through the implementation of effective safety policies and programs.
- B. Safety controls are a major part of our work every day.
- C. Management supports providing a safe workplace for employees and will provide the resources needed to effectively implement this safety policy.
- D. Employees are responsible for following safe work practices and rules, and for preventing accidents/injuries.
- E. Management must monitor safety performance and working conditions to ensure that a safe working environment is maintained.
- F. Our Safety program applies to all employees and persons affected by or associated with the scope of Pender County operations. Everyone's goal should be constant improvement of safety awareness and to prevent accidents and injuries.

## **Article II. Responsibilities**

---

### **Section 1. County Manager**

The County Manager is ultimately responsible for the occupational safety performance of the County. The County Manager will establish employee safety as a top priority. To achieve this, safety policies will be established that set goals for all departments, and the County Manager will hold the departments accountable for achieving these goals.

### **Section 2. Department Manager**

The Department Manager is ultimately responsible for the safety performance of their department. Safety performance is based on the "quality of effort" involved with performing safety activities such as employee training, accident investigation, worksite inspections, etc. Department Managers must make employee safety a priority.

### **Section 3. Supervisors**

Supervisors are "the point of implementation" for most safety activities. Therefore, supervisors shall assume the responsibility of thoroughly instructing their personnel in safe practices to be followed in their work situations. They shall consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors shall act positively to eliminate any potential hazards concerning activities under their jurisdiction, and they shall set an example of good safety practice.

### **Section 4. Employees**

All employees are responsible for compliance with safety procedures, standards, and rules established by management. This is essential to prevent injury to themselves, other persons, or damage to equipment and property. They shall also be responsible for promptly reporting to their supervisors any hazardous conditions or procedures that affect themselves, their fellow workers, or the general public that the employee cannot immediately correct.

### **Section 5. Safety Committee**

Pender County Safety Committee is composed of a Department Manager or a designee from different County Departments and acts as both an advisory and policy-making group. The Risk Management Specialist shall serve as Chairperson. All other committee members will serve a two-year term.

The Committee promotes continued safety training/education/communication and shall also conduct a yearly review of the County's Risk Manual. The Risk Manual will be reviewed or updated by June 30 of each year.



### **Article III. General Guidelines**

---

Safety means efficient performance. Safety must, therefore, be part of the planning for every job, equal in importance to all other operational considerations.

Unsafe conditions and unsafe procedures must be identified before they can be corrected. Consequently, every employee must report those recognized hazards immediately. All accidents shall be reported, whether personal injury or property damage is involved or not. The "near misses (near accidents)" are danger signals and must be reported immediately.

Every employee must be alert to the possibility of improvement, as people are constantly finding new ways to do things. Employees must also consider that new methods may not be the safest approach, and it is possible to find alternative ways to safely improve established methods. Changes must not be made, however, until suggestions have been evaluated and revisions of the current procedures have been approved.

#### **Section 1. General Safety Procedures**

The following general safety procedures apply:

- A. Report all personal injuries, no matter how minor, to the immediate supervisor as soon as possible. Refer to section VI Accident Reporting
- B. The County does not expect any employee to take unnecessary chances or to work under hazardous conditions. It is the employees' responsibility to learn the right way to do a job, as this is the safest way to perform the job. If there is not a thorough understanding of the job, ask a supervisor for further instructions.
- C. Avoid horseplay and practical jokes on the job. Any employee participating in such activities may be subject to disciplinary action.
- D. Substance abuse on the job or during working hours is prohibited. Any employee reporting to work under the influence of alcohol or illegal drugs during working hours shall be subject to disciplinary action.
- E. Work at a speed consistent with safety. "Foolish Hurry" such as running in passageways or on stairs is dangerous.
- F. Use the handrails on stairs or on elevated places to avoid falls.
- G. Jumping from an elevation such as a table, bench, or platform can result in injury.
- H. Always inspect tools and equipment before use. Report defects to supervisors and other potential users. Do not use tools and equipment that are defective.
- I. Obey warning signs and tags. They are posted to draw attention to potential hazards.

- J. Operate only the equipment and machinery you have been trained and/or authorized to use.
- K. Never operate equipment or machinery with missing or broken guards.
- L. Report to work in appropriate clothing suitable for the type of work performed.
- M. Maintain good housekeeping practices in all work areas.
- N. Wear all protective equipment as required.
- O. Firearms or explosives are prohibited at work.

### **Section 2. Office Safety**

- A. Keep desk and file drawers closed when not in use.
- B. Do not open files or desk drawers above or behind someone without warning them.
- C. Use only step stools or ladders to reach supplies. Do not use a chair or climb on shelving to reach objects. These objects increase your chance of falling.
- D. Push chairs up to a desk or under the counter when not in use.
- E. Get help to move heavy objects.
- F. Report defective furniture or equipment to your supervisor.
- G. Know the location of emergency exits and keep the walkways to these areas free from obstruction.

### **Section 3. General Housekeeping**

Aside from the accident prevention benefits, good housekeeping contributes to efficient performance. When tools, equipment, and materials are returned to the proper place after use, they are easier to find to inspect for damage and wear. The following suggestions are offered for good housekeeping:

- A. Keep work areas and storage facilities clean, neat, and orderly.
- B. All aisles, stairways, exits, and access ways should be kept clear.
- C. Do not place supplies on top of lockers, boxes, or other movable containers at a height not visible from the floor.
- D. When stacking materials for storage, make sure the base is level and firm.
- E. Lay extension cords and hoses in such a way as to minimize tripping or obstruction to traffic.
- F. Clean spills immediately to avoid hazards. In the event of clean-up delay, the area must be appropriately guarded, posted, or roped off.

- G. Sharp or pointed objects should be stored to prevent further contact during handling.
- H. All packing material should be disposed of immediately.
- I. Wastebaskets should be emptied into approved containers.
- J. Oily or greasy rags should be placed in a metal container designed for that purpose only.
- K. Electrical panels and fuse boxes should always be kept closed and the surrounding area must be kept clear.

#### **Section 4. First Aid**

In the event a citizen or employee is injured, first aid kits are available for minor treatment. In the event of a serious injury, 911 should be called for an appropriate medical professional to come to the scene. No employee is required to treat another's wounds. However, in the event "good Samaritan" assistance is rendered, barrier protection (available in the first aid kit) should be used. The employer is not responsible for any exposure to blood or bodily fluids that the "good Samaritan" may incur. In accordance with the recommendations set forth by OSHA – ANSI Standard Z308.1, first aid kits will include the following: adhesive bandages, adhesive tape, antibiotic application, antiseptic breathing barrier, burn dressing, burn treatment, cold pack, eye covering, eye/skin wash, first aid guide, hand sanitizer, medical exam gloves, roller bandage (2 inch), roller bandage (4 inch) scissors, splint, sterile pads, tourniquet, trauma pads, and a triangular bandage.

First Aid guidelines as outlined above do not supersede or replace the exposure control plan as outlined in the Bloodborne Pathogen Policy when there is foreseeable employee exposure to bloodborne pathogens arising from performance of job duties.

#### **Article IV. Back and Lifting Protocol**

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Ideally, objects should be lifted via the squat lift method - keeping the back relatively straight, the knees are bent so that lower back stress is minimized. While this does not seem as easy or natural as simply bending forward at the waist, it significantly minimizes the stress to the lower back. While using the squat lift method, keep your feet wide apart when lifting the object and be sure to keep the object as close to your body as possible.

For individuals who cannot fully bend their knees to pick up objects, some bending of the spine may be necessary. Employees with these constraints should speak with their supervisor before proceeding. In these cases, the employee should be sure the object being lifted is not heavy, and most importantly, make every effort to keep the object as close to the body as possible. The further the object is away from the body the greater the stress to the back.

Even when proper lifting techniques are used, repetitive stress injuries to the back will occur if objects are too heavy, or lifting is done continuously to the point that the back muscles become fatigued. Never lift heavy objects alone - get assistance or use a dolly. Never lift continuously to the point that back muscles become fatigued; this will dramatically increase the odds of sustaining an injury.

Always use both hands when lifting and lift slowly and deliberately. The ideal situation is to have someone or something to help you when lifting, but if that's not possible, follow all the guidelines listed above to minimize your risk of injury.

#### **Section 1. Proper Lifting Technique**

- A. Avoid lifting in the first place if possible.
- B. Use dollies or lifts as aids if possible.
- C. Don't be afraid to ask for help.
- D. Keep the load as close as possible to the body.
- E. Keep back straight.
- F. Spread feet to maintain good balance.
- G. Tighten stomach muscles and buttocks.
- H. Lift with legs, not with your back!
- I. When lifting with another person, give verbal instructions clearly-say "lift", "walk" or "unload".

**Don't:**

- J. Don't lift things when your feet are close together. If your feet are closer than shoulder width, you'll have poor leverage, you'll be unstable, and you'll tend to round your back.
- K. Don't lift with your knees and hips straight and your lower back rounded. This is the most common and stressful bad lifting move. Twisting the trunk during this move compounds the problem.
- L. Don't tense and arch the neck when lifting. This crams your necks joints together and causes pain especially if maintained for a long period of time.
- M. Don't lift and/or carry an unbalanced load.
- N. Don't lift and bend too much in a short period of time.
- O. Don't lift objects that are too heavy for you.
- P. Don't lift heavy objects directly following a sustained period of sitting, especially if you have been slouching.
- Q. Don't lift things overhead with your neck and back arched, if possible.

**Do:**

- R. Do place your feet and knees at least shoulder-width apart or front to back in a wide-step position. This will help you bend at the hips, keeping your back relatively straight and stress-free.
- S. Do lean over or squat with the chest and buttocks sticking out. If you do this correctly, your back will be flat and your neck will balance in a relaxed neutral position.
- T. Do take the weight off one or both arms if possible. When you squat down or push back up, use your hand or elbow as support on your thigh or any available structure. This takes some of the compression and strain from the lower back.
- U. Do balance your load on either side if possible, or switch sides so that both sides are equally stressed.
- V. Do level the pelvis or tuck in your buttocks and suck in your abdomen, when reaching or lifting overhead. Keep your chest up and use a supervisor approved, commercial or industrial grade step stool to keep the lower back and neck in neutral alignment.
- W. Do walk around and use backward-bending and/or stomach-lying positions before or after bending or heavy lifting, especially if you've been sitting for a while.
- X. Take care to avoid obstructing your line of sight

## **Article V. Slips, Trips, and Falls**

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Slips, trips, and falls result in unnecessary injury due to slipping on uneven, wet/slippery surfaces or from unexpected contact with obstacles

### **Section 1. General Housekeeping**

Employees are required to maintain workplaces in a neat and orderly fashion. Trip hazards such as tools, extension cords, hoses, etc. shall be kept out of walkways to the fullest extent possible while in use, and when not in use shall be stored in the proper place. Use of mediums such as the aforementioned shall be limited to short term use only and shall only be used if Facilities and Fleet Services has been contacted for a long term solution.

### **Section 2. Storage**

To the fullest extent possible, materials, equipment, supplies and the like shall be properly stored in accessible areas to avoid overhead lifting and the use of supervisor approved stools or ladders.

### **Section 3. Spills**

Employees are to immediately take responsibility for notifying their supervisor to promptly arrange for cleaning up spills that could lead to personal injury. The area should be sectioned off, or foot traffic redirected, to prevent injury while waiting to be cleaned.

### **Section 4. Trip Hazards**

Department managers are to take responsibility for securing loose floor mats, carpeting, and floor coverings within their department.

### **Section 5. Stairs**

Employees shall use handrails when going up and down the stairs.

### **Section 6. Footwear**

Employees shall wear footwear appropriate for the task. Flip-flops or slide on shoes shall be avoided.

### **Section 7. Personal Behavior**

Employees shall not take short cuts through areas that are not designated walkways; they shall avoid horseplay and running in the workplace and shall pay attention to what they are doing at all times.

## **Article VI. Accident Reporting**

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When an accident, incident, or “near-miss” occurs it must be reported, investigated, and documented. This helps to efficiently care for the persons or employee(s) involved, determine what corrective action should be taken to prevent future similar situations, and ensure that the insurance carrier has all the needed information to correctly process the claim.

### **Section 1. Reporting and Investigation Requirements**

Employees are responsible for immediately reporting any work-related injury or illness to their supervisor regardless of whether or not medical treatment is needed. An Accident Investigation Report Form must be filled out completely and sent to Risk Management as soon as possible and within 24 hours of the incident. For further information, refer to Section 7. Workers Compensation Insurance in the Personnel Policy. For incidents involving motor vehicles, please refer to Article X Section G of the Risk Manual.

The Accident Investigation Report Form should be completed by a supervisor and should include:

- A. Accident Details
- B. Injury Details
- C. Prevention and Recommendations
- D. Employee statement of events

### **Section 2. Incidents Involving Non-Employees**

There are times when a patient/client/citizen may have an accident while on County Property. In this case, the Accident Investigation Report Form should be filled out and a signed written statement obtained from the person(s) involved, if a minor is involved the statement should be obtained from the legal guardian.

### **Section 3. Communication After an Incident**

- A. When a non-life-threatening workplace injury/illness occurs, employees should notify his/her supervisor before seeking treatment and complete required paperwork.
- B. If an accident results in an employee being hospitalized for reasons other than for observation for 24 hours or more, or a loss of a limb (amputation) or loss of life, notify Human Resources immediately. Such accidents must be reported to OSHA within 8 hours of the event.
- C. Always send doctor’s notes, bills received regarding a worker’s compensation claim, and pertinent correspondence to Human Resources.

**Please note:** Workers Compensation may be unable to approve payment for services rendered without an itemized bill, which is different from the statement you receive via mail. In some instances, an itemized bill can be difficult for the Workers Compensation Administrator to obtain and may result in delayed payment. While Human Resources

will do all that they can to assist in resolution, it is best practice for the employee to request an itemized bill directly from the medical provider and provide this itemized bill to Human Resources.

#### **Section 4. Returning to Work**

Pender County is committed to assisting employees who are injured on the job in their return to work through the Transitional Return to Work Program. Injured employees will be, if appropriate, temporarily placed in transitional duty work - if available - to facilitate recovery from their accident. Human Resources will assist employees in the transition from disability and transitional duty work to full recovery and assist in minimizing the potential for re-injury or permanent disability.

Transitional duty is defined as work activity performed by an employee who has incurred an occupationally related injury or illness which has resulted in the employee's inability to perform some, or all, of his/her normal job activities, as dictated by a medical professional. Transitional duty is usually an adaptation of the employee's original job which consists of returning the employee to the original work area without the responsibilities or expectations to fulfill all the duties required to perform the job. It may also include returning the employee to another department with responsibilities appropriate to the injured worker's skills and capabilities and/or include a modified work schedule. It does not include creating a new position or hiring additional personnel to transition an employee back to work.

Human Resources will manage the Transitional Return to Work program. The designated physician will monitor the employee's ability to participate in the Transitional Return to Work program and maintain communication with Human Resources. The employee shall be monitored for improvement in his/her ability to function in the position until the employee can return to work without restrictions. The work reassignment shall be temporary with a goal of returning to full duty within 90 days. Any employee failing to report for a transitional duty job, as assigned, may be subject to disciplinary action up to and including termination. For further information, refer to Section 7 Article D – Duty Status the Personnel Policy.



## **Article VII. Personal Protective Equipment**

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Pender County will provide employees with required Personal Protective Equipment (PPE) to suit the tasks and known hazards which they may encounter while performing their job duties. Department Managers will ensure that an annual hazard assessment of their department is conducted and documented to identify required Personal Protective Equipment (PPE) for each position. The Department Manager will ensure that new and existing employees are trained on the proper Personal Protective Equipment and on any changes made to Personal Protective Equipment (PPE).

### **Section 1. Responsibilities**

- A. Department Manager:
  - 1. Conduct hazard assessments to identify PPE for specific tasks.
  - 2. Ensure employees are trained in the selection, use, inspection, storage, cleaning, and limitations of specific PPE.
- B. Supervisors:
  - 1. Monitor use of PPE.
  - 2. Provide replacement PPE when needed.
  - 3. Identify any new hazards that would require the use of PPE.
- C. Employees:
  - 1. Proper use and care for assigned PPE.
  - 2. Immediately inform the supervisor if PPE is damaged or not effective.

### **Section 2. Types of Personal Protective Equipment (PPE)**

- A. Head Protection: is required to protect employee's heads where there is a danger of head injury from impact and falling or flying objects. Class A hard hats are required for construction and general industry where there is no exposure to electrical shock or burns. Class B hard hats are required when additional protection is required to protect the head against high voltage electricity. Reference ANSI-Z-89-1986.
- B. Ear Protection: is to be used as required to protect employees from noise when engineering controls cannot reduce noise to acceptable levels.
- C. Eye and Face Protection: shall be used when exposed to hazards such as flying particles, insects, molten metal, dust, chemicals, gasses, steam, vapors, objects, biological hazards, potentially injurious glare, light or heat radiation, or other potentially harmful exposures which may cause injury to the eye or face. Protective eye and face devices shall comply with ANSI Z87.1 which is incorporated by reference as specified in 1910.6 of the NC General Industry Standards 29CFR1910.

- D. Respiratory Protective Equipment: must be used as part of a Comprehensive Respiratory Program when required to protect employees from airborne contaminants which, when measured, are above the Threshold Limit Value in NC-OSHA Standards. Contact your supervisor for the hazard assessment training and required personal protective equipment.
- E. Foot Protection: is required to protect employees working in areas where there is a danger of foot injuries due to falling or rolling objects, exposure to piercing the sole or where protection is needed against electrical or chemical hazards. Protective footwear shall comply with ANSI-Z-41-1991 American National Standard for Personal Protection-Protective Footwear.
- F. Hand Protection: is to be used as required by established standards to protect employees from physical, biological, chemical, radiation, or electrical hazards.
- G. Gloves: used for electrical protection must be marked as to the class of equipment and whether or not they are ozone-resistant and shall meet the ASTM D-120-87 Specification for Rubber Insulating Gloves.
- H. Fall Protection (safety harness, lifelines, and lanyards): is required to protect employees from falling while working at heights of six (6) feet or more not protected by standard guardrails or safety nets or as required when working in confined spaces.

Your department may have specific requirements; therefore, contact your supervisor to determine the equipment needed to perform your job safely. All employees are required to wear the identified PPE for each job performed, all OSHA (Occupational Safety & Health Administration) guidelines for PPE shall be followed as outlined in 29 CFR 1910.

### **Section 3. Training**

All employees who are required to use PPE shall be trained on the following:

- A. When PPE is necessary.
- B. What PPE is necessary.
- C. How to properly don, remove, adjust and wear PPE.
- D. The limitations of the PPE.
- E. The proper care, maintenance, useful life and disposal of the PPE.

Each affected employee shall demonstrate an understanding of the training and the ability to use PPE properly before being allowed to perform work requiring the use of PPE. A Training Verification Form will be used by the employee's supervisor and be made easily accessible when asked for.

## **Article VIII. Fire Prevention**

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The fire prevention policy is designed to ensure that all reasonable steps are taken to preserve life and property from exposure to fire hazards. The requirements listed here identify the basic elements of our fire prevention program. They are a part of every Department Manager and Supervisor's day-to-day responsibilities.

### **Section 1. General Fire Prevention Rules**

- A. In the event of a fire call 911.
- B. Establish a warning system for a fire or similar type of emergencies.
- C. A yearly department inspection shall be conducted to identify and correct recognizable fire hazards.
- D. Keep doorways, corridors, and egress paths clear and unobstructed. Make sure that all electrical appliances and cords are in good condition and UL approved. Do not overload electrical outlets. Use surge-protected multi-outlet power strips and extension cords when necessary.
- E. Do not tamper with any fire system equipment such as smoke detectors, pull stations, or fire extinguishers.
- F. Treat every fire alarm as an emergency. If the alarm sounds, exit the building immediately.
- G. Fire drills shall be carried out yearly as required by the NC Fire Code.

### **Section 2. Evacuation Procedures**

Fire and evacuation alarms are intended to alert building occupants that a fire, toxic smoke or release of hazardous material inside the building. Upon hearing the alarm, everyone should leave the building immediately. In the event of a fire, the following steps should be taken to ensure the safety of all building occupants:

- A. Activate the fire alarm.
- B. Assist other personnel and or customers.
- C. Call 911 immediately and provide information.
- D. Do not use the elevators.
- E. Use a fire extinguisher only if safe to do so and you have been trained.
- F. Supervisors will ensure all personnel are out of the building.
- G. Report hazardous conditions.
- H. Exit the building.
- I. Stay away from the building until it is safe to return.

## **Article IX. Hazard Communication:**

The Federal Government has issued the Hazard Communication Standard (HCS), 29 C.F.R.1910.1200, to reduce the risk of hazardous chemical exposure in the workplace. The HCS requires chemical manufacturers and their importers to evaluate the dangers of their products and to pass along information about the hazardous chemicals to other employers and employees who may encounter hazardous chemicals.

The purpose of this program is to inform employees of chemicals known by Pender County to be in the workplace and to explain safety procedures.

### **Section 1. Potentially Hazardous Chemicals**

Pender County defines “hazardous chemicals” according to the definition used by OSHA in the HCS. Any hazardous chemicals or mixture presenting a physical or health hazard will be properly labeled and an appropriate Safety Data Sheet (SDS) will be maintained by the department liaison. An inventory of current hazardous chemicals and mixtures known by the department is to be kept on SDS online – this is to be made easily available by a supervisor and also on MyPender or at:

<https://msdsmanagement.msdsonline.com/e3619086-7a27-4f1d-8838-2d464f2d4631/ebinder/?nas=True>

### **Section 2. Responsibilities**

#### **A. Department Manager:**

1. Ensure that the SDS are kept current – report any new chemicals to your department liaison as soon as possible.
2. Ensure that employees and supervisors are aware of how to access SDS.
3. Ensure that all chemicals are labeled properly.

#### **B. Employee:**

1. Do not deface or remove warning labels from containers. The label must always remain on the container and remain legible.
2. Promptly notify your supervisor of missing or defaced labels.
3. Do not transfer a product from a labeled container to an unlabeled container (pail, bottle, can, or the like) unless the unlabeled container will be under the employee’s exclusive control during the employee’s work shift.
4. Do not use any chemical you find in an unlabeled container. Report unlabeled containers to your supervisor immediately.

### **Section 3. Training**

All employees who may be exposed to products containing hazardous chemicals under normal operating conditions, while performing non-routine tasks, or under foreseeable

emergencies, will receive training on the safe handling and use of all hazardous chemicals and products containing hazardous chemicals present in their work area.

Each Department Director or designee will be responsible for ensuring that employees in their department receive appropriate training.

A. Training Requirements:

1. Employees will receive training regarding the location of hazardous chemicals in their workplace, the location of the SDS sheets, the use of Personal Protective Equipment (PPE), and safe work practices.
2. All new employees will receive training before they are working in areas where hazardous chemicals are used or present. All employees will receive appropriate training whenever a new chemical hazard is introduced into their work area.
3. Training must be documented. Documentation will be kept on hand in each department.

**Section 4. Emergencies**

In the case of an emergency involving hazardous chemicals, all employees are instructed to contact their immediate supervisor and proceed to protect themselves as trained with protective clothing and emergency spill kits.

## **Article X. Fleet Policy**

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The purchase, use, and maintenance of motor vehicles by County employees is essential in the delivery of services to the residents of Pender County. As we all know, accidents involving vehicles are unfortunately frequent and can result in devastating consequences. Proper vehicle maintenance and defensive driving can help keep employees, passengers, pedestrians, and other motorists safe. Refer to the Pender County Personnel Policy for further information regarding drivers license and driving record requirements, vehicle use, and travel guidelines. For further information, refer to Section 7 Article B – Use of County Vehicles or Motorized Equipment, Section 8 – Drivers License Requirements and Driving Record, and Article XXI – Travel Policy as notated in the Personnel Handbook. All drivers (including CDL drivers) fall under Article VXi – Drug-free Workplace and Drug and Alcohol Policy as notated in the Personnel Handbook.

### **Section 1. Driver Requirements**

- A. The driver of any County-owned vehicle must have a valid North Carolina Drivers License.
- B. Traffic laws must always be obeyed.
- C. Employees found guilty of a moving violation(s) while performing work duties will be personally responsible for paying all fines and costs associated with the violation(s). Employees who drive a County vehicle within the scope of their work shall report any conviction of a moving violation to their immediate supervisor within 15 calendar days of the conviction or guilty plea.
- D. All County employees who are operating personal vehicles for County business shall maintain the minimum liability coverage required by the State of North Carolina.
- E. Within the same business day, report any traffic violation received while operating County vehicle to the employee's supervisor or the County's Risk Manager.
- F. Notify the supervisor or Human Resources if there is a change in driving status (primarily license suspension or revocation). This may also affect the ability of the employee to perform his/her job.
- G. Employees operating a County owned vehicle shall have required documentation on file (valid NC Drivers License, signed Transit Driver Notification form, and Risk Manual acknowledgment).
- H. Employees will not qualify for County driving privileges if:
  - 1. Have six (6) or more points against their NC Drivers License within the last three (3) years.

2. Have been involved in two or more at fault accidents in a three (3) year period as determined by the Safety Committee unless the County Manager deems otherwise.

## **Section 2. Driver Expectations**

- A. Perform vehicle inspections before using the vehicle. Do not operate any vehicle if any controlling mechanism (such as steering, breaks, headlights, horn, or windshield wiper) is not in proper working condition or you notice other mechanical problems that may affect the operation of the vehicle. Report issues immediately to your supervisor.
- B. Properly adjust all mirrors and ensure all passengers are properly restrained before moving the vehicle. This includes the proper selection and use of infant and child seats when needed.
- C. Restrict passengers to other County employees or those with official business with the County.
- D. When a vehicle is not being used for County business purposes it is to be kept on County premises, except for departments that have specific policies regarding vehicle use and storage and is compliant with IRS regulations.
- E. Vehicles must be kept in a clean condition, especially the windshield.
- F. Mobile communication should be limited to required County business, when possible, drivers should safely find a location to park the vehicle while using a mobile device.
- G. Refrain from smoking, vaping, or using other tobacco products while operating or riding in a County Vehicle
- H. Impaired Driving:  
Operating a County vehicle while impaired greatly increases the risk of a crash.
  1. Operation of a County vehicle while intoxicated or under the influence of illicit drugs is prohibited, and doing so will result in disciplinary action up to and including termination of employment.
  2. Impaired driving also includes the use of prescription and non-prescription drugs which may affect the ability to safely operate a vehicle. Operation of a County vehicle while taking prescription or non-prescription medications which could cause impaired abilities or drowsiness is discouraged. Any operator of a County vehicle shall notify the supervisor when taking such medications, and if necessary, the employee may be moved temporarily out of driving position to provide accommodation.

3. Failure of an employee to notify the supervisor of the use of prescription or non-prescription medication which results in a vehicle-related incident will be subject to disciplinary action up to and including termination of driving privileges or employment.

I. Distracted Driving:

There are many distractions that drivers may encounter while operating a County vehicle. Some distractions are out of the driver's control, but others can be eliminated or reduced. Drivers should be made aware through regular feedback and training that the following activities can be considered a distraction:

1. Eating or Drinking
2. Grooming
3. Transporting Passengers, Children, or Pets
4. Smoking
5. Reading
6. Onboard Technology (GPS, Tablets)
7. Onboard Entertainment (CD, DVD, Radio)

J. Cell Phone Use:

North Carolina law expressly prohibits a driver of any vehicle from texting while the vehicle is in motion. Employees should refrain from using a cell phone, including, but not limited to, texting, instant messaging, using telephone-based internet services or any other function that would violate NC law and OSHA Distracted Driving Standards.

The County, at its discretion, may ask for call records from any part of any vehicle crash involving a County vehicle, and if it is determined the driver was using a cell phone at the time of the incident, disciplinary action may be taken up to and including termination of employment.

K. Aggressive Driving:

Aggressive driving can include speeding, tailgating, failing to use a signal, running red lights and stop signs, weaving in traffic, yelling, making obscene gestures, or excessive use of the horn.

All drivers must be aware that when driving a County-owned vehicle, you are representing the County, and you can foster respect or ill-will from the public based on your driving habits. An elevated level of rear-end crashes, citizen complaints, and increased wear on tires and brakes all point to aggressive driving habits. All training will include a discussion of aggressive driving, and



remedial training or disciplinary action may result when evidence shows a repeated pattern of aggressive driving.

L. Journey Management:

All vehicles should be operated efficiently. Before initiating a trip, the driver should identify the best route to take, keeping in mind road construction, weather conditions, traffic density, and whether other stops nearby may be combined with the trip. GPS equipment should be programmed prior to operating the vehicle.

M. Fatigue Management:

Operating a motor vehicle when excessively fatigued is just as dangerous as driving impaired. Normal vehicle operations hours are 6:00 AM – 6:00 PM. Although after-hours operations may be necessary when returning from an extended trip. Any vehicle operations (except for public safety and emergencies) between the hours of 10:00 PM and 6:00 AM may require the approval of the Department Manager or County Manager.

During trips lasting longer than 4 hours, drivers are encouraged to make frequent stops and pull off the highway and rest if drowsiness or fatigue becomes a factor. Drivers should limit themselves to no more than 400 miles or 8 continuous hours of driving per day.

### **Section 3. Vehicle Use Categories**

A. County employees authorized by their supervisor may drive or operate County vehicles or equipment.

B. County-owned vehicles will only be used for official County business.

C. Non-employee passengers will be permitted only when on official County business. If the passenger is a minor, appropriate seating must be used and specific departmental policies followed.

D. The use of County vehicles for commuting purposes must be compliant with IRS regulations and Pender County Personnel Policy.

E. Volunteers and Interns are restricted from operating County Vehicles unless otherwise authorized by the County Manager.

F. Permanent Assignment of County Owned Vehicles

Selected employees may, at the discretion of the County Manager or the Sheriff, be permanently assigned a vehicle and allowed to drive the vehicle home. This is considered a privilege and is subject to revocation without notice. Those assigned County vehicles shall:

1. Restrict driving to within the County only:

If the employee lives outside the County, then the vehicle will be garaged at the nearest County-owned facility where the employee is responsible

for transportation to and from the location unless otherwise approved by the County Manager. This type of exception will be documented and placed in the employee's personnel file.

2. Personal Use of County Owned Vehicles:

Other than the exception listed above, personal use of County-owned vehicles is prohibited unless approved by the County Manager.

3. Driver Owned/Leased Vehicles Used for Official Business:

Although it is preferred to use a County-owned vehicle for official business, it is not always feasible due to resource constraints. In the event an employee is required to use his/her personal vehicle, the following applies:

- The use of a personally owned vehicle must be approved – typically this is requested in the event a County automobile is not available.
- Use of a personally owned vehicle should be approved 5 days in advance.
- The owner/operator of the vehicle will be reimbursed for vehicle usage based on the current IRS reimbursement rate or another rate as set by the County Manager.

4. Rental Vehicles:

Certain situations may require the use of a rental vehicle by a County employee. Rental of a vehicle should be reserved for times in which a County vehicle is not available, or not practical to use. Employees renting vehicles shall adhere to the following guidelines:

- The operator of the vehicle should be an approved County driver.
- All rentals shall be approved by the respective Department Manager.
- When possible, all rental contracts should be processed through the County's purchasing agent or designee.
- The NCACC L&P Pool provides insurance coverage for rental vehicles – it is not necessary to purchase offered insurance for the rental vehicle.

5. Vehicle Use Agreement:

All employees who operate a vehicle will be required to sign the Risk Manual Acknowledgment.

#### **Section 4. Driver Management**

**A. Onboarding:**

All job descriptions shall include language designating the driving requirements associated with the role. As part of the hiring process, HR shall review each applicant's driving history. This will include a review of the employee's official driving record. In addition to these checks, Human Resources and the Hiring Manager will document references and prior employment checks for any applicant whose job requires a valid commercial driver license (CDL).

**B. Safety Sensitive:**

A safety-sensitive position is a position where the duties involve such a great risk of injury to others that even a momentary lapse of attention can have disastrous consequences or a position where a single slip-up may have "irremediable consequences; the employee themselves will have no chance to recognize and rectify his/her mistake, nor will other government personnel have an opportunity to intervene before harm occurs.

Department Managers are the authority on deeming a position Safety Sensitive.

**C. North Carolina Clearinghouse:**

Employees who are required to hold a Commercial Drivers License (CDL) based on duties performed are subject to random drug and alcohol testing as prescribed by the Federal Motor Carrier Safety Act. All testing is conducted by a certified testing facility that complies with Federal regulations pertaining to the Federal Motor Carrier Safety Act. A CDL is required for:

1. Vehicles with a gross weight rating of 26,001 or more pounds
2. Vehicles designed to transport 16 or more passengers, including the driver
3. Vehicles used to transport hazardous materials and are required to be placarded in accordance with the Hazardous Materials Transportation Administration

**D. Transit Driver Notification**

Pender County utilizes the Transit Driver Notification System in partnership with the NCDMV. Risk Management will review convictions as they are notified from the DMV.

It is County policy that:

- Employees will report any conviction of a moving violation to their immediate supervisor within 15 calendar days of the conviction or guilty plea.
- Within the same business day, report any traffic violation received while operating County vehicle to the employee's supervisor or the County's Risk Manager.

- Notify the supervisor or Human Resources if there is a change in driving status (primarily license suspension or revocation). This may also affect the ability of the employee to perform his/her job.

## **Section 5. Training**

### **A. Orientation:**

All employees newly assigned to a position that will require the operation of a motor vehicle as part of regular job duties will be provided an orientation on the responsibilities which accompany the driving privilege before they are able to operate a County vehicle without direct supervision. The training is normally completed one-on-one with the supervisor, however, it may be completed in a group setting provided the employee can complete all required paperwork. This training will include, but is not limited to the following topics:

1. Familiarization with the vehicle that will be used on the job.
2. Universal and specific expectations for operating the vehicle.
3. Procedures to follow in regard to reporting highway incidents.
4. Reading and agreeing to specific Fleet policies i.e distracted driving, following distance, passenger restraints, etc.
5. Signed Risk Manual acknowledgement on file with Human Resources.

### **B. Remedial Training:**

Upon personal observation, as a result of a preventable incident or moving violation, or recommendation from the Safety Committee, the Department Manager may direct that remedial training be completed as a condition of continued driving privileges. Any cost associated with completing required remedial training will be the responsibility of the individual employee.

### **C. Record Keeping:**

The official repository of all driver information is in the employee's personnel file, maintained by the Human Resources department. As a minimum, the following items shall be retained for all employees authorized to drive a County-owned vehicle:

1. Signed Job Description.
2. Copy of Current Driver's License.
3. Copy of Medical Clearance Card (CDL Drivers Only).
4. Training Certificates & Documentation.
5. Reference Check Verification (CDL Drivers Only).

## **Section 6. Vehicles**

### **A. Vehicle Acquisition:**

New vehicles shall be acquired as needed for operations and within budget constraints. As part of the purchasing process for new vehicles, Department Managers shall review the intended use of the vehicle, to include passenger requirements and safety features, when choosing a vehicle model or type. Also, any options intended to improve safety and reduce the risk of loss shall be included in any bid package for new vehicle purchases.

### **B. Vehicle Replacement:**

On at least an annual basis, in conjunction with the normal budgeting process, the Fleet Services Foreman shall assess the department's vehicle needs and current assets. As part of this assessment, the Department Manager shall consider maintenance cost, operating environment, the safety of the vehicle, overall condition, and mileage when budgeting for replacement vehicles. This assessment should be completed in conjunction with the County Manager or Fleet Director.

The County Manager, at his/her discretion, may redeploy County vehicles between departments to maximize the life cycle and efficiency of vehicle purchases.

### **C. Emergency Equipment:**

Emergency equipment shall be budgeted as part of the purchase price of a vehicle, and when possible, included in any bid package issued for vehicle purchases. All County vehicles shall be equipped with the following items of emergency equipment:

1. First Aid Kit
2. Fire Extinguisher

### **D. Vehicle Inspection & Maintenance:**

All County vehicles shall be maintained according to the manufacturer's specifications. Maintenance and total cost of operations of the vehicle will be considered when developing the Department's annual budget. The Fleet Director will maintain individual records for each motorized vehicle, which will include the service/repair and registration history. The Department Manager or County Management is the sole approval authority for maintenance that is deferred on a vehicle.

### **E. Pre-Operations Check:**

Each vehicle operator is responsible for the safe operating condition of the vehicle he/she is operating. Before beginning a trip, every driver will verify that the following are in working order:

1. Gauges
2. Fuels/Fluids
3. Wheels/Tires

4. Mirrors & Mirror Adjustments
5. Windshield and Wipers
6. Headlights, Brake Lights and Signals
7. Brakes
8. GPS Equipment

Any item not found in working order should be documented and reported to the Department Manager or Fleet Director as soon as possible. Safety is paramount, and no vehicle should be operated if mechanical defects render it unsafe.

- F. Vehicle Maintenance:  
All County-owned vehicles shall be maintained under the manufacturer's specifications. This includes prompt response to recall notices and regulatory requirements.
- G. Scheduled Maintenance:  
All scheduled maintenance shall be performed by qualified automotive service technicians. Pender County's Fleet Department or Department Managers will maintain maintenance records for each vehicle and establish a service schedule based on miles driven, hours operated, or calendar date.
- H. Qualified Automotive Service Personnel:  
All persons that perform maintenance, repair, modification, or inspection of County-owned vehicles shall possess the requisite skills and certification required to perform the task undertaken. All commercial vehicles shall be maintained and repaired by a DOT certified mechanic.
- I. Automotive Service Facilities:  
All County-owned vehicle maintenance, repair, modification, or inspections will be performed in the County's automotive maintenance facility unless work being performed is outside the training and competency of the maintenance staff, is a factory directed recall or is a non-scheduled repair where using a dealer facility is needed.

## **Section 7. Accident Reporting and Analysis**

The reporting procedures detailed in this section apply to all motor vehicles under the jurisdiction of the County. All incidents shall be reported, regardless of damage or cost.

- A. Organizational Responsibilities:  
Each County vehicle shall be provided with an accident report kit, which will include reporting procedures for drivers in the event of an incident. Each driver

shall be trained as part of the general orientation before operating the vehicle accident reporting procedures.

**B. Driver Responsibilities:**

The driver of the vehicle is responsible for reporting all accidents involving the assigned vehicle to their immediate supervisor, as soon as possible after an accident occurs, but at least by the end of the business day in which the accident occurs.

The Risk Management Specialist shall provide periodic reports to the Safety Committee regarding types and frequency of vehicle incidents.

**C. Accident Reporting Procedure:**

If you are driving a vehicle that is involved in an accident, your first duty is to stop the vehicle. Regardless of the situation, the following procedures must be followed (also outlined within the Accident Reporting Packet in each vehicle's glove box):

1. Immediately notify the local law enforcement agency to report the incident.
2. While waiting for law enforcement to arrive, notify your supervisor. Inform your supervisor about any possible injuries that may have been sustained.
3. Check on the other party – Offer no information regarding responsibility for the accident or what should have been done to avoid the accident.
4. Take pictures.
5. Your supervisor will decide if the vehicle needs to be towed from the scene and make arrangements as necessary.
6. Your supervisor will complete the Accident Report within 24 hours of the accident and submit to the Fleet Services Assistant.

**D. Serious Vehicle Accidents:**

A vehicle accident is considered serious if one or more of the following criteria are met:

1. Involves an ambulance in transport or a transit van with passengers on board.
2. Any incident or crash in which there is likely to be greater than \$25,000 in property damage to any vehicle or personal property involved.
3. Involves a law enforcement vehicle responding to an emergency call or in high-speed pursuit.
4. One or more injured passengers requiring ground or air evacuation from the scene.
5. One or more fatalities.

6. The crash attracts a high level of media interest.

For these incidents, the Department Manager is also responsible for reporting the incident immediately to the Human Resources Director or County Manager, with as much information that is available at the time. The County Manager shall designate the point of contact for all media inquiries involving the incident.

At no time should the driver answer any questions from the media unless permitted to do so.

E. Accident Review and Analysis:

To reduce the number and severity of accidents involving County employees, a thorough review and analysis of accidents will be conducted. While the intent is to complete a detailed review and analysis for every vehicle accident, it is may not be practicable to do so. Given this, those accidents which (a) damage is estimated to exceed \$1,000, (b) involves the tow-away of one or more of involved vehicles, or (c) a crash where an injury occurs, a formal review will be completed by the supervisor and will be reviewed by the Safety Committee. Pender County Sheriff's Department will conduct their own internal review and analysis of incidents involving Sheriff personnel.

F. Accident Review Board:

Pender County's Safety Committee will serve as the Accident Review Board. During the review of the accident, possible contributing factors may be considered:

Driver:

1. Driver's work schedule for at least the week preceding the incident.
2. Length of time on duty since the previous break before the incident.
3. Fatigue.
4. Scheduling demands on the driver.
5. Motor vehicle record history.
6. The physical condition of the driver at the time of the incident.
7. Physical limitations of the driver at the time of the incident.
8. Training history.
9. Individual stressors and other factors.

Vehicle:

1. Maintenance and inspection records.



2. Vehicle condition.
3. Damages to the vehicle from the incident.
4. Suitability and safety of the vehicle for the work task.
5. Vehicle control layout.
6. Modifications to the vehicle that may have contributed to the incident.

Operating Environment:

1. Weather.
2. Road conditions.
3. Traffic conditions.
4. Route planning.
5. Delivery or service schedules.

G. Final Report:

The final portion of the review process is the Final Report. Written communication will contain findings and recommendations to the County Manager, to include any systemic changes to be made in vehicle policies and any remedial action recommended for the driver.

Remedial actions may include:

1. Written Reprimand of the Driver.
2. Internal refresher training;
3. Completion of a formal driver improvement program (at the employee's expense);
4. Suspension or revocation of County vehicle driving privileges; or,
5. Termination of Employment.

H. Follow- up on Corrective Actions:

Based on the findings of the accident review process, the Risk Management Specialist shall follow-up on all corrective actions to ensure timely completion.

I. Data Analysis:

On at least an annual basis, the Risk Management Specialist shall compile loss data for the organization and present its findings to the Safety Committee. This data will include the number & types of vehicle crashes which have occurred over the previous period. Sources of this data may include the County's insurance carrier, the NC Department of Motor Vehicles, and other pertinent sources.

## **Article XI. Bloodborne Pathogen Policy**

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### **Section 1. Purpose**

Pender County Government's Bloodborne Pathogens Policy addresses at-risk employees that perform job duties in which they may encounter human bloodborne pathogens or other human potentially infectious materials. The policy methods of compliance described herein are intended to reduce the risk of occupational exposure of human bloodborne pathogens under the North Carolina Occupational, Safety, and Health Administration's (OSHA) Bloodborne Pathogens Standard 29 CFR 1910.1030.

### **Section 2. Reference**

NC OSHA's Bloodborne Pathogens Standard is designed to protect employees from exposure to the Hepatitis B Virus (HBV), the Human Immunodeficiency Virus (HIV), and other bloodborne pathogens. Of the diseases caused by these viruses, Hepatitis B is the most common. Hepatitis B infection may result in serious illness, potential long-term disability, and death. These viruses, as well as other organisms that cause bloodborne diseases, are found in human blood and certain other human body fluids.

The policy outlines steps to prevent occupational exposure and specific procedures to be followed if an inadvertent percutaneous or intramuscular exposure occurs. The policy and procedures shall be reviewed and updated at least annually and whenever necessary to reflect new job descriptions and modified tasks and procedures that affect occupational exposure.

### **Section 3. General Principles**

The following concepts are defined as general principles when working with bloodborne pathogens:

- A. The risk of exposure should be minimized.
- B. The risk of exposure should not be underestimated.
- C. The County will institute as many engineering and workplace practice controls as necessary to eliminate or minimize the risk of exposure to bloodborne pathogens.

### **Section 4. Objective**

To comply with the standards as defined by OSHA, Pender County has implemented an Exposure Control Plan to meet the intent of the OSHA Bloodborne Pathogen Standards. The objective of this plan is to define specific policies and procedures, which will:

- A. Ensure that Pender County employees with occupational exposure to bloodborne pathogens are trained and provided with equipment to protect from the health hazards associated with bloodborne pathogens.
- B. Provide treatment and counseling services to those that have been exposed to bloodborne pathogens.

## **Section 5. Program Management**

To ensure that the requirements of the OSHA Bloodborne Pathogen Standards and the Pender County workplace practices and procedures are implemented, the following definitions of terms are identified:

- A. County Exposure Control Plan: hereafter referred to as the BBPECP, shall refer to the document which provides an outline and overview of the general workplace practices and controls necessary to comply with the OSHA Bloodborne Pathogen Standards.
- B. Department Exposure Control Plan: shall refer to the document, at the department level, which provides specific occupational workplace practices and controls necessary to comply with Bloodborne Pathogen Standards.
- C. County Exposure Control Officer: shall refer to the employee who is responsible for the County-wide training, implementation, and management of the bloodborne pathogen program. The Exposure Control Officer shall develop and administer all policies and procedures relative to this plan, seek ways to improve the plan, conduct periodic audits of the plan, and serve as the County liaison for OSHA inspections. This is the responsibility of the HR/Risk Management Specialist. The Exposure Control Officer has the authority to implement changes to this policy at any time, should CFR910.1030 specifications change.
- D. Department Manager: shall refer to the employee who is responsible for the overall recordkeeping, administration, and management of the training, implementation, and management of the bloodborne pathogen program at the department level. It is the Department Manager's responsibility to ensure that any job descriptions that may have the potential for exposure is reported to the County Exposure Control Officer, and to provide updates as needed. Department Manager must also provide an annual letter to the HR/Risk Management Specialist, notating any training dates/certificates of completion for required bloodborne training by February 1. Department Manager may be subject to personnel action for failure to ensure training and compliance with this policy.
- E. Supervisor: shall refer to every employee in each department who is responsible for the management and direction of subordinate employees including the training, implementation, and management of the department's bloodborne pathogen program at the sub-department level.
- F. Employee: shall refer to the person in each department, or volunteer agency, with the final responsibility for ensuring that appropriate preventative and protective workplace practice controls are utilized in the performance of their work. Failure to utilize required personal protective equipment will result in disciplinary action. For negligent incidents of exposure, employees may be subject to personnel action. The employee may be disciplined for not following prescribed procedures, not for sustaining an injury as a result of an exposure incident.

## **Section 6. Definition of Exposure**

- A. Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C and human immunodeficiency virus (HIV).
- B. Other Potentially Infectious Materials: Includes the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, and any body fluid that is visibly contaminated with blood.
- C. Occupational Exposure: Actual or potential parenteral skin, eye, or mucous membrane contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.
- D. Universal Blood and Body Fluid Precautions: An approach to infection control. According to the concept of universal precautions, all human blood; body components including serum; other bodily fluids containing visible blood; semen; vaginal secretions; tissues; and cerebrospinal, synovial, pleural, peritoneal, pericardial, and amniotic fluids are treated as if they are infectious for HIV, HBV, and other bloodborne pathogens.

## **Section 7. Standard Operating Guidelines**

Pender County has developed written exposure determinations and maintains a list of all job classifications in which members have occupational exposure to bloodborne pathogens. All job tasks and procedures are classified into all or some categories to facilitate exposure determination.

Exposure Determination includes tasks that involved exposure to blood, body fluids, tissues, or potentially infectious materials.

Job classification in which all employees have high risk:

- A. Emergency Management/Fire Marshal Staff.
- B. Sheriff Deputies/Investigators/Animal Control Officers.
- C. Jail Facility Staff.
- D. Jail Clerical Booking/Intake.
- E. Maintenance Staff.
- F. Custodial Staff.
- G. Utilities Plant and Field Staff.
- H. Parks and Recreation Staff.

I. Health Department Clinic Staff (Medical, Dental, Clinic).

J. Animal Shelter Staff.

Exposure Determination also includes tasks that may have some exposure to blood, body fluids, tissues, or potentially infectious materials.

Other job classification in which some employees may have the potential for occupational exposure:

A. Social Workers

### **Section 8. Method of Compliance**

Each department shall ensure the following:

A. Universal Precautions:

The exposure to and /or contact with human blood and/or other body fluids shall be treated as if known to be infected with Hepatitis B, Human Immunodeficiency Virus (HIV), or other bloodborne pathogens.

B. Work Practice Controls:

1. Each department is responsible for providing a schedule for the examination and replacement or revision of workplace practices to be completed by January 1 of each year.
2. All employees that provide direct care and/or treatment of patients, clients, or citizens, shall use a fresh pair of gloves or other designated equipment before handling the patient/client, or in the handling of potentially infected materials.
3. In work tasks where needles or other sharps are used, all sharps shall not be recapped or removed from syringes unless required by specific medical procedures. If recapping is required, it must be accomplished by using the onehanded scoop technique (passive recapping). All sharps will be placed in marked, closeable "biohazard" leak-proof containers for disposal.
4. Eating, drinking, smoking, applying cosmetics or lip balm, and the handling of a contact lens is strictly prohibited where exposure might occur.
5. The storage of food and drink in areas around potentially infectious materials is prohibited. This includes refrigerators, freezers, shelves, cabinets, countertops, benchtops, and vehicles.
6. Eyewash stations and portable eyewash stations will be inspected and flushed per the manufacturer's guidelines.
7. If CPR is administered, only chest compressions should be used to minimize any hazard that may be present. Mouth to mouth procedures should not be administered, even if a pocket mask is available.

C. Engineering Controls:

1. Each department shall provide workplace hand-washing facilities for employees. If workplace hand washing facilities are not available, the department shall provide alternative antiseptic hand cleaners, paper towels, and towelettes. If alternatives are used in the course of workplace tasks, the employee is required to wash their hands as soon as feasible with soap and running water.
2. To reduce or eliminate the splashing, spraying, or splattering of infectious materials, County employees shall utilize gloves, gowns, face shields, eye protection, resuscitation bags, and other protective equipment when there is a reasonable potential for exposure to blood or bloodborne pathogens.
3. Blood specimens, blood products, or other infectious material shall be collected, handled, stored, shipped, or transported in marked, closeable, leak-proof, color-coded, biohazard containers.

D. Personal and Protective Equipment Used:

1. County employees who perform tasks that require the use of protective gloves, gowns, face shields, eye protectors, resuscitation bags, suction containers and tubing, disposable airway equipment, and/or other equipment, shall be provided with such equipment.
2. Protective equipment shall always be used when the performance of tasks has a likelihood of exposing the employee to infectious materials. If protective equipment is not used because of rare and extraordinary circumstances, the action by the employee will be treated as an exposure incident requiring evaluation and follow up.
3. Gloves, masks, gowns, protective eyewear, caps, and /or hoods, paper towels, and antiseptic towelettes shall be stored in designated protective equipment areas secure from contamination. Gloves shall include regular gloves and hypoallergenic gloves or gloves liners, in appropriate sizes.
4. In the event of an exposure, used gloves, masks, gowns, caps and/or hoods, paper towels, and antiseptic towelettes shall be placed into a marked "biohazard" collapsible leak-proof container and taken to the Health Department.

**Section 9. Housekeeping**

- A. Each County facility and vehicle which has had exposure to blood or other infectious materials shall be cleaned immediately after such exposure, before the use of the facility or vehicle by another employee. If vehicles or facilities cannot be disinfected immediately, a biohazard sign will be placed on the surfaces that are contaminated until they can be decontaminated.
- B. In the case of contaminated clothing, clothes will be laundered according to each department's specifications.

- C. The cleaning of facilities and vehicles shall be following cleaning guidelines established by this policy and the written procedures set forth by the Department Manager. Each facility shall have a written procedure for cleaning and decontaminating work sites.
- D. When work tasks result in broken glass, it is not to be picked up by hand. Broken glass must be picked up with a brush, dustpan, forceps and/or tongs. Instruments used in picking up broken glass shall be cleaned and or decontaminated with a disinfectant or other decontamination agent.
- E. Contaminated needles and other sharps shall be placed in resealable plastic containers and placed in a trashcan. Attempting to open or remove needles or sharps from the plastic container is prohibited.
- F. When work tasks result in the contamination of areas outside of County facilities, vehicles, and equipment, the person responsible for the incident command shall ensure that all contaminated areas are disinfected and contaminated materials are properly disposed of before leaving the scene of the incident. Such areas include, but are not limited to toilets, floors, countertops, vehicles, and other areas incident to illness or injury resulting from motor vehicle accidents, assaults, homicides, fire, medical calls, and other trauma.

#### **Section 10. Hepatitis B Vaccination and Post-Exposure Evaluation and Follow Up**

##### **A. Hepatitis B Vaccination:**

- 1. The Pender County Health Department shall maintain a medical record of the names and dates of vaccination of County employees and their agents who are given the Hepatitis B vaccine.
- 2. Vaccinations will be made available to exposed, or at risk, employees after training and within 10 days after initial assignment.
- 3. Initial declination of the vaccination does not preclude the employee from obtaining the vaccination at a later date, upon their request.
- 4. If the employee declines the vaccination, they are required to sign the Hepatitis B Declination Statement; if they refuse, one will be prepared with an indication that the employee refused to sign. It must be witnessed and dated.
- 5. Employees and volunteers will be offered the vaccinations at no cost to them, including any boosters or lab work if required.

##### **B. Exposure Incident Procedures:**

- 1. Any County employee or volunteer covered under this policy is required to follow specific procedures immediately after such exposure and before the reporting of the incident.

2. It is the responsibility of the employee to report the incident immediately to their supervisor. The specific procedures to follow (listed below) apply to dirty needle sticks, mucous membrane exposure, contamination of open wounds, or other exposure from potentially infectious materials:

- Clean and flush the contaminated area with water and disinfectant as soon as possible.
- Notify your immediate supervisor.
- Identify and document the date, time, and source of the contamination for reporting purposes. Document the procedures took on the Accident Report Form.
- Notify HR/Risk Management Specialist for guidance.

C. General Practice:

All incidents of exposure to blood or bloodborne pathogens shall be documented and treated as a positive exposure requiring the employee, client, or patient to be advised of the County's exposure and follow up the evaluation process and receive treatment. Treatment procedures will not be mandatory should the employee, client, or patient elect not to have them provided. A declination form will be signed if treatment is declined.

D. Post Exposure Evaluation and Follow Up:

1. If an employee or volunteer has been involved in an exposure incident, an Accident Investigation Report will be prepared by the Supervisor for the affected employee and submitted to the Exposure Control Officer. The report will include:
  - Name of the individual exposed.
  - Source, name, or route(s) of exposure.
  - Description of how the incident occurred.
  - Date and time of the incident.
  - Suggestions for changes to prevent another incident.
  - A record of how the changes will be implemented.
2. The Exposure Incident Report will provide the identification of the source individual.
3. An exposed employee shall be offered blood collection and testing at no cost to them. If the employee refused the HIV testing phase, their blood sample will be kept following the laboratory's operating procedures.



4. If required, post-exposure prophylaxis treatment, including Immunoglobulin for Hepatitis B, will be provided according to the guidelines of the Centers for Disease Control.
5. If necessary, counseling and evaluation of reported illnesses will be provided to the employee at no charge.
6. A licensed physician or other qualified health care worker will provide an evaluation and medical follow up for the exposed employee at no cost to the employee.
7. If a job classification that is not classified under Bloodborne Pathogen Guidelines has a Bloodborne Pathogen exposure, they will receive the same treatment and follow up as an employee that is classified.

## **Section 11. Communication of Hazards to Employees**

### **A. General Practice:**

Employees with occupational exposure to bloodborne pathogens shall receive training in workplace practices in which exposure to blood and bloodborne pathogens and other infectious materials are present. Communication will be in the form of formalized training, labels and signs, and meetings.

### **B. Labels and Signs:**

1. Labels and signs shall be placed on biohazard containers of regulated waste including refrigerators/freezers which contain or are used to transport blood or blood-borne products.
2. Labels and signs shall be posted at entrances to work areas that contain the infectious material.
3. The signs shall include the name of the infectious agent present, any special requirements for entering the area, and the name and telephone number of the person responsible for the work area, or person to contact in an emergency.

### **C. Information and Training:**

1. The County will provide training to all employees with occupational exposure to bloodborne pathogens. Such training will be at no cost to the employees. Training will be conducted during working hours and will occur not later than 10 working days after the employee begins their initial assignment to the job.
2. Formalized training will occur annually thereafter.
3. Training will also occur when tasks or assignments are modified or which affect the employee's degree of exposure.
4. The training record of each employee will be kept in each department.

5. Training records and renewals will be maintained by each respective department.

#### **Section 12. Safety Committee - Exposure Control Plan Review**

A. General Practice:

It shall be the policy of the County to review the County's Exposure Control Plan annually or more often if necessitated by changes in laws or work procedures. It will reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens. review and update will include examining the addition, deletion, or changes in work methods and procedures within individual jobs or job classifications. It will also include examining and approving new or revised departmental standard operating procedures and analysis and integration of the additions to or changes in laws affecting the BBPECP. The BBPECP will be reviewed or updated by June 30 of each year

#### **Section 13. Needlestick Prevention Act**

Exposure resulting from puncture by a contaminated sharp should be recorded on a Sharps Injury Log within each department and reported to the Risk Management Specialist.

The log shall contain the following information:

- A. The type and brand of device involved in the incident.
- B. The department or work area where the exposure occurred.
- C. An explanation of how the incident occurred.

**NOTE:** The Health Department follows their own Bloodborne pathogen and Needlestick Prevention Policy.



## Pender County Request for Board Action

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**TO:** Board of County Commissioners  
**FROM:** Melissa Long  
**DATE:** February 1, 2021  
**SUBJECT:** Consideration of the sale of Surplus Property.

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**SUMMARY:**

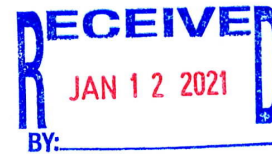
The Managers office has recently received a bid offer on the following property:

Parcel ID: 4214-28-3069-0000 (1.19 Acres) - An offer was submitted on January 12, 2021 for \$46,000.00 by Pamela Moore Sloan. According to the Deed, Pender County acquired the property in 2019 because of unpaid taxes. Staff has followed up with the ProTax and verified that Pender County was the highest bidder (no bids were received at auction) in the amount of \$2,131.39. The property has a tax value of \$45,270.00. The Offer, Property Map and Deed are attached for the Board's review.

**ACTION REQUESTED:**

Consider approving the sale of Parcel 4214-28-3069-0000 as described.

01-12-21



To: Board of Commissions

From: Pamela Moore-Sloan

Subject: Bid on Parcel ID #: 4214-28-3069-0000

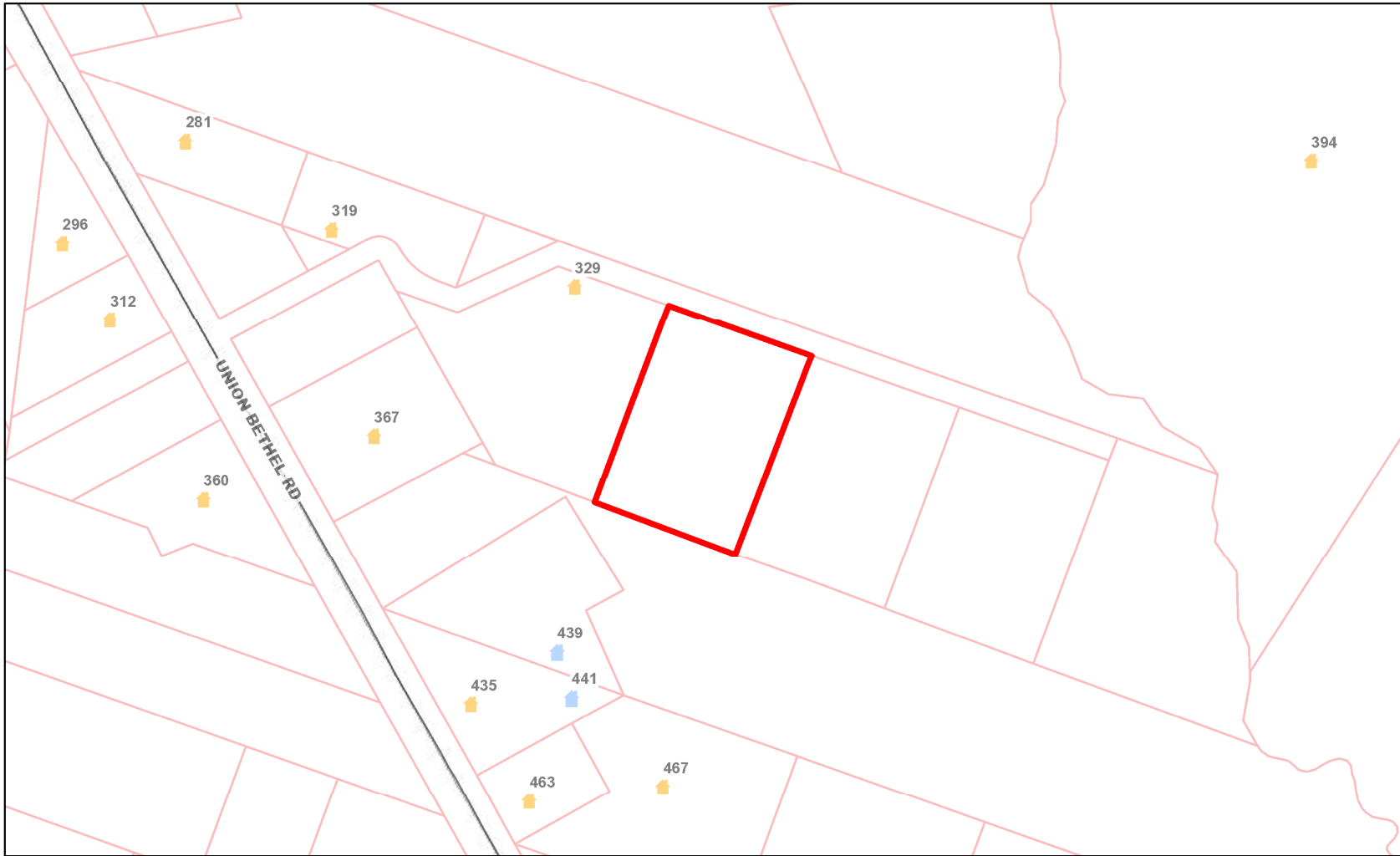
Legal Description: Lot 13 PB 20/50 off E/Side 1562

To the Commission, I Pamela Moore-Sloan sister of the prior owner  
Wagus Moore Jr. request to bid on the above subject and legally  
described Parcel of Land the amount of \$46,000.00.

Best Regards

A handwritten signature in black ink that reads "Pamela Moore-Sloan". The signature is written in a cursive, flowing style.

Pamela Moore-Sloan

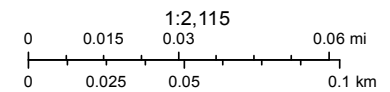


PIN: 4214-28-3069-0000  
 Owner: PENDER COUNTY  
 PO BOX 5  
 BURGAW, NC 28425  
 Deed Ref: 4692/525  
 Property Address:  
 Description: LOT 13 PB 20/50 OFF E/SIDE 1562

Sale Price:  
 Sale Date: LAST\_SALE\_DATE  
 Plat: 00200050  
 Account No: 1003401  
 Township: TOPSAIL  
 Subdivision:  
 Tax Codes: G01 F22 R40

Acres: 1.19  
 Land Value:  
 Building Value:  
 Total value:  
 Deferred Value:  
 Exempt Amount: 45270  
 PCL Class: R  
 Heated Sq Feet:

Pender County



1 inch = 176 feet

January 19, 2021



Doc No: 20053261  
Recorded: 08/27/2019 02:10:59 PM  
Fee Amt: \$26.00 Page 1 of 2  
Excise Tax: \$12.00  
Pender County North Carolina  
Sharon Lear Willoughby, Register of Deeds  
BK 4692 PG 525 - 526 (2)

|                               |                                              |                              |
|-------------------------------|----------------------------------------------|------------------------------|
| Excise Tax \$12.00            | Return after recording to →                  | Pender County                |
| Parcel ID # 4214-28-3069-0000 | Prepared by<br>Richard T. Rodgers, Jr., Esq. | PO Box 5<br>Burgaw, NC 28425 |

BRIEF DESCRIPTION FOR INDEX → 1.19 acre

STATE OF NORTH CAROLINA  
COUNTY OF PENDER

DATE  
8/7/2019

## COMMISSIONER'S DEED

✓ Richard T. Rodgers, Jr., Commissioner  
Sherman & Rodgers, PLLC  
PO Box 250  
Burgaw, NC 28425

Pender County  
PO Box 5  
Burgaw, NC 28425

"Grantor"

"Grantee"

NOTE: When reference herein is made to the GRANTOR and/or the GRANTEE, the singular shall include the plural, the neuter shall include the masculine as well as the feminine.

### WITNESSETH

That whereas, Richard T. Rodgers, Jr. was appointed commissioner under an order of the Superior Court of Pender County, North Carolina in the tax foreclosure proceeding entitled Pender County et. al. v. Unknown Heirs and/or Successors in Interest to Wagus Moore, Jr. et. al. filed at 18-CVS-843 with the Pender County Clerk of Superior Court; and Richard T. Rodgers, Jr. was directed by the order as commissioner to sell the property hereinafter described at public sale after due advertisement according to law; and

Whereas, Richard T. Rodgers, Jr., commissioner, did on 06/21/2019, offer the land hereinafter described at a public sale at the Pender County Courthouse door, and Pender County became the last and highest bidder for said land in the amount shown on the Report of Sale or final Upset Bid reflected in the above-referenced Court File; and the sale having been confirmed, and Richard T. Rodgers, Jr., commissioner, having been ordered to execute a deed to the purchaser upon payment of the purchase money;

**FOR VALUABLE CONSIDERATION RECEIVED**, receipt of which is hereby acknowledged, the GRANTOR hereby has bargained sold and conveyed in fee simple unto the GRANTEE all that certain lot or parcel of land in Pender County more particularly described as follows:



BEING all of Lot 13 as shown on a map entitled "Composite Map of Survey for Wagus Moore and wife, Lillian Nixon Moore" as recorded in Map Book 20 at Page 50 of the Pender County Registry.  
TOGETHER with an undivided 1/6 interest in the Private Road as shown on the above mentioned map.  
SUBJECT to and together with an easement for egress and ingress over the Private Road as shown on the above mentioned map.

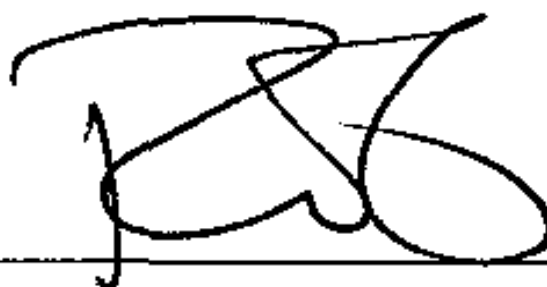
Parcel ID: 4214-28-3069-0000

**TO HAVE AND TO HOLD** this realty and all privileges and appurtenances thereto belonging unto the **GRANTEE** its heirs, successors and/or assigns in as full and ample manner as Richard T. Rodgers, Jr., commissioner, is authorized and empowered to convey the same subject to Pender County and Municipal property taxes, the payment of which shall be assumed by the purchaser.

**IN WITNESS WHEREOF**, the Grantor has duly executed the foregoing.

(Entity Name)

USE BLACK INK ONLY



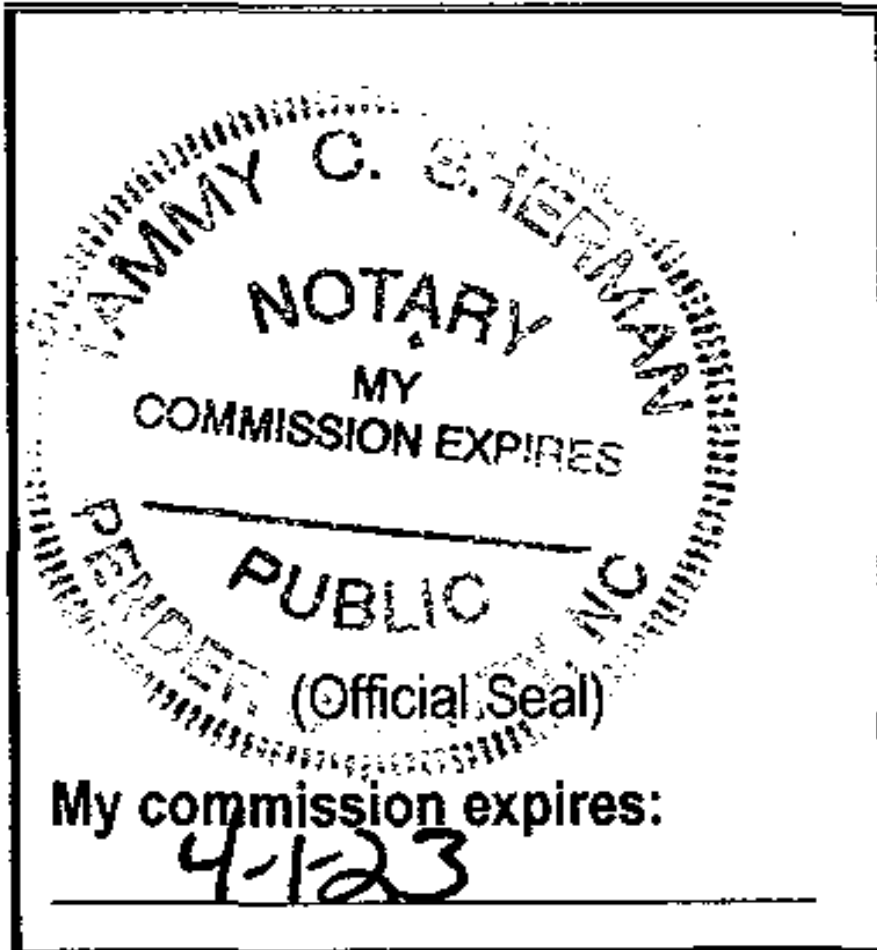
(Seal)

Richard T. Rodgers, Jr., Commissioner

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Title

(Seal)

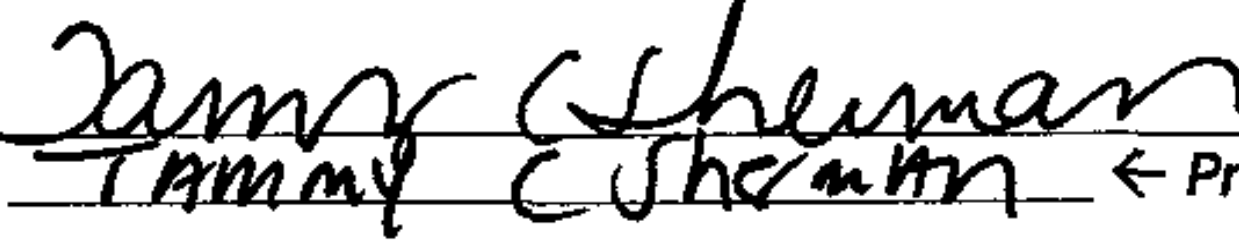


**STATE OF NORTH CAROLINA, PENDER COUNTY**

I certify that the following person(s) personally appeared before me this day, acknowledging to me that he is the Commissioner identified in this document evidencing this by personal knowledge and signed this document in my presence: **name(s) of principal(s).**

Richard T. Rodgers, Jr., Commissioner

↓ Official Signature of Notary ↓



← Printed (or typed) Name of Notary

8-23-19  
Date:







## Pender County Request for Board Action

---

**TO:** Board of County Commissioners  
**FROM:** Melissa Long  
**DATE:** February 1, 2021  
**SUBJECT:** Approval of an Appointment to the Pender County Library Board.

---

**SUMMARY:**

The County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply of their own free will.

Mallory Leimone is applying for reappointment to the Library Board. Ms. Leimone has served one term on the Library Board and represents District 1. Her application is attached for the Board's review. If approved, this appointment will be for 3 years and expire January 31, 2024.

Elizabeth Piacenza is applying for reappointment to the Library Board. Ms. Piacenza has served two terms on the Library Board and represents District 2. Her application is attached for the Board's review. If approved, this appointment will be for 3 years and expire January 31, 2024.

**ACTION REQUESTED:**

To consider approving an appointment to the Pender County Library Board.

## PENDER COUNTY

### Application for Appointment to Boards/Commissions/Committees



Appointees to Pender County Boards/Commissions/Committees must be a Pender County resident and must be at least 18 years of age. Please complete this application and return to: Pender County Manager's Office, PO Box 5, Burgaw, NC 28425.

| APPLICANT INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             |                               |                      |                   |                                         |                                             |                     |                  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------|----------------------|-------------------|-----------------------------------------|---------------------------------------------|---------------------|------------------|--|
| Last Name <b>Leimone</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |             |                               | First <b>Mallory</b> |                   |                                         | M.I. <b>B</b>                               | Date <b>2/17/18</b> |                  |  |
| Physical Address <b>41 Sleepy Hollow Lane</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   |             |                               |                      |                   |                                         | Apartment/Unit #                            |                     |                  |  |
| City <b>Hampstead</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             |                               | State <b>NC</b>      |                   |                                         | ZIP <b>28443</b>                            |                     |                  |  |
| Mailing Address (if different from above) <b>PO Box 789</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |             |                               |                      |                   |                                         |                                             |                     |                  |  |
| City <b>Hampstead</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             |                               | State <b>NC</b>      |                   |                                         | ZIP <b>28443</b>                            |                     |                  |  |
| Home Phone <b>910-270-3952</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |             |                               | Work Phone           |                   |                                         | E-mail Address 1 <b>mbleimone@gmail.com</b> |                     |                  |  |
| Fax Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |             |                               |                      |                   |                                         | E-mail Address 2                            |                     |                  |  |
| Board Interest(s)<br><b>Advisory Library Board</b>                                                                                                                                                                                                                                                                                                                                                                                                                              |             |                               |                      |                   |                                         |                                             |                     |                  |  |
| How long have you been a resident of Pender County? <b>since 1989</b>                                                                                                                                                                                                                                                                                                                                                                                                           |             |                               |                      |                   |                                         |                                             |                     |                  |  |
| EDUCATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |             |                               |                      |                   |                                         |                                             |                     |                  |  |
| High School                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |             | <b>Southern Senior High</b>   |                      |                   |                                         | Location <b>Harwood, MD</b>                 |                     |                  |  |
| From                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>1971</b> | To                            | <b>1975</b>          | Did you graduate? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>                 |                     |                  |  |
| College                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |             | <b>University of Maryland</b> |                      |                   |                                         | Location <b>College Park, MD</b>            |                     |                  |  |
| From                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>1979</b> | To                            | <b>1981</b>          | Did you graduate? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>                 | Degree              | <b>Bachelors</b> |  |
| Other                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             | <b>Cornell University</b>     |                      |                   |                                         | Location <b>Ithaca, NY</b>                  |                     |                  |  |
| From                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>1981</b> | To                            | <b>1985</b>          | Did you graduate? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>                 | Degree              | <b>Masters</b>   |  |
| EMPLOYMENT HISTORY                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             |                               |                      |                   |                                         |                                             |                     |                  |  |
| Current Employment                                                                                                                                                                                                                                                                                                                                                                                                                                                              |             | <b>retired</b>                |                      |                   |                                         | Job Title                                   |                     |                  |  |
| Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                |             |                               |                      |                   |                                         |                                             |                     |                  |  |
| Previous Employment                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             | <b>USPS</b>                   |                      |                   |                                         | Job Title <b>Rural Carrier</b>              |                     |                  |  |
| Previous Employment                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             | <b>QA Sessions</b>            |                      |                   |                                         | Job Title <b>Owner, market research</b>     |                     |                  |  |
| Previous Employment                                                                                                                                                                                                                                                                                                                                                                                                                                                             |             | <b>Arbitron Ratings</b>       |                      |                   |                                         | Job Title <b>Associate Project Manager</b>  |                     |                  |  |
| COMMUNITY INVOLVEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                           |             |                               |                      |                   |                                         |                                             |                     |                  |  |
| Please list current and past membership in civic or other organizations and offices held:<br>USPS Union Shop Steward (for 28443 office)<br>Sloop Point Precinct Captain (Democrat Party)<br>Olde Point Book Club member (since 2005)<br>Recent Volunteer activities:<br>USPS -- annual food drives<br>Willard Outreach Organization's new public playground -- Fundraising & Community Build team member<br>Hampstead area -- assemble food assistance packs for local families |             |                               |                      |                   |                                         |                                             |                     |                  |  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                                        |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------------|----|
| Have you ever served or are you currently a member of any Pender County or other local government board/commission/committee?                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |                                                                        |    |
| YES <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NO <input checked="" type="checkbox"/> | If yes, explain (including length of service).                         |    |
| <p>State reasons why you feel qualified for this appointment(s):</p> <p>I love public libraries. Everywhere I've lived, the local library was my favorite place to visit to satisfy my love of reading. (And in the most remote locations, it was the Bookmobile which provided a lifeline.)</p> <p>My energy and enthusiasm are what I can offer to the Board. In decision-making, I try to be open minded to new ideas and differing opinions. Ultimately my focus is to ensure that our public library resources and services continue to meet our community needs.</p> |                                        |                                                                        |    |
| <b>MILITARY SERVICE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                        |                                                                        |    |
| Branch                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                        | From                                                                   | To |
| n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                        |                                                                        |    |
| Rank at Discharge                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                        | Type of Discharge (optional)                                           |    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                                        |    |
| <b>CONFLICTS OF INTEREST</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                        |                                                                        |    |
| Are you aware of any legal, ethical or personal conflict of interest by serving as a member of this Pender County board/commission/committee?                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |                                                                        |    |
| YES <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NO <input checked="" type="checkbox"/> | If yes, explain.                                                       |    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                                        |    |
| Are you or any member of your family employed by Pender County, or currently serving on any Boards/Committee/Commission appointed by or affiliated with Pender County?                                                                                                                                                                                                                                                                                                                                                                                                     |                                        |                                                                        |    |
| YES <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NO <input checked="" type="checkbox"/> | If yes, list family member name(s) and position/board or committee(s). |    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                                        |    |
| Please add any additional information you would like to share supporting your interest and qualifications for this appointment.                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                                        |    |
| Please let me know if there is additional information I may provide to you.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                        |                                                                        |    |
| Thank you for your consideration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                        |                                                                        |    |
| <b>DISCLAIMER AND SIGNATURE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                        |                                                                        |    |
| NOTE: This information will be used by the Pender County Board of Commissioners in making appointments to Pender County Boards/Commissions/Committees. In the event you are appointed, it may be used as a news release to identify you to the community. This application is considered a public record.                                                                                                                                                                                                                                                                  |                                        |                                                                        |    |
| Signature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                        | Date                                                                   |    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        | 2/17/18                                                                |    |

## PENDER COUNTY

### Application for Appointment to Boards/Commissions/Committees



Appointees to Pender County Boards/Commissions/Committees must be a Pender County resident and must be at least 18 years of age. Please complete this application and return to: Pender County Manager's Office, PO Box 5, Burgaw, NC 28425.

| APPLICANT INFORMATION                                                                                                                                                                                                                                                                                                                                         |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------------------------------------------------------|--------------------------------|------------------------------------|-----------------------------------------|-------------------------------------------------|------------------------------------|--|--|
| Last Name <b>Piacenza</b>                                                                                                                                                                                                                                                                                                                                     |             |                                                                 |                                | First <b>Elizabeth</b>             |                                         | M.I. <b>H</b>                                   | Date <b>12/7/14</b>                |  |  |
| Physical Address <b>624 Hughes Road</b>                                                                                                                                                                                                                                                                                                                       |             |                                                                 |                                |                                    |                                         | Apartment/Unit #                                |                                    |  |  |
| City <b>Hampstead</b>                                                                                                                                                                                                                                                                                                                                         |             |                                                                 |                                | State <b>NC</b>                    |                                         | ZIP <b>28443</b>                                |                                    |  |  |
| Mailing Address (if different from above)                                                                                                                                                                                                                                                                                                                     |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |
| City                                                                                                                                                                                                                                                                                                                                                          |             |                                                                 |                                | State                              |                                         | ZIP                                             |                                    |  |  |
| Home Phone <b>919-412-2500</b>                                                                                                                                                                                                                                                                                                                                |             |                                                                 | Work Phone <b>910-679-2197</b> |                                    |                                         | E-mail Address 1 <b>lizpiacenza@gmail.com</b>   |                                    |  |  |
| Fax Number                                                                                                                                                                                                                                                                                                                                                    |             |                                                                 |                                |                                    |                                         | E-mail Address 2 <b>kevinpiacenza@gmail.com</b> |                                    |  |  |
| Board Interest(s)<br><b>Library Board</b>                                                                                                                                                                                                                                                                                                                     |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |
| How long have you been a resident of Pender County? <b>2.5 years (We've owned our property since 1987)</b>                                                                                                                                                                                                                                                    |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |
| EDUCATION                                                                                                                                                                                                                                                                                                                                                     |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |
| High School <b>LI Lutheran HS</b>                                                                                                                                                                                                                                                                                                                             |             |                                                                 |                                | Location <b>Brookville, LI, NY</b> |                                         |                                                 |                                    |  |  |
| From                                                                                                                                                                                                                                                                                                                                                          | <b>1970</b> | To                                                              | <b>1976</b>                    | Did you graduate?                  | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>                     |                                    |  |  |
| College <b>Ohio Wesleyan University</b>                                                                                                                                                                                                                                                                                                                       |             |                                                                 |                                | Location <b>Delaware, Ohio</b>     |                                         |                                                 |                                    |  |  |
| From                                                                                                                                                                                                                                                                                                                                                          | <b>1976</b> | To                                                              | <b>1980</b>                    | Did you graduate?                  | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/>                     | Degree <b>Economics/Accounting</b> |  |  |
| Other                                                                                                                                                                                                                                                                                                                                                         |             |                                                                 |                                | Location                           |                                         |                                                 |                                    |  |  |
| From                                                                                                                                                                                                                                                                                                                                                          |             | To                                                              |                                | Did you graduate?                  | YES <input type="checkbox"/>            | NO <input type="checkbox"/>                     | Degree                             |  |  |
| EMPLOYMENT HISTORY                                                                                                                                                                                                                                                                                                                                            |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |
| Current Employment                                                                                                                                                                                                                                                                                                                                            |             | <b>OpinionLab, Inc.</b>                                         |                                |                                    |                                         | Job Title <b>Controller</b>                     |                                    |  |  |
| Responsibilities                                                                                                                                                                                                                                                                                                                                              |             | <b>Financial Statements/Reporting and Accounting Operations</b> |                                |                                    |                                         |                                                 |                                    |  |  |
| Previous Employment                                                                                                                                                                                                                                                                                                                                           |             | <b>Intuit/Medfusion</b>                                         |                                |                                    |                                         | Job Title <b>Finance Manager/Controller</b>     |                                    |  |  |
| Previous Employment                                                                                                                                                                                                                                                                                                                                           |             | <b>DNG Group, Inc.</b>                                          |                                |                                    |                                         | Job Title <b>CFO/Controller</b>                 |                                    |  |  |
| Previous Employment                                                                                                                                                                                                                                                                                                                                           |             | <b>Ernst &amp; Young</b>                                        |                                |                                    |                                         | Job Title <b>Auditor</b>                        |                                    |  |  |
| COMMUNITY INVOLVEMENT                                                                                                                                                                                                                                                                                                                                         |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |
| Please list current and past membership in civic or other organizations and offices held:<br><b>Cape Fear River Rowing Club (Current)</b><br><b>Wilmington Downtown Inc.-Work Committee (Current)</b><br><b>NCACPA-NC Assn of CPAs (Current)</b><br><b>RPWF - Raleigh Professional Womens Forum (Past)</b><br><b>AWNA-Avent West Neighborhood Assn (Past)</b> |             |                                                                 |                                |                                    |                                         |                                                 |                                    |  |  |

|                                                                                                                                                                                                                                                                                                                                                                               |                                        |                                                                                                  |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------|----|
| Have you ever served or are you currently a member of any Pender County or other local government board/commission/committee?                                                                                                                                                                                                                                                 |                                        |                                                                                                  |    |
| YES <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                       | NO <input type="checkbox"/>            | If yes, explain (including length of service).<br><b>Wilmington Downtown Inc.-Work Committee</b> |    |
| State reasons why you feel qualified for this appointment(s):<br>I think I'd benefit the board by bringing my educational and work experience, as well as my strong personal interest in contributing actively in the Hampstead area. I am an avid reader and my family has had a connection to education and reading for many years through public education in Wake County. |                                        |                                                                                                  |    |
| <b>MILITARY SERVICE</b>                                                                                                                                                                                                                                                                                                                                                       |                                        |                                                                                                  |    |
| Branch                                                                                                                                                                                                                                                                                                                                                                        |                                        | From                                                                                             | To |
| Rank at Discharge                                                                                                                                                                                                                                                                                                                                                             |                                        | Type of Discharge (optional)                                                                     |    |
| <b>CONFLICTS OF INTEREST</b>                                                                                                                                                                                                                                                                                                                                                  |                                        |                                                                                                  |    |
| Are you aware of any legal, ethical or personal conflict of interest by serving as a member of this Pender County board/commission/committee?                                                                                                                                                                                                                                 |                                        |                                                                                                  |    |
| YES <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                  | NO <input checked="" type="checkbox"/> | If yes, explain.                                                                                 |    |
| Is any member of your family employed by Pender County, or currently serving on a board/committee/commission appointed by or affiliated with Pender County?                                                                                                                                                                                                                   |                                        |                                                                                                  |    |
| YES <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                  | NO <input checked="" type="checkbox"/> | If yes, list family member name(s) and position/board or committee(s).                           |    |
| Please add any additional information you would like to share supporting your interest and qualifications for this appointment.<br>I hope you consider me for this board position. I am so encouraged by all the great things happening in our area and very much want to contribute and become involved.                                                                     |                                        |                                                                                                  |    |
| <b>DISCLAIMER AND SIGNATURE</b>                                                                                                                                                                                                                                                                                                                                               |                                        |                                                                                                  |    |
| NOTE: This information will be used by the Pender County Board of Commissioners in making appointments to Pender County Boards/Commissions/Committees. In the event you are appointed, it may be used as a news release to identify you to the community. This application is considered a public record.                                                                     |                                        |                                                                                                  |    |
| Signature <b>Elizabeth H Piacenza</b>                                                                                                                                                                                                                                                                                                                                         |                                        | Date <b>12/7/14</b>                                                                              |    |





## **Pender County Request for Board Action**

---

**TO:** Board of County Commissioners

**FROM:** Melissa Long

**DATE:** February 1, 2021

**SUBJECT:** Approval of an Appointment to the Lower Cape Fear Water and Sewer Authority.

---

**SUMMARY:**

Norwood Blanchard currently serves on the Lower Cape Fear Water and Sewer Authority as a citizen representative and is requesting reappointment. Mr. Blanchard's application is attached. If approved, this appointment will be for three years and expire February 28, 2024.

**ACTION REQUESTED:**

To consider approving an appointment to the Lower Cape Fear Water and Sewer Board.



**PENDER COUNTY**

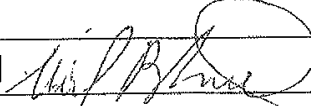
## Application for Appointment to Boards/Commissions/Committees



Appointees to Pender County Boards/Commissions/Committees must be a Pender County resident and must be at least 18 years of age. Please complete this application and return to: Pender County Manager's Office, PO Box 5, Burgaw, NC 28425.

|                                                                                                                                                                                      |      |                                       |      |                                               |                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|---------------------------------------|------|-----------------------------------------------|-----------------------------------------------------------------------------------------------|
| Last Name <b>Blanchard</b>                                                                                                                                                           |      | First <b>Norwood</b>                  |      | M.I. <b>P</b>                                 | Date <b>01/16/2015</b>                                                                        |
| Physical Address <b>2675 Highway 53 East</b>                                                                                                                                         |      |                                       |      |                                               | Apartment/Unit #                                                                              |
| City <b>Burgaw</b>                                                                                                                                                                   |      | State <b>NC</b>                       |      | ZIP <b>28425</b>                              |                                                                                               |
| Mailing Address (if different from above) <b>P. O. Box 1425</b>                                                                                                                      |      |                                       |      |                                               |                                                                                               |
| City <b>Burgaw</b>                                                                                                                                                                   |      | State <b>NC</b>                       |      | ZIP <b>28425</b>                              |                                                                                               |
| Home Phone <b>910-259-2003</b>                                                                                                                                                       |      | Work Phone <b>910-289-1310</b>        |      | E-mail Address 1 <b>norwood1310@gmail.com</b> |                                                                                               |
| Fax Number <b>910-259-8281</b>                                                                                                                                                       |      |                                       |      | E-mail Address 2                              |                                                                                               |
| Board Interest(s)<br><b>Lower Cape Fear Water &amp; Sewer Board</b>                                                                                                                  |      |                                       |      |                                               |                                                                                               |
| How long have you been a resident of Pender County? <b>39 years</b>                                                                                                                  |      |                                       |      |                                               |                                                                                               |
| <b>EDUCATION</b>                                                                                                                                                                     |      |                                       |      |                                               |                                                                                               |
| High School <b>Chinquapin</b>                                                                                                                                                        |      | Location <b>Chinquapin, NC</b>        |      |                                               |                                                                                               |
| From                                                                                                                                                                                 | 1944 | To                                    | 1956 | Did you graduate?                             | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>                           |
| College <b>UNC School of Pharmacy</b>                                                                                                                                                |      | Location <b>Chapel Hill, NC</b>       |      |                                               |                                                                                               |
| From                                                                                                                                                                                 | 1957 | To                                    | 1961 | Did you graduate?                             | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Degree <b>BS Pharmacy</b> |
| Other <b>UAB-School Of Business</b>                                                                                                                                                  |      | Location <b>Tuacaloosa, AL</b>        |      |                                               |                                                                                               |
| From                                                                                                                                                                                 | 1968 | To                                    | 1970 | Did you graduate?                             | YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Degree <b>MBA</b>         |
| <b>EMPLOYMENT HISTORY</b>                                                                                                                                                            |      |                                       |      |                                               |                                                                                               |
| Current Employment                                                                                                                                                                   |      | <b>Semi Retired &amp; Tree Farmer</b> |      | Job Title <b>Owner</b>                        |                                                                                               |
| Responsibilities                                                                                                                                                                     |      |                                       |      |                                               |                                                                                               |
| Previous Employment                                                                                                                                                                  |      | <b>Kerr Drug</b>                      |      | Job Title <b>Pharmacist</b>                   |                                                                                               |
| Previous Employment                                                                                                                                                                  |      | <b>Discount Drug Center</b>           |      | Job Title <b>Owner</b>                        |                                                                                               |
| Previous Employment                                                                                                                                                                  |      |                                       |      | Job Title                                     |                                                                                               |
| <b>COMMUNITY INVOLVEMENT</b>                                                                                                                                                         |      |                                       |      |                                               |                                                                                               |
| Please list current and past membership in civic or other organizations and offices held:<br><b>Former rotarian (25 years) member pharmacy associations, nc forestry association</b> |      |                                       |      |                                               |                                                                                               |



|                                                                                                                                                                                                                                                                                                           |                                        |                                                                                            |                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------|----------------|
| Have you ever served or are you currently a member of any Pender County or other local government board/commission/committee?                                                                                                                                                                             |                                        |                                                                                            |                |
| YES <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                   | NO <input type="checkbox"/>            | If yes, explain (including length of service).<br><b>Former County Commissioner-1 term</b> |                |
| State reasons why you feel qualified for this appointment(s):<br><b>I served for 4 years on Lower Cape Fear Water &amp; Sewer Board, as well as WID Board</b>                                                                                                                                             |                                        |                                                                                            |                |
| MILITARY SERVICE                                                                                                                                                                                                                                                                                          |                                        |                                                                                            |                |
| Branch <b>USCG_Reserves</b>                                                                                                                                                                                                                                                                               |                                        | From <b>1962</b>                                                                           | To <b>1968</b> |
| Rank at Discharge <b>HM2</b>                                                                                                                                                                                                                                                                              |                                        | Type of Discharge (optional) <b>Honorable</b>                                              |                |
| CONFLICT OF INTERESTS                                                                                                                                                                                                                                                                                     |                                        |                                                                                            |                |
| Are you aware of any legal, ethical or personal conflict of interest by serving as a member of this Pender County board/commission/committee?                                                                                                                                                             |                                        |                                                                                            |                |
| YES <input type="checkbox"/>                                                                                                                                                                                                                                                                              | NO <input checked="" type="checkbox"/> | If yes, explain.                                                                           |                |
| Is any member of your family employed by Pender County, or currently serving on a board/committee/commission appointed by or affiliated with Pender County?                                                                                                                                               |                                        |                                                                                            |                |
| YES <input type="checkbox"/>                                                                                                                                                                                                                                                                              | NO <input checked="" type="checkbox"/> | If yes, list family member name(s) and position/board or committee(s).                     |                |
| Please add any additional information you would like to share supporting your interest and qualifications for this appointment.<br><b>I have time &amp; am willing to serve</b>                                                                                                                           |                                        |                                                                                            |                |
| DISCLAIMER                                                                                                                                                                                                                                                                                                |                                        |                                                                                            |                |
| NOTE: This information will be used by the Pender County Board of Commissioners in making appointments to Pender County Boards/Commissions/Committees. In the event you are appointed, it may be used as a news release to identify you to the community. This application is considered a public record. |                                        |                                                                                            |                |
| Signature <b>norwood blanchard</b>                                                                                                                                                                                     |                                        | Date <b>01/16/2015</b>                                                                     |                |



## PENDER COUNTY CLOSED SESSION MOTION

All boards, agencies or public bodies in meetings of two or more members covered by the Open Meetings Law in Pender County shall utilize the following procedure for entering a "Closed Session."

### MOTION

\_\_\_\_\_, (member of the governing body) moves to enter closed session pursuant to G.S. 143-318.11: (select one or more of the following grounds):

1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or is not considered a public record within the meaning of Chapter 132 of the General Statutes.
2. To prevent the disclosure of information that is of an honorary degree, scholarship, prize, or similar award.
3. To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
4. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
5. To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
6. To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
7. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
8. To formulate plans by a local board of education relating to emergency response to incidents of school violence.
9. To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

VOTES FOR: \_\_\_\_\_ VOTES AGAINST: \_\_\_\_\_

Attested: \_\_\_\_\_ Date: \_\_\_\_\_