LENOIR COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING

Tuesday, January 21, 2020 – 4:00 PM
Commissioners’ Meeting Room, Lenoir County Courthouse
130 S. Queen Street, Kinston, North Carolina

AGENDA

CALL TO ORDER

Chairman Linda Rouse Sutton
Invocation: Commissioner Preston Harris
Pledge of Allegiance
NC Ethics Law

PUBLIC INFORMATION

Colleen Kosinski, Guardian ad Litem
Blanca Faasii
Steve Hines

PUBLIC HEARING: 10 Minutes

PUBLIC COMMENTS

Formal
Informal
(All speakers signed up at the door prior to the meeting have a total of three (3) minutes per speaker)

ADDITIONS / DELETIONS OR ADOPTIONS TO AGENDA

CONSENT AGENDA

1. Approval of January 6, 2020, Regular Meeting Minutes
   Presented By: King/Bryan

2. Resolution Authorizing the Issuance of Blanket Purchase Order to Colony Tire: $3,082.94.
   Presented By: Oliver
**Presented By:** Rich

4. Resolution Authorizing Lenoir County Health Department to Purchase 3 Electronic Exam Tables: Henry Schein: $18,324.  
**Presented By:** Brown

**Prepared By:** Brown

6. Resolution Approving Application for FY20 Rural Operating Assistance Program (ROAP) Totaling $213,626.81; Elderly Disabled Transportation Assistance Program (EDTAP) $89,263.16: Employment Transportation Assistance Program (EMPL) $18,139.69; and Rural General Public (RGPT) Funding: $106,223.96.  
**Prepared By:** Greene

7. Board of County Commissioners Rules of Procedure  
**Presented By:** James

NEW BUSINESS

**Presented By:** Board

**Presented By:** James

APPOINTMENTS

10. Resolution Approving Citizens to Boards, Commissions, etc.  
**Presented By:** Board

OTHER ITEMS

  Items from County Manager

11. Items from the County Manager.  
**Presented By:** James

  **Items from County Attorney/Commissioners Public Comments/Closed Session (If necessary)**

ADJOURN

If you need assistance in understanding or participating in the meeting, please contact Lenoir County at (252) 559-6450 at least 24 hours in advance, and we will try to make accommodations.
MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
January 6, 2020

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, January 10, 2020, in the Commissioners’ Meeting Room, Lenoir County Courthouse, 130 S. Queen Street, Kinston, NC.

Members present: Chairman Linda Rouse Sutton, Vice-Chairman Roland Best, Commissioners, June Cummings, Mac Daughety, Preston Harris, Craig Hill, and Eric Rouse.

Members Absent: None.

Also present were: Michael S. James, County Manager, Joey R. Bryan, Assistant County Manager, Vickie Freeman King, Clerk to the Board, Robert Griffin, County Attorney, members of the general public and news media.

Call To Order

Chairman Sutton called the meeting to order at approximately 9:00 a.m.

Mr. Harris offered the Invocation, and Mr. Rouse led the audience in the Pledge of Allegiance.

Ms. Sutton reviewed the procedures for election to fill vacant Board seat and opened the floor for nominations for member for Board of County Commissioners.

Upon a motion by Mr. Hill and a second by Mr. Daughety, and one dissenting vote by Mr. Harris, Ms. June S. Cummings was appointed as Commissioner filling the vacant Board seat.

Administration of Oath of Office was administered by Clerk of Court, Ms. Dawn Stroud:

Ms. Cummings stated she was humbled and honored to be present today. The honor today is more than being a part of the body; it’s sitting in the seat that a dear friend Reuben Davis held. She has known Mr. Davis for many years, and he did love Lenoir County and the citizens of Lenoir County and he worked diligently to make the county a better place for all. Therefore, it is an honor to be able to sit in this seat. She promised to do her best to work as hard and to look out for everyone.

Chairman Sutton read the following statement from the NC Ethics Law “It is my duty to remind members of the Board that it is your responsibility to avoid all conflicts of interest and potential conflicts of interest as defined in the North Carolina Ethics Law. As public servants, it is your duty to continually monitor, evaluate, and manage your personal, financial, and professional affairs in such a way as to ensure the absence of conflicts or potential conflicts. Does any member know of any conflict of interest, or potential conflict of interest, with respect to any manner coming before the Board?”

Public Information

Ms. Sutton acknowledged the names, department, and years of service of county employees.
Mr. Jeff Harrison, DSS Director, introduced several members of DSS: one Program Manager, and two members of the Investigation Team that would be sharing information regarding Public Assistance Fraud. Ms. Valerie Williams shared a quick overview including the following topics via powerpoint: program integrity, purpose, referrals, types of claims, intentional program violations, trafficking, methods of collection, DA referral process, Lenoir County fraud cases based upon December 2019 data, fraud types and programs, December 2019 collections, total pending collections by programs, and incentives.

Mr. Rouse asked where does the funds go once the agency receives from collections? Mr. Harrison replied back in the general fund.

Public Hearing:

Upon a motion by Mr. Daughety and a second by Mr. Best, a Public Hearing Regarding Economic Development Grant Agreement: Aircraft Solutions USA, Inc. opened at 9:29 a.m.

Ms. Keely Koonce, Economic Development Specialist, stated Aircraft Solutions USA, Inc. has stationed themselves in Lenoir County at the Global Transpark. It is an aerospace industry. Aircraft Solutions will be investing over $118 million in our community and creating 475 new jobs. The average salary will be $47,000. The grant will be a total of $3 million paid over ten years. The first payment would be following the investment and reporting to the Lenoir County Tax Office. Please keep in mind this is a performance-based agreement.

There were no questions or comments made by the public or Board regarding the grant agreement. Upon a motion by Mr. Daughety and a second by Mr. Harris, the public hearing was closed at 9:35 a.m.

Public Comments

Ms. Barbara Dantonio, visiting from Wayne County, former chairman of the Democratic party, current president of Wayne County Democratic party, as well as past chairman of the Wilson County Democratic Party for several years. Ms. Dantonio stated she is not unfamiliar with the appointing process carried out by the Board of Commissioners. When Ms. Crawford informed her that the Democratic party in Lenoir County appointed her, she was very excited and offered her support. She has known Ms. Crawford for several years. Ms. Crawford informed her there was some talk of her age, and the forefathers age was above and below 40. Therefore, age should not be a deciding factor or problem. She is shocked and appalled and she would be remised if she did not ask why was Tiffany’s name not brought up since she was the actual nominee. She does not understand how Ms. Cummings, knowing that her party nominated Tiffany, did not support Tiffany. What has happened today is a result of backroom deals, which is not needed anymore and this is a democracy and this Board knows better. Therefore, during the upcoming elections, she will be out knocking on doors in the corners of Pink Hill, and Deep Run getting information out so that she will be on this Board because this Board has done a great disservice to her and the people in the democratic party that voted for her. She would like an explanation of why Ms. Tiffany Koonce Crawford name was not mentioned today. They need to take a look at themselves because what took place today was a democracy and what she witnessed this morning was not, and she thinks Ms. Cummings owes Ms. Crawford an apology.

Ms. Sutton stated a revised Resolution was added to replace Item No. 4 for an amount change.

Upon a motion by Mr. Hill and a second by Mr. Harris, the consent agenda was unanimously approved.
Upon a motion by Mr. Rouse and a second by Mr. Hill, the regular agenda was unanimously approved for Items 12-14.

Additions/Deletions or Adoptions to the Agenda

A revised Resolution was added to replace Item No. 4 for an amount change.

Consent Agenda

1. Approval of December 2, 2019, Regular Meeting Minutes.  
   King/Bryan

2. Resolution Declaring Property as Surplus and Authorizing the Sale of Surplus Property.  
   Howard

3. Resolution Authorizing Lenoir County Health Department to Purchase Two Pharmaceutical Refrigerators and One Blood Draw/Immunizations Chair: $10,538.29.  
   Brown

   Faasii

5. Resolution Approving the Execution of Purchase Orders: Dell EMC: $17,009.32, SHI $28,531.10, Cott: $2,880.00.  
   Rich

   J. King

7. Resolution Approving the Bid for Cosmetic Repairs Needed at Lenoir County Emergency Services Station EMS 1 located at 4066 Sharon Church Road: Holland’s Home Improvement: $6,644.70.  
   J. King

8. Resolution Authorizing the Purchase and Installation of a Dell 86-Inch Smart Screen Dell EMC: $10,000.  
   J. King

   J. King

10. Resolution Approving Economic Development Grant Agreement: Aircraft Solutions USA, Inc.: $3,000,000.  
    Koonce

11. Resolution Approving a Purchase Order: Lenoir County Admin Building: Bryan
Hydro Clean: $3,870.

New Business

12. Resolution Authorizing the Acceptance of Two (2) Bids for Lots Declared as Surplus Property by Lenoir County Tax Department. Upon a motion by Mr. Hill and a second by Mr. Best, Item No. 12 was unanimously approved.

13. Proclamation in Support of National Radon Action Month in Lenoir County, Brown NC. Upon a motion by Ms. Cummings and a second by Mr. Best, Item No. 13 was unanimously approved.

14. Resolution Authorizing a Change Order on the Contract between Lenoir County and Group III for the Pre-cast, Installation, and Repairs on 30 Steps and Knee Walls on Courthouse Renewal Project: $33,737. Upon a motion by Mr. Hill and a second by Mr. Best, Item No. 14 was unanimously approved.

Appointments

Item No. 15 was a Resolution Approving Citizens to Boards, Commissions, Etc. None at this time, therefore, no action is required.

Other Items

Item No. 16 were items from Mike James, County Manager. Mr. James stated the regular monthly Planning and Inspections and Transit reports were attached for review. Also, as mentioned in the weekly report, he would like for the Board to review the draft copy for the Board of Commissioners Policies and Procedures and Roberts Rules, which is a simple reference guide that reflects Boards operations and state statutes. Each commissioner received a Commissioners Handbook and if anyone has any ideas or information they would like included, please let him know. Mr. James stated in regards to the Board of Commissioners and Board of Education, and it is a unique idea and way to improve the relationship between both boards. A first meeting has been scheduled for Tuesday, January 14th. Mr. James will add Commissioner Harris to the working group since he is the commissioner’s liaison for the schools.

Upon a motion by Mr. Harris and a second by Mr. Best, Item No. 16 was unanimously approved for the Board of Commissioners and Board of Education “Working Group.”

Meeting Adjourned at 9:56 a.m.

Respectfully submitted,          Reviewed by,

Vickie F. King       Joey R. Bryan
Clerk to the Board      Assistant County Manager
LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
TUESDAY, JANUARY 21, 2019 – TIME: 4:00 P.M.
COMMISSIONERS’ MEETING ROOM, LENOIR COUNTY COURTHOUSE
130 S. QUEEN ST., KINSTON, N.C.

Summary of Actions Taken at the January 6, 2020, Meeting

1. Approval of December 2, 2019, Regular Meeting Minutes. Approved
2. Resolution Declaring Property as Surplus and Authorizing the Sale of Surplus Property. Approved
3. Resolution Authorizing Lenoir County Health Department to Purchase Two Pharmaceutical Refrigerators and One Blood Draw/Immunizations Chair: $10,538.29. Approved
4. Resolution Approving a Four (4) Year Lease with Dell Financial Services and Issuance of a Purchase Order for 61 Devices: $25,000. Approved
5. Resolution Approving the Execution of Purchase Orders: Dell EMC: $17,009.32, SHI $28,531.10, Cott: $2,880.00. Approved
7. Resolution Approving the Bid for Cosmetic Repairs Needed at Lenoir County Emergency Services Station EMS 1 located at 4066 Sharon Church Road: Holland’s Home Improvement: $6,644.70. Approved
8. Resolution Authorizing the Purchase and Installation of a Dell 86-Inch Smart Screen: Dell EMC: $10,000. Approved
10. Resolution Approving Economic Development Grant Agreement: Aircraft Solutions USA, Inc.: $3,000,000. Approved
11. Resolution Approving a Purchase Order: Lenoir County Admin Building: Hydro Clean: $3,870. Approved
12. Resolution Authorizing the Acceptance of Two (2) Bids for Lots Declared as Surplus Property by Lenoir County Tax Department. Approved
13. Proclamation in Support of National Radon Action Month in Lenoir County, NC. Approved

15. Board of Commissioners and Board of Education “Working Group.” Approved
INTRODUCED BY: Michael S. James, County Manager DATE: 1/21/20

RESOLUTION: Authorizing the Issuance of Blanket Purchase Order to Colony Tire: $3,082.94.

SUBJECT AREA: Purchase/Bid

ACTION REQUESTED: The is Board is requested to authorize a purchase order to Colony Tire in the amount of $3,082.94.

HISTORY/BACKGROUND: Lenoir County Solid Waste Department has a 740-Hyundai Wheel Loader used in our Transfer Station for pushing trash. The loader bucket with squeegee was in need of replacement due to wear. The replacement of these bucket guards will allow the Landfill to carry out regular routine work activities.

EVALUATION: Execution of this agreement will allow trash to continue to be pushed by the 740-Hyundai Wheel Loader.
MANAGER’S RECOMMENDATION:

Respectfully recommend approval.

__________________________
Initials

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners that the Solid Waste Department Manager or designee is authorized to execute the listed purchase order in the amount of $3,082.94 be approved.

FUNDING SOURCE: 47200-435200

AMENDMENTS:

MOVED_______________________ SECONDED_______________________

APPROVED___________________DENIED_____________ UNANIMOUS____________

YEA VOTES: Sutton_______Best________Cummings_________Daughety_________
            Harris__________Hill _________Rouse____________

__________________________
Linda Rouse Sutton, Chairman

__________________________
Date

__________________________
Attest

__________________________
Date
Colony Tire & Service

Sold To:
132 LENOIR COUNTY LANDFILL
2949 HODGES FARM RD
LA GRANGE, NC 28551

Ship To:
132 LENOIR COUNTY LANDFILL
2949 HODGES FARM RD
LA GRANGE, NC 28551

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<th>Other Phone</th>
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<th>Qty Shipped</th>
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<td>(252) 566-4194</td>
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<td>4</td>
<td>632.00</td>
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<td>2,528.00</td>
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Terms: 1ST 10TH
Entered: DD

Sub-Total Parts: 2,886.00
Non-Taxable Amount: 0.00
Taxable Amount: 2,886.00
Tax 6.750%: 194.94
Total: 3,082.94

Customer Authorization for Total

Thank you for your business!!
**LENOR COUNTY, NORTH CAROLINA**

**BUDGET AMENDMENT REQUEST**

FY FY 2019-2020

**Distribution - Finance Office:**

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<th>Line Item Transfer:</th>
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<td><strong>INCREASE</strong></td>
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<td>41810-438000 Contracted Services</td>
<td>17,282.08</td>
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**Total**  17,282.08

**Reason and Justification for Request:**
The Board approved on January 8, 2020 for the Register of Deeds three Purchase Orders. To purchase new computers, monitors, cash drawers, software, server, and warranties for printers and scanners, for searching, indexing, scanning, and recording of documents. This purchase has to be done due to Windows no longer being supported.

**Department Head Approval**

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<th>Date</th>
<th>Finance Officer Approval</th>
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<td>Pam Bih</td>
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<td>Vanda Bim</td>
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**Budget Officer Approval**

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**Board Approval (When Applicable)**

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<th>Date</th>
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Finance Office - Copy  Department - Copy  Administration - Copy
RESOLUTION: Authorizing Lenoir County Health Department to Purchase Three Electronic Exam Tables: Henry Schein: $18,324.

SUBJECT AREA: Equipment

ACTION REQUESTED: The Board is asked to grant permission to the Lenoir County Health Department to purchase three electronic exam tables for $18,324 plus any associated fees.

HISTORY/BACKGROUND: NC DHHS Division of Public Health has provided additional funding through a revision of Agreement Addendum 151—Family Planning. LCHD would like to utilize these funds to purchase three electronic exam tables at an individual cost of $6,108. These tables will replace one that is no longer functional and will allow the health department to set up additional exam rooms.

EVALUATION: The tables can be easily raised or lowered, which will contribute to patient comfort and safety of staff during physical examinations or while providing immunizations. State funding will be used for these purchases. The state has approved the use of the funding for this purpose.
MANAGER’S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Lenoir County Health Department purchase three electronic exam tables from Henry Schein is approved.

FUNDING SOURCE: 100-51500-426100

AMENDMENTS:

MOVED ___________ SECOND ___________

APPROVED _______ DENIED _______ UNANIMOUS _______

YEA VOTES: Sutton______ Best ____ Cummings_______Daughety _____

Harris _____ Hill _____ Rouse _____

____________________________

Linda Rouse Sutton, Chairman          Date

ATTEST          Date
**Contractor Budget Worksheet (OPRev121114)**

**Agreement Addenda Activity No./Name:** 151-A

**Local Health Department Name:** Lenoir County Health Department

Complete this form such that amounts for state funds are shown when entering line item detail. Add rows as needed. Enter information in yellow shaded cells only. **Do NOT enter or delete anything in blue shaded cells.** The aqua cells contain formulas that are NOT to be overridden. Be sure to complete the additional required worksheets by clicking on the word "detail".

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**Operational Expenses/Capital Outlays**

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**Equipment**

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<td>Contractor Budget Worksheet (09/11/2014)</td>
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<td><strong>Other</strong></td>
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<td><strong>Total Operational Expenses/Capital Outlays</strong></td>
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<td><strong>Subcontracting and Grants</strong></td>
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<td><strong>Indirect Cost</strong></td>
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<td><strong>Total Budgeted Expenditures</strong></td>
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LENNOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2019-2020

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<th>LINE ITEM DESCRIPTION</th>
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<td>HEALTH</td>
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Check One Box
New Appropriation: ☐
Line Item Transfer: ☐

REVENUES

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Check One Box
New Appropriation: ☐
Line Item Transfer: ☐

EXPENDITURES

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<tr>
<td>100-51500-426100</td>
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Total $18,324.00

Reason and Justification for Request:
Additional Title X funding received for Family Planning Program.

Department Head Approval
Date

Finance Officer Approval
Date: 1/15/2019

Budget Officer Approval
Date

Board Approval (When Applicable)
Date

Date of Minutes

Finance Office - Copy
Department - Copy
Administration - Copy
RESOLUTION: Approve the application for the FY-20 Rural Operating Assistance Program (ROAP) totaling $213,626.81: Elderly Disabled Transportation Assistance Program (EDTAP) $89,263.16; Employment Transportation Assistance Program (EMPL), $18,139.69; and Rural General Public (RGPT) Funding, $106,223.96.

SUBJECT AREA: Finance

ACTION REQUESTED: Approval of the FY-20 ROAP Grant application for Lenoir County in the amount of $213,626.81

HISTORY/BACKGROUND: The Rural Operating Assistance Program (ROAP) for FY-20 consolidates several grants into one grant application. ROAP funds are calculated via a formula based system for each county. Lenoir County is eligible to receive funding for three (3) grants: Elderly and Disabled Transportation Assistance Program (EDTAP), Employment Transportation Assistance Program (EMPL), and Rural General Public Transportation (RGPT). EDTAP and EMP programs are 100% state funded and require no local match; RGPT requires a minimum match of 10% local funds. An application must be submitted to the North Carolina Department of Transportation/ Public Transportation Division (NCDOT/PTD) to receive ROAP funding.

EVALUATION: ROAP funding assists in offsetting operating costs for rides for Lenoir County residents under the EDTAP, EMP and RGP programs. In FY-19 these funds allowed Lenoir County Transit to provide over 40,000 rides to the citizens of Lenoir County. The grant funds as listed by NCDOT/PTD and the recommended disbursement for each program are as follows:

<table>
<thead>
<tr>
<th>ROAP Program</th>
<th>Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDTAP</td>
<td>$89,263.16</td>
</tr>
<tr>
<td>EMPL</td>
<td>$18,139.69</td>
</tr>
<tr>
<td>RGPT</td>
<td>$106,223.96</td>
</tr>
<tr>
<td><strong>Total ROAP Funds</strong></td>
<td><strong>$213,626.81</strong></td>
</tr>
</tbody>
</table>
MANAGER RECOMMENDATION:

Respectfully Recommend Approval

INITIALS

RESOLUTION: NOW, THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Lenoir County Transportation Department is hereby authorized to apply for the North Carolina Department of Transportation FY-20 Rural Operating Assistance Program Grant in the amount of $213,626.81, be it further resolved that if the grant is awarded, the Chairman of the Board, the County Manager, or staff so designated, are authorized to execute the required documents to obtain the necessary grant funds and that the grant funds are allocated as indicated is approved.

FUNDING SOURCE: Revenue

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>220-45100-345212</td>
<td>EDTAP</td>
<td>$89,263.16</td>
</tr>
<tr>
<td>220-45100-345207</td>
<td>ROAP EMP</td>
<td>$18,139.69</td>
</tr>
<tr>
<td>220-45100-345202</td>
<td>ROAP RGP</td>
<td>$106,223.96</td>
</tr>
<tr>
<td><strong>Total ROAP Funds</strong></td>
<td></td>
<td><strong>$213,626.81</strong></td>
</tr>
</tbody>
</table>

AMENDMENTS

MOVED _______________ SECONDED____________________

APPROVED _______ DENIED _______ UNANIMOUS_________

YEA VOTES: Sutton ______ Best _______ Cummings _______ Daughety _______
          Harris _______ Hill _______ Rouse _______

______________________________________________  01/21/2020
Linda Rouse Sutton, Chairman                    Date

______________________________________________  01/21/2020
ATTEST                                        Date
MEMORANDUM

TO: County Managers & Finance Directors
   North Carolina Transportation Partners

FROM: Hanna Cockburn, AICP
       Director, Integrated Mobility Division

DATE: December 19, 2019

SUBJECT: Rural Operating Assistance Program (ROAP) Clarification

On December 9th the Integrated Mobility Division (IMD) posted the FY2020 ROAP application package and sent notification e-mail out to county finance officers, county managers and transit system directors regarding the application package and funding amounts. We have received additional guidance from NCDOT Finance on the program funding requirements.

Clarification for FY2020 ROAP Program
This memorandum provides two clarifications for the ROAP program – 1) funding allocation and 2) use of funds, particularly Elderly and Disabled (EDTAP) funds.

1) The funding formulas used to determine the FY2020 ROAP allocations are the same formulas which have been used previously and are described in the ROAP Program Administration Guide. The fund amounts are distributed across all three programs. The associated trip purpose requirements remain the same for each program.

2) The EDTAP program allocations are restricted for use for qualified riders as described in G.S. 136-44.27. All remaining ROAP allocations may be used across all three programs as described in Session Law 2011-145 Section 28.20. The ROAP Administration Program Guide has been updated to include this clarification and can be found on the website.

If you have any questions, please contact your Mobility Development Specialist or Carolyn Freitag at 919-707-4677 or cmfreitag@ncdot.gov.

CC: Tammy Montanez, Deputy Director
   Mobility Development Specialists
North Carolina
Department of Transportation

Program Administration Guide
Rural Operating Assistance Program (ROAP)

North Carolina Department of Transportation
Integrated Mobility Division (IMD)
1 South Wilmington Street 1550 Mail
Service Center Raleigh, NC 27699-1550

This document supersedes and replaces all prior Rural Operating Assistance Program Administration Guides (previously referred to as ROAP State Management Plan) effective July 2017.
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Definitions

Administrative Expenses: An amount not directly tied to a specific function but related to the organization as a whole.

Capital Expenses: An amount spent to acquire or improve a long-term asset such as equipment or buildings.

Disabled person: One who has a physical or mental impairment that substantially limits one or more major life activities, an individual who has a record of such impairment, or an individual who is regarded as having such impairment. For the purposes of ROAP, certification of eligibility will be the responsibility of the county or their designee.

Large Urbanized Areas: An urbanized area (UZA) with a population of 200,000 or more individuals, as determined by the Bureau of the Census.

Memorandum of Understanding (MOU): A formal agreement between two or more parties to establish official partnerships.

Mobility Development Specialist (MDS): IMD employees responsible for providing technical assistance, grant oversight, planning, administrative and operations assistance to public transportation systems in rural and urban areas.

Net Project Cost: The part of a project that reasonably cannot be financed from operating revenues (i.e.: farebox recovery)

Operating Expenses: Those costs necessary to operate, maintain, and manage a public transportation system. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year.

Public Transportation: Mass transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

Recipient: An entity that receives funding directly from the State.
**Rural Area:** An area encompassing a population of fewer than 50,000 people that has not been designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.

**Seniors:** An individual who is 60 years of age or older

**Small Urbanized Areas:** A UZA with a population of at least 50,000 but less than 200,000, as determined by the Bureau of the Census.

**Urbanized Area (UZA):** An area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an urbanized area by the Secretary of Commerce.
Program Overview

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

⚠️ Elderly and Disabled Transportation Assistance Program (EDTAP)

✓ **Purpose:** Provides operating assistance for the transportation of the state’s elderly and disabled citizens
✓ **Legislated:** Yes
  - Originally enacted by legislation in the 1989 Session of the North Carolina General Assembly (Article 2B, 136-44.27)
✓ **Formula:**
  - 50% divided equally among all counties;
  - 22 ½ % based on the number of senior residents per county as a percentage of the state’s total senior population;
  - 22 ½ % based on the number of disabled residents per county as a percentage of the state’s total disabled population; and
  - 5% based on a population density factor that recognizes the higher transportation costs in rural, sparsely populated counties
✓ **Funds up to 100% of the cost of service**

⚠️ Employment and Transportation Assistance Program (EMPL)

✓ **Purpose:**
  - Intended to help DSS clients that:
    ➢ Transitioned off Work First or Temporary Assistance for Needy Families (TANF) in the previous 12 months; or
    ➢ Workforce Development Program participants; or
  - Intended to help the transportation of disadvantaged public; and/or
  - Intended to help the general public to travel to work, employment training and/or other employment related destinations
✓ **Legislated:** No
✓ **Formula:**
  - 10% divided equally among all counties;
  - 45% based on the population* of each county as a percentage of the total state population; and
  - 45% based on the number of unemployed individuals in the labor force as a percentage of the number of unemployed individuals in the labor force in the state, in January, prior to application distribution
✓ **Funds up to 100% of the cost of service**

* Population includes the total population living within a county.
Rural General Public Program (RGP)

- **PURPOSES:** Intended to provide transportation services for individuals from the county who do NOT have a human service agency or organization that will pay for the transportation service.
  - The passenger’s origin or destination must be in the rural area
  - RGP trips can be coordinated on vehicles with other human services trips.
- **Legislated:** No
- **Formula:**
  - 50% divided equally among all eligible counties; and
  - 50% based upon the rural population of each county as a percentage of the total state rural population. *Excludes the population of the urbanized area as defined by the 2010 Census (See Appendix B for the 2010 Census urban and rural population data)*
  - Based on the RGP formula, services provided with these funds CANNOT be used to transport individuals whose origin AND destination is within or between the urbanized area(s), as defined by the Federal Transit Administration and the 2010 Census
- **Funds up to 90% of the cost of service**

**Program Requirements**

Connecting Communities Plans (previously referred to as Transportation Service Plans)

Funds distributed by IMD under the ROAP program shall be used in a manner consistent with the county’s Coordinated Public Transit – Human Service Transportation Plan, the public transit system’s Connecting Communities Plans or its equivalent, and any other transportation development plan in place in the county.

**Americans with Disabilities Act of 1990 (ADA)**

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility. The passenger trips and transportation services provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of race, color, national origin, creed, sex or age. Sub-recipients should have procedures for investigating, tracking and documenting complaints. (See 49 CFR Parts 28 and 37)
**Eligible Use of Funds**

The FY2020 ROAP funds will be distributed in the Rural General Public category, however counties have the flexibility to use the funds as needed to meet individual county needs. ROAP funds are to be used for the eligible expenses listed in Appendix A of this document. A county which uses any ROAP funds for non-public transportation trips will not receive further disbursements of ROAP funding until the amounts of ROAP funds misspent has been repaid. ROAP funds spent will be accounted for by program on the bi-annual ROAP report form.

**Disbursement of Funds**

ROAP funds shall be disbursed among the counties in lump-sum payments in the RGP program. Counties will have the flexibility to use the ROAP funds as needed to meet their needs and to sub-allocate to other agencies and programs as needed. The funds take on the criteria of the program for which they are being used by each trip. Milestone reports will be due bi-annually on February 28th and July 31st, accounting for the use of the ROAP funds and calculates any unspent funds.

**NOTE:** All unspent ROAP funds must be repaid to NC DOT before FY2020 funds will be disbursed.

**NOTE:** The total amount of ROAP funds each year will be made up of the amount appropriated to the DOT by the legislature for the ROAP program plus any returned, unspent funds from the prior year. The actual amount of ROAP funds allocated from year to year can change.

- All North Carolina counties are eligible to receive a formula-based disbursement of ROAP funds.
- ROAP funds are to be used towards the cost to provide trips (operating expenses) when other funding is not available. **ROAP funds are NOT for administrative or capital expenses.**
- All eligible ROAP recipients must submit an annual application, Financial Plan and proposed budget, certifying funds will be spent on eligible activities, prior to receiving a ROAP disbursement.
- ROAP funds will be disbursed by IMD to the county or to a regional public transportation authority, created pursuant to Article 25 or Article 26 of Chapter 160A of the North Carolina General Statutes (N.C.G.S), where a written agreement exists with the municipalities or counties served. ROAP funds will NOT be disbursed to any sub-recipients selected by the county or authority. The County Finance Officer or the Executive Director of an eligible authority will be responsible for program administration at the local level. This responsibility shall NOT be delegated to any designee.
- Counties must know if any part of the county is in an urbanized area.
ROAP funds are to be used for the eligible expenses listed in Appendix A of this document. Funds are only to be used for eligible activities and not general or medical transportation.

A county which uses any ROAP funds for non-public transportation trips will be required to repay all misspent ROAP funds before additional funds will be disbursed.

The disbursements for each ROAP program are listed, by county, in the application package. The methodology for calculating these allocations is described in the Program Overview section. Unspent funds at the end of the period of performance will be invoiced by NCDOT's fiscal office and repayment is expected in 30 days or a penalty will be assessed. The General Assembly must have an approved and certified state budget prior to ROAP funds being disbursed. The period of performance is July 1 to June 30 regardless of the date(s) the ROAP funds are disbursed to eligible recipients. Allowable expenses incurred from July 1 for each program are eligible for reimbursement.

Interest earned on the funds will be retained by the transportation program and must be used for transportation related expenses according to program guidelines.

It is the responsibility of the eligible ROAP recipients to distribute the funds to the community transit system and/or local agencies and organizations as allowed within the program guidelines. Each county must have and employ a documented methodology for distributing ROAP funds and accounting for the trips provided by sub-recipient.

There is a Community Transportation System, operating in most counties, receiving federal and state administrative and capital funds to coordinate public transportation services with human service transportation in the county. These transit systems need operating funds in order to provide affordable transportation for the elderly, disabled and low income persons in the county that are not receiving transportation benefits from a human service agency or organization. The Community Transportation System is an eligible sub-recipient of all ROAP funds. The county should take into consideration the need for and importance of the public transportation services provided by the Community Transportation System when determining the distribution of ROAP funds.

Sub-allocation and Control of Funds

The county or eligible authority may choose to maintain control of the ROAP funds and reimburse sub-recipients for trip-based services after they have been provided. Or, the county or eligible authority may disburse the ROAP funds to the sub-recipients prior to trips being provided, assuming the county or authority plans to monitor throughout the period of performance whether the trips and transportation services are being provided to eligible individuals and whether all expenditures are allowable.
If the county or eligible authority decides to distribute ROAP funds to any county governmental department, the county should have the ability to account for these funds within the county’s or authority’s accounting system. If the county or authority passes through any ROAP funds to agencies or organizations, the county or authority should have a written agreement with them that addresses the proper use and accountability for these funds. See Appendix A for a listing of eligible activities for each program.

✓ EDTAP funds may be sub-allocated to any government agency or 501(c)(3) non-profit organization that provides services to individuals with transportation needs. The county should take into consideration the need for and importance of the PUBLIC transportation services provided by the Community Transit System when determining the sub-allocation of the EDTAP funds. If the EDTAP funds are sub-allocated to other agencies besides the Community Transportation System, these other agencies are encouraged to coordinate EDTAP-funded transportation trips with the local Community Transportation System.

✓ EMPL funds may be sub-allocated, by the county or eligible authority, to any government agency or 501(c)(3) non-profit organization that provides services to individuals with employment related transportation needs. If none of the Employment Transportation Assistance funds are sub-allocated to the Community Transportation System, sub-recipients are encouraged to coordinate EMPL-funded trips with the Community Transportation System.

✓ RGP funds must be sub-allocated by the county to the Community Transportation System. RGP funds must be used to provide transportation services to individuals who are not eligible for the same transportation services funded by any other means.

Financial Management, Monitoring & Evaluation

The basic grant/funds management requirements in N.C.G.S. 159, Local Government Finance, and in the Policies Manual for Local Governments apply to ROAP funds. The cost principles of OMB Circular 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards also apply to ROAP funds. Additionally, funds must be expended according to the program guidelines in the grant application for eligible program expenses identified.

ROAP services should be routinely monitored by the County Finance Officer or the authority’s Executive Director to verify that funds are being spent on allowable expenditures, that the eligibility of service recipients is being properly documented, and that sub-allocated funds will be expended by the end of the period of performance, June 30th. The program should also be routinely evaluated to determine whether they are meeting program objectives.
Transferring Funds between Counties in a Regional Transportation System

ROAP funds may be transferred between and/or among member counties of a regional transportation system if the county commissioners agree to the transfer. The bi-annual milestone ROAP Report includes a Regional Transfer of Funds section and a Regional Receipt of Funds section to document any transfer or receipt of ROAP funds between and/or among member counties of the regional transportation system. The regional transportation systems that are eligible for this additional flexibility are:

- Albemarle Regional Health Services (Inter-County Public Transportation Authority)
- Choanoke Public Transportation Authority
- City of Rocky Mount (Tar River Transit)
- Craven County (Craven Area Rural Transit System)
- Kerr Area Transportation Authority
- Randolph County Senior Adults Association, Inc. (Randolph County Regional Coordinated Area Transit System)
- Western Piedmont Regional Transit Authority
- Yadkin Valley Economic Development District, Inc. (Yadkin Valley Public Transportation)

Session Law 2011-207, House Bill 229 does permit regional public transportation authorities created under Article 25 or Article 26 of Chapter 160A of the General Statutes, upon written agreement with the municipalities served by a public transportation authority or counties served by the regional public transportation authority, to apply for and receive any funds to which the member municipality or counties are entitled to receive based on the distribution formula set out in subsection (d) of this section.

Transferring Funds to Match Other Grant Programs

Sub-recipients of ROAP funds are allowed to use their ROAP sub-allocation to leverage more funds by applying for other transportation grants administered by IMD. ROAP funds may ONLY be used as the local match for the following federal grant programs:

- Section 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities Program
  - ROAP can only be used to match 5310 operating
- Section 5311 – Rural Area Formula Program
  - Where operating or purchase of service is an eligible activity
- Other funds as pre-approved in the application by the assigned MDS

A Call for Applications for these grants and the application documents are posted once a year on IMD's website.
Transferring Funds between Sub-recipients

ROAP funds may be transferred from one sub-recipient to another within the county without IMD’s approval.

Bi-Annual Milestone Reporting

Two (2) milestone ROAP Reports will be required per grant cycle on the following schedule:

- February 28th
- July 31st* (annual report)

The county will be required to report trip and expense data associated with the EDTAP, EMPL, and RGP separately. The county may find it useful for agencies that have been sub-allocated ROAP funds to provide monthly reports of the expenditure of funds and number of trips provided. The milestone ROAP report form can be found on the Integrated Mobility Division website. Completed reports will be returned to IMD or its designee using the Drop Box in IMD’s web-enabled grant system, Enterprise Business Services (EBS). Failure to submit ROAP reports when due could result in forfeiture of future ROAP disbursements. Supporting documentation for the trips provided are required when submitting the bi-annual reports.

The County Finance Officer must certify and sign the annual ROAP report as it identifies the amount of unexpended funds to be invoiced from NCDOT’s fiscal office prior to the following year’s ROAP allocation. Close monitoring by the County Finance Officer or the authority’s Executive Director is required in order to ensure appropriate and maximum utilization of all program funds. It is the responsibility of the County Finance Officer to:

- Record the receipt of ROAP grant funds in a manner that will disclose the source and the purpose/program to which the funds belong, together with evidence of deposit in a financial institution;
- Ensure that ROAP funds and any interest earned on the funds are expended for eligible program expenses, that services are provided to eligible individuals, and that written documentation that supports the expenditures is maintained for at least five years;
- Advise any sub-recipients of the source of the funds, specific program requirements, eligible program expenses and reporting requirements;
- Ensure RGP trips have either the origin or destination in the specified rural area of the county;
- Include ROAP funds received and expended in its annual independent audit on the Schedule of Expenditures of Federal and State Awards and identify any of the funds passed through to other agencies;
- Complete and submit the bi-annual ROAP reports.
Program Auditing and Documentation

IMD is responsible for providing sufficient program monitoring and oversight to ensure that the state funds are used for the intended purpose. IMD will rely on the bi-annual ROAP reporting information that identifies the number of passenger trips and expenditures by program. NCDOT's External Audit Branch compares information in these reports to the ROAP expenses reported in the counties annual independent audit report.

NCDOT's External Audit Branch may do on-site audits of ROAP expenditures. This requires meeting with the County Finance Officer or the authority's Executive Director to obtain documentation of costs reported to IMD in the bi-annual ROAP reporting forms. Common areas of deficiency include inadequate documentation of passenger eligibility and trips. The EDTAP program serves specific populations and without documentation of eligibility, i.e. passenger is elderly and/or disabled, the auditor cannot determine if the rider met the program eligibility criteria that would allow the trip to be charged to the program. In addition, documentation of trips reported to IMD must be retained for at least five years following submittal of final ROAP reports. The inability to document trips with driver manifests, staff mileage logs, gasoline receipts, or any invoices associated with costs charged to the program will be considered ineligible expenses. The county or the authority will be invoiced for any undocumented costs.

Services throughout the Period of Performance

The ROAP funds should be managed so that services can be continuously provided during the entire twelve (12) months of the grant cycle. It may be necessary to restrict ROAP services to make the funds last. The FY19 ROAP program ended the fiscal year with a surplus of unspent funds which were returned and are incorporated into the FY20 ROAP allocation. This resulted in counties receiving a larger allocation of funds than in previous years. No additional ROAP funds will be available from the state. The county or eligible authority should budget local funding to avoid discontinuation of any ROAP funded service. The county must notify the assigned MDS, in writing, if any ROAP funded service is discontinued because all the funds were exhausted prior to the end of the period of performance.

Contracted Services

If any ROAP funds are sub-allocated to agencies or organizations other than the Community Transportation System, these other agencies or organizations are encouraged to coordinate ROAP funded transportation trips with the local, federally-funded Community Transportation System in the county. The Community Transportation Systems have insurance, vehicle maintenance, and driver training and safety standards mandated by the FTA.

Sub-recipients are permitted to use ROAP funds to contract with private transportation providers. Sub-recipients who choose to contract services must follow all state and federal procurement guidelines when selecting a contractor. Sub-recipients should inspect the safety record, service policies and vehicle condition of any private provider being considered. Private providers shall be required to provide documentation that a service was provided on the date billed, by whatever conveyance at the specified cost.
Application Process

An eligible recipient has the option of applying for any amount of funding up to the maximum amount allocated. Each applicant should carefully evaluate past program expenditures and other costs to determine the amount to apply for within each program. Total funds should be managed so that services can be continued for the entire 12 months.

The application documents will be posted at the NCDOT Web site and in the Documents Library at https://connect.ncdot.gov/business/Transit/Documents/Forms/AllItems.aspx. County Managers, County Finance Officers, the Rural Planning Organizations (RPO) and Transit Directors will be notified by e-mail when the application is available. The application materials are designed to enable IMD staff to better understand the services to be provided and ensure that funds are utilized as intended. Failure to complete any portion of the application may result in processing delays. The recipient should contact the Mobility Development Specialist assigned to the county if there are questions about the application.

The Application will be submitted using EBS in IMD’s web-enabled grant system. Electronic copies of the application documents for ROAP funds must be submitted to IMD on or before the deadline. A checklist will be provided in the application documents.

Public Outreach and Involvement

The recipient should determine what the transportation needs of agencies and individuals are in the county before completing the application. It is important that eligible local agencies and interested citizens have the opportunity to participate in the sub-allocation decision. A public hearing is not required to apply. This does not prevent the county commissioners or eligible authority boards from inviting the public to request a public hearing, holding a public hearing and/or receiving support for the application during a meeting if it is required by local policy or protocol.

Certifications and Assurances

The County Manager and the County Finance Officer are required to sign a certified statement that describes the roles and responsibilities associated with the application for and acceptance of ROAP funds and guarantees that certain actions will be taken at the county level to properly administer the program. The Certified Statement must be signed, sealed with the county seal and accompany the application in order for ROAP funds to be disbursed. Eligible authorities will submit a copy of the Memorandum of Understanding (MOU) executed with each municipality in their service area with their application.
Cost of Service

Departments, agencies and/or organizations using ROAP funds to provide services shall determine a billing/reimbursement rate by mile, hour or trip that is based on the fully allocated cost of the service. The fully allocated cost of providing a trip should include both direct costs and shared (indirect) costs.

For the application, the applicant must calculate the average cost of a trip based on the projected number of trips. The average cost of a trip will be the sub-allocation amount divided by the proposed number of trips to be provided. These costs will be compared to the average cost of the trips in other counties to determine whether the cost of the proposed services is reasonable.

Application Review and Follow-up

The MDS will review the documents in the application for accuracy and completeness. The MDS will determine if the recipient is prepared to manage the ROAP funds and whether the services and/or activities are eligible and allowable. The MDS will follow-up, as needed, if more detail is required or where there are doubts that the recipient’s plans for use of the funds do not provide for improved services for the targeted populations. The Assistant Directors will review and approve the MDS recommendations.

Local Match/Local Funding Requirements

A local match is NOT required for EDTAP and EMPL trips; funding may be used to provide up to one hundred percent (100%) of the fully allocated cost to provide a trip.

A local match IS required for RGP trips; funding may be used to provide up to ninety percent (90%) of the fully allocated cost to provide a general public trip. A minimum of ten percent (10%) must be provided from fares, local funds or a combination of the two. Fares and/or local funds collected in excess of the minimum 10% RGP local match requirement must be used to provide additional service. The excess funds CANNOT be used to fund administrative and capital needs. IMD encourages Community Transportation Systems to keep fares reasonable to encourage ridership. The 10% local match requirement is based on the actual cost of providing RGP funded trips or other services, not the amount disbursed by IMD.
The following examples are provided to help recipients understand the local match requirement.

**Example #1**
Trip miles = 10 miles
Cost/mile (based on fully allocated cost) = $1.23/mile
10 miles X $1.23/mile = $12.30 cost of trip

RGP funding = 90% (.90)
$12.30 X 0.90 = $11.07 RGP funding

Local match minimum requirement = 10%
$12.30 X 0.10 = $1.23 fares and/or local funding

**Example #2**
Total annual RGP miles = 15,431
Cost/mile = $1.23
15,431 X $1.23 = $18,980.13 RGP cost of service

RGP funding = 90% (.90)
$18,980.13 X 0.90 = $17,082.12 RGP funding

Local match minimum requirement = 10%
$18,980.13 X 0.10 = $1,898.01 fares and/or local funding

**Eligible Expenses and Activities**
See the Eligible Transportation Expenses Matrix in Appendix A for examples of allowable trip purposes that can be provided under these programs. This matrix must be shared with any agency that receives a sub-allocation of ROAP funds to ensure that funds are expended according to program guidelines. A county which uses any ROAP funds for an ineligible activity will be required to repay the amount misspent before additional ROAP funds will be disbursed. In addition, Community Transportation systems that use ROAP funds to provide trip services must also comply with the regulations of the FTA Section 5311 Program.
### Appendix A – Eligible Transportation Expense Matrix

Services must be provided to a person that meets the eligibility criteria.

Trip Based Services - Trips may be provided by car/vanpool, taxi, public transit vehicle, private transit vehicle, agency vehicle, or mileage reimbursement to a volunteer. The most cost-effective option should be chosen. Public/Private transportation providers shall be reimbursed based on the fully allocated cost per mile, per hour, or per passenger trip. Volunteers can be reimbursed for mileage only. If a human service agency uses an agency vehicle to provide the trip, the agency must include the fully allocated cost of a trip in their reimbursement request including fuel, staff time and benefits, depreciation, vehicle insurance and licensing. RGP trips can be coordinated on vehicles with human services trips as space and destination allow.

<table>
<thead>
<tr>
<th>Trip Purpose</th>
<th>EDTAP</th>
<th>EMPL</th>
<th>RGP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal care, non-emergency medical appointments, pharmacy pickup, shopping, bill paying, public hearings, committee meetings, classes, banking, etc.</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Job interviews, job fair attendance, job readiness activities or training, GED classes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Transportation to Workplace (trip must be scheduled by the individual passenger)</td>
<td>Yes</td>
<td>Yes</td>
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<td>Child(ren) of Working Parent transported to Child Care</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<td>Group field trips/tours to community special events</td>
<td>Yes</td>
<td>No</td>
<td>*</td>
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<tr>
<td>Overnight trips to out-of-county destinations</td>
<td>Yes</td>
<td>No</td>
<td>*</td>
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<tr>
<td>Human Service Agency appointments</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Purchase of service</td>
<td>No</td>
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<td>Human Service Agency purchase of passes, tickets or tokens from the Community Transportation System for the agency's program needs or their client's needs.</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</table>
* Must be provided under the provisions of the federal Charter regulations which can be viewed at https://www.transit.dot.gov/regulations-and-guidance/access/charter-bus-service/charter-bus-service

IMPORTANT

Recipients will NOT be allowed to use ROAP funds for “other” services including fuel assistance (gas vouchers, gas cards, reimbursement to fuel provider), vehicle repairs or vehicle insurance premiums.

The fully allocated cost to provide a trip, which has traditionally been eligible for the EDTAP, EMPL and RGP programs will continue to be eligible.
## Appendix B
2010 Census Data – Urban Population by County

<table>
<thead>
<tr>
<th>County</th>
<th>Population</th>
<th>Urban Area Population</th>
<th>%Pop in Urban Area</th>
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</thead>
<tbody>
<tr>
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<td>151,131</td>
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<td>Avery</td>
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</tr>
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Application for Transportation Operating Assistance

FY2020 Rural Operating Assistance Program (ROAP) Funds

<table>
<thead>
<tr>
<th>Name of Applicant (County)</th>
<th>Lenoir County</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Manager</td>
<td>Michael James</td>
</tr>
<tr>
<td>County Manager's Email Address</td>
<td><a href="mailto:mjames@co.lenoir.nc.us">mjames@co.lenoir.nc.us</a></td>
</tr>
<tr>
<td>County Finance Officer</td>
<td>Sandra Barss</td>
</tr>
<tr>
<td>CFO's Email Address</td>
<td><a href="mailto:sbarss@co.lenoir.nc.us">sbarss@co.lenoir.nc.us</a></td>
</tr>
<tr>
<td>CFO's Phone Number</td>
<td>252-559-6460</td>
</tr>
<tr>
<td>Person Completing this Application</td>
<td>Shawn J. Howard</td>
</tr>
<tr>
<td>Person's Job Title</td>
<td>Operations Manager</td>
</tr>
<tr>
<td>Person's Email Address</td>
<td><a href="mailto:sjhoward@co.lenoir.nc.us">sjhoward@co.lenoir.nc.us</a></td>
</tr>
<tr>
<td>Person's Phone Number</td>
<td>252-559-6457 ext. 7270</td>
</tr>
<tr>
<td>Community Transportation System</td>
<td>Lenoir County Transit</td>
</tr>
<tr>
<td>Name of Transit Contact Person</td>
<td>Shawn Howard</td>
</tr>
<tr>
<td>Transit Contact Person's Email Address</td>
<td><a href="mailto:sjhoward@co.lenoir.nc.us">sjhoward@co.lenoir.nc.us</a></td>
</tr>
</tbody>
</table>

Application Completed by: [Signature] Date: 10/30/2019

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

I certify and understand that the county will be invoiced by NC DOT for any unspent funds at the end of the period of performance and that funds for the next fiscal year will not be disbursed until re-payment has been made.

County Manager: [Signature] Date: ________________

County Finance Officer: [Signature] Date: ________________

Revised December 2019
### Transportation Needs and Public Involvement in Funding Decisions

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>A. Did the county ask the Community Transportation Advisory Board (TAB), which is affiliated with the Community Transportation System, to recommend how the ROAP funds should be sub-allocated?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>B. Were outreach efforts conducted to inform agencies about the availability of ROAP funds and to discuss transportation needs BEFORE the county decided how to sub-allocate the ROAP funds?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>C. Is the method used to sub-allocate the ROAP funds fair and equitable? Open and transparent?</td>
<td>Yes</td>
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### Financial Management of ROAP Funds

<table>
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<th>Yes</th>
<th>No</th>
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<tr>
<td>D. Does the county pass through any ROAP funds to agencies or organizations that are not county governmental departments or agencies?</td>
<td>No</td>
<td></td>
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<tr>
<td>E. If yes, does the county have a written agreement with these agencies that addresses the proper use, return and accountability of these funds? <em>(Include a sample agreement with application)</em></td>
<td></td>
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</tr>
<tr>
<td>F. Do any of the organizations or departments receiving ROAP funds plan to use private transit contractors to provide the ROAP funded trips? <em>(Their procurement practices will need to meet all federal and state requirements for procurement of professional services.)</em></td>
<td>No</td>
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<tr>
<td>G. Are ROAP funds deposited in an interest-bearing account?</td>
<td>Yes</td>
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<tr>
<td>H. Does the county provide local funds for transportation operating assistance to any of the ROAP sub-recipients in addition to the state ROAP funds?</td>
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### Monitoring and Oversight Responsibilities

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<th>Question</th>
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<th>No</th>
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<tr>
<td>I. Subrecipients of ROAP funds are required to provide sufficiently detailed progress reports and statistical data about trips provided and rider eligibility with ROAP funds. How frequently are these provided to the county? In what format? The County must be prepared to provide documentation that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance, at a specific cost. What form of documentation is collected? Daily deposits and monthly reporting derived from statistical data stored in the County Transportation Logistical Management System, CTS.</td>
<td>Yes</td>
<td></td>
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<tr>
<td>J. Does the county require the subrecipients of ROAP funds to use the coordinated transportation services of the federally funded Community Transportation System operating in the county?</td>
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<table>
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<td>K. Will any of the subrecipients use their ROAP sub-allocation as matching funds for any of the following programs? <em>(Matching funds for operating assistance or purchase of service only.)</em></td>
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<td>5310 - Elderly Individuals and Individuals with Disabilities Program</td>
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<td>5311 - Non-urbanized Area Formula Program</td>
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</tr>
<tr>
<td>5316 - Job Access and Reverse Commute Program (JARC)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>5317 - New Freedom Program</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

### Miscellaneous

<table>
<thead>
<tr>
<th>Question</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>L. Will any of the subrecipients charge a fare for a ROAP funded trip?</td>
<td>Yes, $3.00 for EDTAP trips. $5.00 for EMPL trips.</td>
</tr>
<tr>
<td>M. Describe the eligibility criteria to be used in this county to determine who will be provided ROAP funded trips. What documents are used to determine eligibility? Supporting documents on letterhead from governmental agency stating disability and/or medical confirmation of medical need for relevant transportation with governmental ID.</td>
<td></td>
</tr>
<tr>
<td>N. Since the subrecipient can only use RGP funds to pay for 90% of the cost of a trip, will the Community Transportation System use fare revenue to generate the local 10% match requirement for RGP funds?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Revised December 2019*
CERTIFIED STATEMENT
FY2020
RURAL OPERATING ASSISTANCE PROGRAM
County of Lenoir

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

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

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

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

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

WHEREAS, the period of performance for these funds will be July 1, 2019 to June 30, 2020 regardless of the date on which ROAP funds are disbursed to the county.

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

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county’s sub-allocation decision have been documented.

- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.

- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips for at least five years that prove that an eligible citizen was provided an eligible transportation service on the billed date, by whatever conveyance at the specified cost.

- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state and federal guidelines.

- The county will conduct regular evaluations of ROAP funded passenger trips provided throughout the period of performance.

Revised 12-6-19
• The county will only use the ROAP funds to provide trips when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.

• The county assures that the required matching funds for the FY2020 ROAP can be generated from fares and/or provided from local funds.

• The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.

• The county will provide an accounting of trips and expenditures in bi-annual milestone reports to NCDOT – Integrated Mobility Division or its designee. Back-up documentation is required to support the bi-annual and annual reports, failure to provide documentation will affect future disbursements.

• Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

• The county is applying for the following amount of FY2020 Rural Operating Assistance Program funds:

<table>
<thead>
<tr>
<th>State-Funded Rural Operating Assistance Program</th>
<th>Allocated</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural General Public Program (RGP)</td>
<td>$106,223.96</td>
<td>$106,223.96</td>
</tr>
<tr>
<td>Elderly Disabled Transportation Assistance Program (EDTAP)</td>
<td>$89,263.16</td>
<td>$89,263.16</td>
</tr>
<tr>
<td>Employment Transportation Assistance Program (EMPL)</td>
<td>$18,139.69</td>
<td>$18,139.69</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$213,626.81</td>
<td>$213,626.81</td>
</tr>
</tbody>
</table>

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

________________________________________________________
Signature of County Manager/Administrator

________________________________________________________
Signature of County Finance Officer

________________________________________________________
Printed Name of County Manager/Administrator

________________________________________________________
Printed Name of County Finance Officer

State of North Carolina County of Lenoir

County Seal Here

Revised 12-6-19
RULES OF PROCEDURE

LENOIR COUNTY, NORTH CAROLINA
BOARD OF COMMISSIONERS

I.  Applicability

Rule 1. Applicability of Rules. These rules apply to all meetings of the Board of Commissioners of Lenoir County, North Carolina at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II.  Open Meetings

Rule 2. Open Meeting.

(a) The public policy of North Carolina and of Lenoir County is that the hearing, deliberations, and actions of this board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Lenoir County Board of Commissioners shall be open to the public, and any person may attend.

(c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the Board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Board.

However, a social meeting or other informal assembly or gathering together of the members of the Board does not constitute an official meeting unless called to evade the spirit and purposes of this Article.

Rule 3. Closed Sessions

(a) Notwithstanding the provisions of Rule 2, the Board may hold a closed session and exclude the public only when a closed session is required:

1. To prevent the disclosure of information that is privileged or confidential to the law of North Carolina or of the United States, or not considered a public record within the meaning of Chapter 132 of the North Carolina General Statutes;

2. To prevent the premature disclosure of an honorary degree, scholarship, prize or similar award;
3. To consult with an attorney employed or retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board. General policy matters may not be discussed in a closed session and the Board may not close a meeting that otherwise would be open merely because an attorney employed or retained by the Board is a participant. The Board may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, or administrative procedure. If the Board has approved or considered a settlement in closed session, the terms of that settlement shall be reported to the Board and entered into the 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;

5. To establish, or to instruct the Board’s staff or negotiating agents concerning the position to be taken by or on behalf of the Board 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 perspective 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 issues may not be considered in closed session. The Board may not consider the qualifications, competence, performance, character, fitness, appointment or removal of a member of the Board or another body and may not consider or fill the vacancy among its own membership except in an open meeting. Final action by the Board making an 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.

(b) The Board may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this sections shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the Board expects to receive advice during the closed session.

Unless a motion to go into closed session provides otherwise, the County Manager, County Attorney, and client to the Board shall attend the closed session. No other person shall attend the closed session unless invited by the Board.
III. Organization of the Board

Rule 4. Organization Meeting

On the first Monday in December following a general election in which County officers are elected, the Board shall meet at the regular meeting time and place. The County Attorney shall call the meeting to order and shall preside until a Chair or a Vice-Chair are elected. If they have not already been sworn in and inducted into office, the newly elected members of the Board shall take and subscribe the oath of office as the first order of business. As the second order of business, the Board shall elect a Chair and a Vice-Chair from its members.

Rule 5. Election of the Chair

The Chair and Vice-Chair of the Board shall be elected annually for a term of one year and shall not be removed from the office of Chair unless he or she becomes disqualified to serve as a Board member. The Vice-Chair shall act in the absence or disability of the Chair. If the Chair and Vice-Chair are both absent from a meeting of the Board, the members present may choose a temporary Chair.

IV. Regular and Special Meetings

Rule 6. Regular Meetings

Regular Meetings

This Board shall hold a regular meeting on the first and third Monday of each month. If a regular meeting day is a holiday on which County offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held at the Commissioners Boardroom on the 1st floor of the Lenoir County Courthouse and shall begin at 9:00 a.m. on the first Monday and begin at 4:00 p.m. on the third Monday. The Board may change the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the Clerk to the Board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the Board. The Board may adjourn a regular meeting for day to day or to another day certain until business before the Board is completed.

Special Meetings

The Chair or a majority of the members of the Board may at any time call a special meeting of the Board of Commissioners by signing a written notice stating the time and place of the meeting and the subjects to be considered. The person or persons calling the meeting shall cause a notice to be delivered to the Chair and each other member of the Board or left at the usual dwelling place of each at least forty-eight (48) hours before the meeting and shall cause a copy of the
notice to be posted on the Courthouse bulletin board at least forty-eight (48) hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting.

Emergency Meetings

If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations having requested notice of special meetings as provided in subsection “Sunshine List” below, shall be notified of such emergency meetings by the same method used to notify Board members. Only business conducted with the emergency may be discussed at the meeting.

Work Session and Committee Meetings

The Board may schedule work sessions, committee meetings, or other informal meetings of the Board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the Board. A schedule of any such regular meetings shall be filed in the same place and manner as the schedule of regular meetings. Work session and information official meetings not held regularly are subject to the same notice of requirements as special Board meetings.

Sunshine List

Any individual and any newspaper, wire service, radio station and television station may file a written request with the Clerk to the Board of Commissioners for notice of all special meetings of the Board.

Rule 7. All Meetings Within the County

All meetings shall be held within the Boundaries of Lenoir County except as otherwise provided herein:

(a) A joint meeting with the governing Board of any other political subdivision of this or any other state may be held within the Boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this Board reserves the right to vote separately on all matters coming before the joint meeting.

(b) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of this County to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of the meeting.
(c) A retreat forum, or similar gathering held solely for the purpose of providing members of the Board with general information, relating to the performance of their public duties; provided, however, that members of the Board of Commissioners shall not vote upon or otherwise transact public business while in attendance at such a gathering.

(d) A convention, association meeting or similar gathering; provided, however, that any such meeting be held solely to discuss or deliberate the Board’s position concerning convention resolutions, elections of association officers and similar issues that are not legally binding upon the Board of Commissioners or its constituents.

Rule 8. Broadcasting and Recording of Meeting

(a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official Board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise produce any part of a meeting required to be open.

(b) Any radio or television station wishing to broadcast any portion of an official Board meeting is requested to notify the County Manager no later than seventy-two (72) hours before the meeting. If the number of requests or the quantity and size of the equipment is such that the meeting cannot accommodate in the designated meeting room and no suitable alternative site in the County courthouse is available, the County Manager may require the news media to pool equipment and personnel.

V. Agenda

Rule 9. Agenda

(a) The Clerk to the Board of Commissioners, after consulting and meeting with the County Manager and the Chair and/or Vice-Chair, shall prepare the agenda for each regular, special, and emergency meeting. The Chairman of the Board of Commissioners may consult with each Commissioner prior to the agenda being completed. Any Board members may, by a timely request, have an item placed on the agenda. A request by the public or staff to have an item on the agenda for a regular meeting must be received by the Clerk at least seven (7) working days before the meeting date; provided however, that under special circumstances and upon timely request, the County Manager or Clerk can grant an extension. In preparing an item for placement on the agenda, a Board member may request that the County Manager provide information on the subject prepared by staff for distribution with the agenda packet.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. Items without supporting documentation and background information will not be added to the agenda. A copy of the agenda packet shall be normally delivered to each board member at least seventy-two (72) hours before the meeting. Documents in the agenda packet, with the exception of the attorney-client
privileged material and documents pertaining to closed session items, if not previously available for public inspection, shall become so when packets have been delivered to each Board members or left at his or her usual dwelling.

(c) The Board is discouraged from adding items to the agenda the night of the Board meeting, however, the Board may, by majority vote, add an item not previously on the agenda.

(d) Agenda items deemed to be routine matters which are appropriate for consideration by the Board without discussion may be placed on a Consent Agenda which will be part of the agenda for that meeting. All items on the Consent Agenda are to be considered upon motion and without discussion. Provided, however, at any time prior to the vote on the motion, for approval of the Consent Agenda, any Board member may request that any items be removed from the Consent Agenda. Any item removed from the Consent Agenda shall be considered at such time in the meeting as the Chair shall deem appropriate, or upon majority vote of the Board members, it may be treated in the same manner as other items which the Board considers.

(e) All contracts and/or agreements will be included in the agenda for consideration by the Board of Commissioners and shall be executed by the Chair or Vice-Chair.

Rule 10. Informal Public Comments

In compliance with G.S. 153A-52.1, the Board establishes the following policy for informal public comment at all regular meetings of the Board. The Clerk shall provide a sign-up sheet at the entry to the meeting room not later than thirty (30) minutes prior to each meeting for persons who desire to address the Board. The Chair shall recognize speakers in the order in which their names appear on the sign-up sheet. The purpose of the time for informal public comment is to allow for public input to the Board on issues germane to Lenoir County. It is not intended to compel Board members or staff to answer questions in an impromptu manner without adequate opportunity for preparation or consideration. Action on issues raised during the comment period, if any, will be at the sole discretion of the Board.

Each speaker must address the Board from the lectern and begin their remarks by giving their name, stating whether they are residents of Lenoir County, indicating the municipality within which they reside, if any, and stating the topic about which they intend to speak. Each speaker will have three (3) minutes to make remarks. A speaker may not yield his or her time to another speaker. Speakers may not discuss matters which are the subject of public hearings, and they must be courteous in their language and presentation. Restatements or repetitive comments by the same speaker whether at the same time or separate meetings, may be ruled out of order and terminated by the Chair. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the Clerk to the Board.

If at the beginning of the public comment period, the Chair determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of County business or
cause undue inconvenience to citizens in attendance for other items on the agenda, the Chair may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions. The Chair may also move the period of public comment to some time later in the meeting.

**Rule 11. Order of Business**

At regular meetings, the Board shall proceed to business in the following order:

1. Opening of Meeting
   a. Invocation
   b. Pledge of Allegiance
2. Public Information
3. Public Comments
4. Additions/Deletions and Adoption of the Agenda
5. Consent Agenda
6. New Business
7. Appointments
8. Manager’s Comments
9. Commissioner’s Comments

Without objection the Chair may call items in any order most convenient for the dispatch of business.
VI. Conduct of Debate

Rule 12. Powers of the Chair

The Chair shall preside at all Board of meetings. To address the Board, a member must be recognized by the Chair. The Chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or derogatory purposes;

2. To determine whether a speaker has gone beyond reasonable standards or courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;

3. To call a brief recess at any time;

4. To adjourn in an emergency

Rule 13. Chair’s Right to Participate in Debate

The Chair shall have the right to participate in the debate of matters before the Board, provided that there is no objection from a Board member. In the event of any objection to the Chair participating in the debate, then the Chair shall designate the Vice-Chair, or another member of the Board to preside during the debate. The Chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 14. Action by the Board

The Board shall proceed by motion. Any member, including the chair may make a motion.

Rule 15. Second Required

A motion shall require a second.

Rule 16. One Motion at a Time

A member may make only one motion at a time.

Rule 17. Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

Rule 18. Adoption by Majority Vote
A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules of North Carolina laws.

**Rule 19. Debate**

The Chair shall state the motion and then open the floor to debate, presiding according to these general principles

(a) The member making the motion or introducing the ordinance, resolution or order, may speak first.

(b) A member who has not spoken on the issue shall be recognized before someone else who has already spoken.

(c) If possible, the debate shall alternate between opponents and proponents of the measure.

**Rule 20. Procedural Motions**

(a) In addition to substantive proposals the procedural motions listed in subsection (b) of this rule, and not others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended and requires a majority vote for adoption.

(b) In order of priority (if applicable) the procedural motions are:

1. *To Adjourn (not debatable)*. The motion may be made only at the conclusion of action on a pending matter, it may not interrupt deliberation of a pending matter.

2. *To Recess (not debatable)*

3. *To Call to Follow the Agenda (not debatable)*. This motion must be made at the first reasonable opportunity or it is waived.

4. *To Suspend the Rules (not debatable)*. This motion requires a vote equal to a quorum.

5. *To Divide a Complex Motion and Consider It by Paragraph (not debatable)*

6. *To Defer Consideration*. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.

7. *To Call the Previous Question (not debatable)*. This motion is not in order until there has been at least ten minutes of debate and every members has had the opportunity to speak.
8. To Postpose to a Certain Time or Day

9. To Refer to Committee. Sixty-days after a motion has been referred to committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the Committee has reported the matter back to the Board.

10. To Amend. An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.

11. To Revive Consideration. The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which considerations has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.

12. To Reconsider. The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.

13. To Prevent Reconsideration for Six Months. The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six months or until the next regular election of County Commissioners, whichever occurs first.

Rule 21. Renewal of Motion

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

Rule 22. Withdrawal of a Motion

A motion can be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 23. Duty to Vote

It is the duty of each member to vote unless excused by a majority vote upon questions involving a member’s own financial interest, the financial interest of a person in the member’s immediate family, or a member’s official conduct. A member wishing to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.
Rule 24. Prohibition of Secret Voting

No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Rule 25. Action by Reference

The board shall not deliberate, vote, or otherwise take action upon any matter’ by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting.

Rule 26. Introduction of Ordinances, Resolutions, and Orders

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

Rule 27. Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the Board of Commissioners. If the proposed measure is approved by a majority but not by all members of the Board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the Board. If it is then or at any time thereafter within one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 28. Quorum

A majority of the Board membership constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he or she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by ordering the Sheriff to take the member into custody.

Rule 29. Votes on Amendments to Zoning Ordinances

The Board may at its option make a decision on amendments to the Lenoir County Land Use Ordinance in the meeting at which the public hearing is held if there were no opposition voiced to the petitions or shall make its decision at the next regularly scheduled meeting of the Board.

Rule 30. Public Hearings
The Board establishes the following policy for comment at a public hearing called by the Board. Such public hearings may be held at any place within the County. A quorum of the Board must be present at all public hearings required by law. If a public hearing is set for a given date and a quorum of the Board is not present, the hearing shall be deemed continued without further advertisement, until the Board’s next regular meeting.

For persons desiring to address the board, the clerk to the board shall provide a sign-up sheet at the entity to the meeting room not later than thirty minutes prior to each meeting at which the board has called for a public hearing. The chair will recognize speakers in the order in which their names appear on the sign-up sheet. Each speaker must address the board from the lectern, and they will be asked to begin their remarks by giving their name, stating whether they are residents of Lenoir County, and indicating the municipality within which they reside, if any.

Each speaker will have three (3) minutes to make remarks, provided that this limitation shall not apply to staff or staff representatives, nor shall it apply to applicants for rezoning permits, as further provided below. * A speaker may not yield any of his or her time to another speaker. Speakers shall limit their remarks to those addressing the subject of the public hearing.

Speakers may leave written comments and/or supporting documents, if any, with the cleric to the board.

The applicant for a rezoning permit pursuant to the Zoning Ordinance shall speak first following comments by staff, and the applicant will not be limited to three (3) minutes. Rather, the applicant will be given a reasonable length of time, not to exceed fifteen (15) minutes, to explain the application, while keeping comments succinct and directly relevant to the application. The chair may determine when an applicant has exceeded a reasonable time for presentation of the application.

If at the beginning of the public hearing the chair determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of County business or cause undue inconvenience to citizens in attendance for other items on the agenda, the chair may require (i) the designation of spokesmen for groups of persons supporting or opposing the same positions and (ii) the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the meeting room. The chair may also provide reasonable direction in order to provide for the maintenance of order and decorum in the conduct of the hearing.

**Rule 31. Minutes.**

Minutes shall be kept of all board meetings, with the exception of work sessions unless specifically requested by the board. Minutes of closed sessions shall be sealed by the Clerk, and shall not be open to the public until opened by order of the board.

All other minutes of the board, once approved by the board shall be made available to the public for their inspection during normal business hours.
**Rule 32. Appointments.** The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment.

Upon receipt of notification that the board has vacancies to fill, the Clerk shall make reasonable efforts to notify the public of the vacancies to be filled. The notification to the public may include any of the following: (1) the posting of a public notice of the vacancies to be filled by the board on the main bulletin board of the Lenoir County Courthouse, (2) the publication of a notice to be published once in a newspaper of general circulation in Lenoir County, said publication to take place not less than seven (7) days, nor more than thirty (30) days prior to the date of the meeting at which the board will consider filling the vacancy (3) the running of a notice on local cable television; (4) such other reasonable notification designed to notify the public that the board is considering the filling of a vacancy. The notice shall advise the public of the nature of the vacancies to be filled by the board at a particular meeting, and shall invite members of the public to submit applications for the vacancies. The applications shall be made available by the Clerk, and shall be in such form as has been approved by the board. In order to be considered at a given meeting, the application must be received in the office of the Clerk to the Board not later than 12:00 noon on the Tuesday proceeding the meeting.

The chair shall open the floor to nominations, the members shall put forward and debate names of possible appointees. After the debate, the chair shall call the names of each nominee, in the order of their nomination, and each member of the board shall vote. The first nominee to receive a majority of the votes of the members of the board present shall be appointed. In the event that there shall be more than one position open for appointment on a given board, then the chair shall continue to call the names of the nominees, in the order of their nomination, until all positions are filled.

**Rule 33. Reference to Robert’s Rules of Order.** To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer first to “Suggested Rules of Procedure for the Board of County Commissioners” and Robert’s Rules of Order to resolve procedural questions.
COUNTY OF LENOIR

RESOLUTION APPROVING A QUALIFIED SOURCE FOR OBTAINING
THE ETHICS TRAINING REQUIRED BY N.C. GEN. STAT. § 160A-87

WHEREAS, the North Carolina General Assembly enacted North Carolina General Statute § 160A-87 requiring that all members of this Board receive a minimum of two (2) clock hours of ethics education within twelve (12) months after initial election or appointment and again within 12 months after each subsequent election or appointment to the office;

WHEREAS, said ethics education may be provided by a qualified source other than those expressly described in North Carolina General Statute § 160A-87 at the discretion of this Board pursuant to North Carolina General Statute § 160A-87(c); and

WHEREAS, Sumrell Sugg, P.A. is a qualified source of such ethics education due to the fact that its attorneys have extensive experience and knowledge of the laws and principles that govern conflicts of interest and ethical standards of conduct at the local government level.

NOW THEREFORE, BE IT HEREBY RESOLVED, that Sumrell Sugg, P.A. is approved as a qualified source of the mandated ethics education described in North Carolina General Statute § 160A-87 for the members of this Board, as necessary.

This Resolution is effective upon its adoption this ____ day of__________, 20__.

COUNTY OF LENOIR

_________________________________
Linda Rouse Sutton, Chairman

ATTEST:

______________________________
________________________, Clerk
Ethics Training for Elected Officials

David Baxter, Jr.
Sumrell Sugg

January 29, 2020
6:00 PM - 9:00 PM

RSVP:
https://mail.google.com/mail/u/0?ik=d01e27a33f&view=pt&search=all&permthid=thread-f%3A1653358322473197579&simpi=msg-f%3A16533583224...
LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this ____ day of ____, 2020, by and between the COUNTY OF LENOIR, one of the hundred Counties of the State of North Carolina, hereinafter called “COUNTY”, and the CITY OF KINSTON, a municipal corporation and body politic, hereinafter called “CITY”, parties of the first part, and the KINSTON-LENOIR CHAMBER OF COMMERCE, hereinafter called, “CHAMBER”, parties of the second part;

WITNESSETH:

THAT the County and City hereby lease to the Chamber, for and during the term and upon the conditions hereinafter stated, the building and premises located at the northeast corner of Queen and North Streets in the City of Kinston, North Carolina and known as 301 North Queen Street.

THE TERMS AND CONDITIONS OF THIS LEASE ARE AS FOLLOWS:

1. The original term of this Lease shall be for five (5) years beginning the first day of February 2020 and terminating on the thirty-first day of January 2025 unless earlier terminated or extended as hereinafter provided.

2. The Chamber is hereby given the option to renew this Lease for an additional period of five (5) years through January 31, 2030 upon giving six (6) months written notice of such intent to County and City or the then present owner, prior to the expiration of the original term hereof.

3. During the initial or any extended term of this Lease, Chamber shall pay a yearly rental of $1.00.

4. The Chamber may not assign this Lease without the prior written consent of County and City. A portion of the premises may be subleased to other parties; provided however, any sublease to any other person, firm, corporation, governmental entity or department or any association shall require prior approval of County and City, and Chamber. Chamber shall be entitled to the rent received from any sublease of the premises.
5. **Chamber** shall pay for janitorial or custodial maintenance, pest control, maintenance of grounds, and cost of utilities.

6. Annual Utilities and Sublease Rents Settle-Up: At the conclusion of each calendar year, not later than January 20, the **Chamber** shall provide an accounting to the **County and City** of its expenditures for all utilities and its receipts for all rents received from subleases for rents in the preceding calendar year. If the receipts received for rents from sublessees exceeds the expenditures for utilities, the **Chamber** shall reimburse the **County and City** for the excess funds received from sublessees. If the expenditures for utilities exceeds the rents from sublessees, then no monies shall be owed.

7. **City and County** shall be responsible for maintenance of the entire building and fixtures, including the roof, walls, windows, floors, HVAC, electrical and plumbing, and **City and County** shall be liable for the total costs of all repairs and maintenance thereto. **City** and **County** will maintain and pay for insurance on the building throughout the term of this lease or any extension thereof. For ease of administration, upon agreement for any such expenditure by the **City** and **County**, the **City** shall advance the cost of insurance, repairs, and maintenance and bill the **County** for 50% of the amount advanced. The **County** shall pay all invoices received from the **City** within 30 days of receipt. **Chamber** shall insure its own contents within the leased premises at its sole cost and in such amounts as it deems appropriate. **Chamber** shall maintain and pay for all furniture, appliances, equipment, and other personal property on the premises. **Chamber** shall pay for the cost of any specialized wiring required by its electronic equipment. **Chamber**, as the tenant, will be required to maintain and pay for general liability insurance for any claims that occur on the property.

8. In the event the **Chamber** should elect to relocate, future leases will require prior approval by **County** and **City** and the remaining lessee.

9. In the event the premises should be destroyed or rendered unfit for use by fire or other casualty, this Lease shall terminate with no liability on **County** and **City** to repair or rebuild the premises or to be obligated to secure or provide relocation facilities for **Chamber**.

10. Either party may terminate their respective interest in this lease upon six months written notice to the other party of such intent.

[Signature Page Follows.]
IN TESTIMONY WHEREOF, the parties have caused this instrument to be duly executed, this the day and year first above written.

COUNTY OF LENOIR

By: ___________________________________
    Chairman, Board of County Commissioners

Clerk to Board of County Commissioners

Attest:

CITY OF KINSTON

By: ___________________________________
    Mayor

Attest:

Deputy City Clerk

CHAMBER OF COMMERCE

By: ___________________________________
    President

Attest:

_________________________________
RESOLUTION: Approving Citizens to Boards, Commissions, Etc.

SUBJECT AREA: Boards and Commissions

ACTION REQUESTED: Officially and publicly appoint various applicants to various vacancies on boards, commissions, task forces, etc.

HISTORY/BACKGROUND: The County Manager/County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Manager/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 on their own free will.

EVALUATION: The following Boards currently have existing vacancies/-expiring terms.

<table>
<thead>
<tr>
<th>BOARD/COMMITTEE/COMMISSION</th>
<th>APPLICANT/CURRENT MEMBER</th>
<th>TERM EXPIRATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CURRENT VACANCIES:

1. Lenoir County Planning & Inspections: Districts 1, 2, 3, 4, 5, and 2 At-Large.
2. Lenoir County Transit: (2-3) representatives of agencies whose clients are recipients of LCT services, and who coordinate with sponsoring agencies to secure transportation for eligible clients that are not from Department of Social Services, Council on Aging, Mental Health, Health Department, or Vocational Rehabilitation. (1) Transit system rider, (1) At-Large member not associated with a human service agency from the general public.
MANAGER’S RECOMMENDATION:

Respectfully Request Approval.

____________
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the following appointments are made:

<table>
<thead>
<tr>
<th>BOARD/COMMITTEE/COMMISSION</th>
<th>APPLICANT/ CURRENT MEMBER</th>
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</tr>
</thead>
<tbody>
<tr>
<td>NONE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

AMENDMENTS:

MOVED ____________ SECOND ____________

APPROVED _________ DENIED _________ UNANIMOUS _________

YEA VOTES: Sutton _____ Best _____ Cummings_____ Daughety _____

Harris_____ Hill _____ Rouse _____

____________________________________ 01/21/20
Linda Rouse Sutton, Chairman Date

____________ 01/21/20
ATTEST Date
TO: Chairman and Members of the Board
FROM: Michael S. James, County Manager
DATE: January 21, 2020
SUBJECT: Items from County Manager

1. Lenoir County Planning and Inspections Report.
2. Lenoir County Transit Report.
LENOIR COUNTY INSPECTIONS
PERMIT/INSPECTION REPORT

December 2019

PERMITS ISSUED: 145

PERMITS VALUE: $ 1,269,911

PERMIT FEES: $ 21,273

SINGLE FAMILY DWELLINGS: 2

MOBILE HOMES: 9

COMMERCIAL: 4

ADDITIONS: 3

ELECTRICAL: 52

PLUMBING: 15

MECHANICAL: 40

OTHER: 20

TOTAL INSPECTIONS: 333

Internet Sweepstakes: $ 13,204
LENOIR COUNTY INSPECTIONS
PERMIT/INSPECTION REPORT

January to December 2019

PERMITS ISSUED: 1713

PERMITS VALUE: $ 31,932,016

PERMIT FEES: $ 446,733

SINGLE FAMILY DWELLINGS: 65

MOBILE HOMES: 89

COMMERCIAL: 93

ADDITIONS: 46

ELECTRICAL: 632

PLUMBING: 155

MECHANICAL: 438

OTHER: 195

TOTAL INSPECTIONS: 3,816

Internet Sweepstakes: $ 310,604
## Monthly Revenue Comparison

<table>
<thead>
<tr>
<th>Revenue</th>
<th>December-18</th>
<th>December-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invoice Revenue</td>
<td>$ 79,908.69</td>
<td>$ 104,329.68</td>
</tr>
<tr>
<td>RGP Ticket Sales</td>
<td>$ 6,511.00</td>
<td>$ 820.00</td>
</tr>
<tr>
<td>EDTAP Ticket Fares</td>
<td>$ 1,800.00</td>
<td>$ 2,220.00</td>
</tr>
<tr>
<td>Fares Collected by Vehicle Operators</td>
<td>$ 7,242.00</td>
<td>$ 8,297.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 95,462.69</td>
<td>$ 115,666.68</td>
</tr>
</tbody>
</table>
# Lenoir County Transit

## Monthly Statistics
Month of December 2019

### Days of Service

<table>
<thead>
<tr>
<th>Passenger Trips</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulatory Passengers</td>
<td>5495</td>
</tr>
<tr>
<td>Non Ambulatory Passengers</td>
<td>558</td>
</tr>
<tr>
<td><strong>Total Passenger Trips</strong></td>
<td><strong>6053</strong></td>
</tr>
</tbody>
</table>

### Purpose of Trips

<table>
<thead>
<tr>
<th>Purpose of Trips</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical (including Dialysis)</td>
<td>2908</td>
</tr>
<tr>
<td>Education</td>
<td>997</td>
</tr>
<tr>
<td>Employment</td>
<td>1489</td>
</tr>
<tr>
<td>Other</td>
<td>659</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6053</strong></td>
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### Revenue

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<tr>
<td><strong>Total Monthly Revenue</strong></td>
<td><strong>$115,666.68</strong></td>
</tr>
</tbody>
</table>

---

**Explanation of Purpose of Trips:**
- Medical: riders being taken to medical appointments, doctor's appointments, dialysis, etc.
- Education: riders being taken to LCC for classes
- Employment: riders being taken back and forth to work
- Other: riders being taken to day care, for financial services, human services, legal appointments, nutrition, pharmacy, recreation, shopping and social outings

**Explanation of Revenue Terms:**
- Invoice Revenue: Rides billed by Transit to DSS, Work First, Council on Aging, ECU, and Vocational Rehab RGP Ticket Sales: Rural General Public
- EDTAP Ticket fares: Elderly Disabled Transportation Assistance Program
- Fares Collected by Vehicle Operators: Cash collected by drivers for riders who have not purchased tickets in advance