

**MINUTES**  
**King City Council**  
**Regular Session**  
**May 4, 2020**

The King City Council met in regular session remotely on Monday, April 6, 2020, at 7:00 p.m. Present on the call were: Councilman Charles Allen, Councilman Wesley Carter, Councilwoman Terri Fowler, Mayor Pro Tempore Rick McCraw, Mayor Jack Warren, City Manager Homer Dearmin, City Clerk Nicole Branshaw, Director of Finance and Personnel Susan O'Brien, City Engineer Scott Barrow, Water Plant Superintendent Ben Marion, Police Chief Jordan Boyette, Fire Chief Steven Roberson, Senior Center Director Paula Hall, Parks and Recreation Director Olivia Smith, Assistant Fire Chief Brad Cheek, Captain Ian Tedder, and Chaplain Tracy Collins.

Mayor Warren called the meeting to order and led the *Pledge of Allegiance*.

The invocation was offered.

Chaplain Tracy Collins left the meeting.

**ANNOUNCEMENTS**

No announcements made

**ADJUSTMENTS TO AGENDA**

It was the consensus of the Council to add to the Consent Agenda to set a public hearing for FY 2020-2021 Annual Budget for June 1, 2020 Council Meeting. It was also the consensus of the Council to add to the Consent Agenda to approve amended Interlocal Agreement with Town of Rural Hall. Revised agreement and email from Town of Rural Hall Attorney outlining changes provided.

**PUBLIC COMMENT**

Mayor Warren opened the floor to receive public comment.

Mr. Steven Hewett of 141 Willowbend Dr, King, NC; Mr. Wayne Mickey of Mickey & Co Hair Salon, 206 Main St, King, NC; Mrs. Gayle Riggins of Brylin Obedience School, 416-D West King St, King, NC addressed the Mayor and Council.

**CONSENT AGENDA**

Councilwoman Fowler moved to approve the consent agenda as amended. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0. Items approved were: (A) April 6, 2020, regular meeting minutes; (B) Renewing agreement with Stokes County Senior Services for Recreation Acres meal site; (C) Set public hearing for FY 2020-2021 Annual Budget for June 1, 2020 Council Meeting; and (D) Approve amended Interlocal Agreement with Town of Rural Hall.

**TITLE VI NONDISCRIMINATION POLICY**

Presented by Susan O'Brien, Director of Finance and Personnel.

Introduction & Background: All recipients of federal and state funds are required to comply with Title VI of the Civil Rights Act.

Discussion & Analysis: The Federal Highway Administration (FHWA) has the authority to administer Title VI for local public agencies and the FHWA has deputized the NCDOT with the authority to ensure that all subrecipients are in full compliance with Title VI. Additionally, the United States Code also grants authority to the NCDOT to set requirements for municipal Title VI compliance.

## **CITY OF KING**

### **EXTERNAL DISCRIMINATION COMPLAINT INSTRUCTIONS**

#### **INTRODUCTION**

The City of King is responsible for processing discrimination complaints filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws. Participants and beneficiaries of programs and activities administered or funded by the City of King who feel they have been discriminated against based on race, color, national origin, income level, Limited English Proficiency (LEP), sex, age or disability have a right to file a complaint. Complaints of alleged discrimination will be investigated by the appropriate authority, such as ECR, a Federal agency. Note: Religion is only covered under NCDOT's Right of Way program (Fair Housing) and programs funded by the Federal Aviation Administration (FAA) or Federal Transit Administration (FTA).

#### **FILING OF COMPLAINTS**

1. **Applicability** – These complaint procedures apply to City of King programs, activities, and services. Note: Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).
2. **Eligibility** – Any person or class of persons who believes he/she has been subjected to discrimination based on race, color, national origin, income level, LEP, sex, age or disability (and religion, where applicable) may file a written complaint with the City of King's Title VI Coordinator. The law also prohibits intimidation or retaliation against anyone who files a complaint.
3. **Filing Options and Time Limits** – Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:
  - The date of the alleged act of discrimination; or
  - The date when the person(s) became aware of the alleged discrimination; or
  - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest or the latest instance of the conduct.

Title VI and related discrimination complaints may be submitted to the following entities:

- **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1808 or toll-free 800-522-0453.
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590, 202-366-4070
  - **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8<sup>th</sup> Floor, E81-314, Washington, DC, 20590, 202-366-0693/202-366-0752
  - **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
  - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5<sup>th</sup> Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
  - **Federal Motor Carrier Safety Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591, 202-366-8810
  - **Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, SC 2591, 202-267-3258
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll-free 877-218-5228

#### COMPLAINT RECEIPT AND RESPONSE

1. The City of King's Title VI Coordinator will provide written acknowledgement via registered mail of your complaint within ten (10) calendar days.
2. The City of King will review your complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.
  - a. If the complaint is complete and no additional information is needed, the City of King Title VI Coordinator will send you a letter of acceptance as well as a Complainant Consent/Release Form.
  - b. If the complaint is incomplete, you will be contacted in writing to obtain the needed information. Note: Failure to respond and/or provide the requested information within 15 calendar days may be considered good cause for a determination of no investigative merit.
3. Within fifteen (15) calendar days of receiving your complaint, the City of King will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the City of King will notify you and Respondent (the person(s) against whom you have filed the complaint) via registered mail, stating the decision.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reasons for the decision.
  - b. If the decision is to investigate the complaint, the notification shall state the grounds of the City's jurisdiction and require your and the Respondent's full cooperation in assisting the investigator.
  - c. Interviews may be recorded during the investigation. Consent to record may be required if the interviewee is located outside of North Carolina.
4. The City of King will attempt to resolve all discrimination complaints within 60 days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and City of King staff may be utilized for resolution. The City will make known all filing options and avenues of appeal.

#### Title VI Nondiscrimination Policy Statement

It is the policy of the City of King to ensure that no person shall, on the ground of race, color, national origin, limited English Proficiency, income level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City of King program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964, United States Department of Transportation (DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) Part 21, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

The following practices are hereby prohibited throughout the City of King to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service or other program benefit without good cause;
- Providing any service or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Methods of Administration, which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities;
- Acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing;
- Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

To assure that appropriate program measures are implemented and monitored, I have designated Susan O'Brien, Director of Finance and Personnel, as the City of King's Title VI Coordinator; (336) 983-8265, sobrien@ci.king.nc.us. As an expression of my commitment to and support of the City's Title VI Nondiscrimination Program, below is my signature as the City Manager of the City of King.

\_\_\_\_\_  
Homer T. Dearmin, City Manager

\_\_\_\_\_  
Date



**DISCRIMINATION COMPLAINT FORM**

Any person who believes that he/she has been subjected to discrimination based upon race, color, sex, age, national origin, disability, income-level, or limited English proficiency may file a written complaint with the City of King's Title VI Coordinator within 180 days after the discrimination occurred.

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female
Mailing Address:		City:	State:	Zip:
Home Telephone:		Work/Cell Phone:		Email Address:
Identify the Category of Discrimination: <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> LIMITED ENGLISH PROFICIENCY <input type="checkbox"/> RELIGION <input type="checkbox"/> DISABILITY <input type="checkbox"/> SEX <input type="checkbox"/> INCOME LEVEL <input type="checkbox"/> AGE				
NOTE: Religion is covered as a basis only under NCDOT's Right of Way Unit (Fair Housing) and Public Transportation and Aviation Division.				
Identify the Race of the Complainant: <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____				
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination:				
Names of individuals responsible for the alleged discriminatory action(s):				
How were you allegedly discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. Attach additional page(s) if necessary.				

The law prohibits intimidation or retaliation against anyone because he/she either has taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation. Attach additional page(s) if necessary.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support to clarify your complaint: Attach additional page(s) if necessary.

Name	Address	Telephone
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- \_\_\_\_\_ Federal Highway Administration \_\_\_\_\_
- \_\_\_\_\_ Federal Transit Administration \_\_\_\_\_
- \_\_\_\_\_ Federal Motor Carrier Safety Administration \_\_\_\_\_
- \_\_\_\_\_ US Department of Transportation \_\_\_\_\_
- \_\_\_\_\_ Federal or State Court \_\_\_\_\_
- \_\_\_\_\_ NC Department of Transportation \_\_\_\_\_
- \_\_\_\_\_ Other \_\_\_\_\_

Have you discussed the complaint with any City of King representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, you are seeking for the alleged discrimination.	
<b>AN UNSIGNED COMPLAINT WILL NOT BE ACCEPTED. PLEASE SIGN AND DATE THE FORM BELOW.</b>	
<b>COMPLAINANT'S SIGNATURE</b>	<b>DATE</b>
<b>MAIL COMPLAINT FORM TO:</b> City of King Title VI Coordinator PO Box 1132 King, NC 27021 336-983-8265	
<b>FOR OFFICE USE ONLY</b>	
Date Complaint Received: _____	
Processed by: _____	
Referred to: _____	Date Referred: _____

Mayor Pro Tempore McCraw moved to approve the consent as presented. Councilman Carter seconded the motion which carried by a unanimous vote of 4-0.

**CITY OF KING PROCURMENT POLICY**

Presented by Susan O'Brien, Director of Finance and Personnel.

Discussion & Analysis: The City of King has not developed a comprehensive Procurement Policy and this is becoming increasingly important for guidance and FEMA reimbursements.

## **I. Introduction**

The purpose of this policy is to establish guidelines for the procurement of goods and services by City employees for any City office, service area, department, division, board, or other organizational unit of the City of King. The city's procurement operations are governed by North Carolina General Statutes (NCGS) Chapter 143 (State Departments, Institutions and Commissions), Chapter 160A (Cities and Towns), Chapter 159 (Local Government Finance), ordinances, resolutions, and policies approved by the City of King City Council, and all other applicable laws, rules, regulations, codes, standards, and orders of governmental bodies, agencies, authorities, and courts having jurisdiction. The procurement of goods and services by employees shall be in strict accordance with Applicable Law and with the requirements of this Policy. It is the intent of this Policy, where appropriate, to prescribe procurement requirements beyond Applicable Law and to confer on City staff the authority to make certain discretionary decisions, when authorized by Applicable Law. Where there is no prescribed policy for the procurement of goods or services, such as when an event for which these policies are not cost effective or administratively feasible, employees are expected to seek competitive proposals, when practicable, and to utilize such practices as necessary to ensure that City business is not concentrated among a few vendors or service providers.

The City of King's procurement practices are based on the principle of open competition in support of the dual goals of securing value and promoting fairness. All employees involved in the procurement process have a responsibility to provide fiscal stewardship when expending City funds. The taxpayers entrust City government to expend money in the most efficient and effective manner possible. The integrity of the procurement process must be maintained at all times.

## **II. Purchase of Goods**

The following provisions apply to the purchase of apparatus, supplies, materials, and equipment valued greater than or equal to \$5,000.

### **A. Purchases Greater Than or Equal to \$90,000**

Such purchases shall be subject to formal bidding pursuant to NCGS 143-129. The contract for any such purchase, if awarded, must be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. The City of King reserves the right to reject any and all bids for any reason determined by the city to be in the best interest of the city; however, bids may not be rejected for the purpose of evading the provisions of NCGS 143-129.

### **B. Purchases Greater Than or Equal to \$30,000 but Less Than \$90,000**

Such purchases shall be subject to informal bidding pursuant to NCGS 143-131. The contract for any such purchase, if awarded, must be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for performance of the contract.

### **C. Purchases Greater Than or Equal to \$5,000 but Less Than \$30,000**

Such purchases may be made without soliciting either formal or informal bids; provided, however, that Department Heads shall solicit three verbal quotations and document such quotations in writing, in order to ensure that such purchases are made at the lowest available price. If in the judgement of a Department Head, an item is available for purchase from fewer than three vendors or the solicitation of three verbal quotations is otherwise impractical and not in the

interest of the City of King (i.e. during a State of Emergency or other emergency situation), the Department Head may purchase the item after securing the highest number of quotations reasonably practicable and recording the justification for securing fewer than three.

The City of King reserves the right to reject any and all bids for any reason if determined by the city to be in the best interest of the city; however, bids may not be rejected for the purpose of evading the provisions of the North Carolina General Statutes.

The City Manager and Finance Director may exempt a purchase from formal or informal bidding if such exemption is (a) justifiable from a technical perspective (a bona fide sole source), (b) expressly authorized by statute, and (c) delegable by the City Council and not expressly reserved by statute to action by the governing body. Examples of exemptions from formal and informal bidding include but are not limited to purchases from other units of government, group purchasing programs, sole-source purchases, State contract purchases, and piggyback purchase by another governmental entity.

All purchases of \$500 or more are subject to City of King procedures; completion/submission of a Purchase Requisition to be approved by the City Manager (City Engineer or Finance Director in the Manager's absence) and Purchase Order signed by the Finance Director.

### **III. Procurement of Construction or Repair Services**

The following provisions apply to contracts for construction or repair services when greater or equal to \$10,000.

#### **A. Contracts for Construction or Repair Services Greater Than or Equal to \$500,000**

Such services shall be subject to formal bidding pursuant to NCGS 143-129. The contract for any such purchase, if awarded, must be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for performance of the contract.

#### **B. Contracts for Construction or Repair Services Greater Than or Equal to \$30,000 but Less Than \$500,000**

Such purchases shall be subject to informal bidding pursuant to NCGS 143-131. The contract for any such purchase, if awarded, must be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for performance of the contract. Exempted from verbal quotations are construction projects when the work is performed by employees using qualified labor on the permanent payroll of the City and performed during normal working hours as part of the employees' duties, provided that the value of such work does not exceed the limits prescribed by statute.

#### **C. Contracts for Construction or Repair Services Greater Than or Equal to \$10,000 but Less Than \$30,000**

Such purchases may be made without soliciting either formal or informal bids; provided, however, that Department Heads shall solicit three verbal quotations and document such quotations in writing, in order to ensure that such purchases are made at the lowest available price. If in the judgement of a Department Head, an item is available for purchase from fewer than three vendors or the solicitation of three verbal quotations is otherwise impractical and not in the interest of the City of King (i.e. during a State of Emergency or other emergency situation), the Department Head may purchase the item after securing the highest number of quotations

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reasonably practicable and recording the justification for securing fewer than three. Exempted from verbal quotations are construction projects when the work is performed by employees using qualified labor on the permanent payroll of the City and performed during normal working hours as part of the employees' duties, provided that the value of such work does not exceed the limits prescribed by statute.

The City of King reserves the right to reject any and all bids for any reason if determined by the city to be in the best interest of the city; however, bids may not be rejected for the purpose of evading the provisions of the North Carolina General Statutes.

The City Manager and Finance Director may exempt a purchase from formal or informal bidding if such exemption is (a) justifiable from a technical perspective (a bona fide sole source), (b) expressly authorized by statute, and (c) delegable by the City Council and not expressly reserved by statute to action by the governing body. Examples of exemptions from formal and informal bidding include but are not limited to purchases from other units of government, group purchasing programs, sole-source purchases, State contract purchases, and piggyback purchase by another governmental entity.

All purchases of \$500 or more are subject to City of King procedures; completion/submission of a Purchase Requisition to be approved by the City Manager (City Engineer or Finance Director in the Manager's absence) and Purchase Order signed by the Finance Director.

#### **IV. Procurement of Other Services**

The following provisions apply to contracts for services when greater than or equal to \$10,000, except for architectural, engineering, and surveying services which are addressed separately in Subsection IV (C) below.

##### **A. Contracts for Services Greater Than or Equal to \$30,000**

Unless governed by other City policy, contract, or by State or Federal requirements, such services shall be procured by the City Manager and Finance Director upon issuance of a Request for Proposal (RFP). The terms of the RFP shall be prepared by the Finance Director in conjunction with the Department Head requesting the service. The RFP shall include a list of factors to be utilized in evaluating the proposals. The Finance Director shall secure not fewer than three proposals, when practicable. The award of a service agreement shall be made to the offeror whose proposal is determined to be the most advantageous to the City, taking into consideration the evaluation factors set forth in the RFP. Because there are no statutory requirements applicable to the procurement of such services, the City Manager may exempt a service from the RFP process for good cause and when in the best interest of the City of King. The exemption of any such service exceeding \$50,000 shall be reported to the City Council at its next regular meeting and shall include the justification for exemption.

##### **B. Contracts for Services Greater Than or Equal to \$10,000 but Less Than \$30,000**

Such services may be procured without utilizing an RFP, provided, however, that Department Heads shall solicit three verbal quotations and document such quotations in writing in order to ensure that such services are procured at the lowest available price. If in the judgement of a Department Head, a service is available from fewer than three contractors or the solicitation of three verbal quotations is otherwise impractical and not in the interest of the City of King, then the Department Head may procure the service after securing the highest number of quotations reasonable practicable and recording the justification for securing fewer than three.

C. Architectural, Engineering, and Surveying Services

Such services shall be procured using the Request for Qualifications (RFQ) process established pursuant to NCGS 143-64.31. In accordance with NCGS 143-64.32, the City Manager, for good cause and when in the best interests of the City of King, may exempt particular projects in writing from the RFQ process in the case of proposed projects where an estimated professional fee is in an amount less than \$50,000. The exemption of any such service shall be reported to the City Council at its next regular meeting and shall include the justification for exemption.

V. Emergency Purchases

The City Manager may exempt the procurement of goods or services from the requirements of this policy in cases of special emergency involving the health and safety of the people or their property pursuant to NCGS 143-129(e)(2). In order to exercise this emergency exemption, the emergency must be present, immediate, and existing. It cannot be a condition that is merely anticipated and may never actually occur. If the condition can be foreseen in time to take action to prevent harm to the public (or if the required procurement method can be completed before any harm would occur), the emergency exception cannot be invoked. Further, if harm to the public can be averted through temporary measures while the proper procurement method is being conducted, the emergency exception cannot be used. The failure to take proper precautions to prevent the need for an emergency procurement will not be accepted as a justification for exemption from the requirements of this policy. Furthermore, during a State of Emergency, FEMA guidance concerning purchases must be followed.

VI. Additional Authorization

In order to facilitate the orderly and timely administration of the City's procurement program, the following authorization is hereby given by the City Council: (i) the City Manager is authorized to reject formal and informal bids received for the purchase of apparatus, supplies, materials, or equipment, and to re-advertise to receive bids; (ii) the City Clerk is authorized to advertise bids by publication in a newspaper having general circulation in the City of King, or by solely electronic means, or both, in the City Manager's discretion; (iii) the Finance Director, pursuant to NCGS 133-33, may keep confidential the City's estimate of any public contract prior to bidding and the identity of contractors who have obtained proposals for bid purposes; (iv) the City Manager may delegate contract signature authority for only those repetitive standard agreements for which the terms are fixed and not subject to change; (v) the City Manager may delegate, on a temporary basis, to the City Engineer and/or Finance Director, the ability to exercise such contract approval and appropriation transfer authority as granted to the City Manager pursuant to this policy; (vi) the City Manager may delegate, on a temporary basis, to the City Engineer and/or Finance Director, the appropriation transfer authority as granted to the City Manager pursuant to the annually adopted Budget Ordinance in the event the City Manager is unable to perform his/her duties; (vii) the City Manager may authorize the City Engineer and/or Finance Director to sign and approve contracts which are valued at \$30,000 or less, provided that the contract has been pre-audited in accordance with NCGS 159-28 and the goods or services underlying the contract were procured in accordance with this policy; (viii) the City Manager is authorized to adopt such processes and procedures as may be necessary and expedient for implementation of this policy, and (ix) the City Manager, in addition to such authority granted herein, may exempt from this policy the procurement of goods and services valued at less than \$30,000 and may otherwise vary the application of these guidelines upon good cause shown and when in the best interests of the City of King, provided that such exemption or variance does not violate applicable law.

**VII. Disposition of Personal Policy**

When apparatus, supplies, materials, or equipment purchased for use by a City Department are no longer suitable for use by that department, such property shall be provided to the Finance Director for distribution to another department or for disposition as surplus. The Finance Director shall apprise all City Departments of such property in order to maximize its benefit to the City of King. If no other City Departments deem the property suitable for use, the Finance Director, upon authorization by the City Council, may dispose of property valued at \$30,000 and above through methods of sale provided in NCGS 160A-266. If the property is valued at \$30,000 or less, the City Manager, as the Authorized Official, may dispose of such surplus property as outlined below per Resolution 2018-07.

**CITY OF KING  
RESOLUTION 2018-07**

**RESOLUTION TO DISPOSE OF SURPLUS PERSONAL PROPERTY  
VALUED AT LESS THAN \$30,000**

**WHEREAS** The following City of King officials, without need of further action by the City Council, are hereby authorized to dispose of any personal property owned by the City whenever he or she determines, in his or her discretion, that:

- a. The item or group of items has a fair market value of less than thirty thousand dollars (\$30,000);
- b. The property is no longer necessary for the conduct of public business; and
- c. The property has already been declared surplus by the City Council; and

**WHEREAS** The City Manager is the City official authorized to dispose of surplus property worth less than \$30,000; and

**WHEREAS** The Authorized Official may dispose of any such surplus property meeting the criteria in Section 1 by any means which he or she judges will accomplish the disposal efficiently and economically. The means of disposal include, but are not limited to, the methods of sale provided in NCGS 160A-266. Such sale may be public or private and with or without published notice and minimum waiting period; and

**WHEREAS** If no reasonable offers are received within a reasonable time, the Authorized Official may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the City Council; and

**WHEREAS** The Authorized Official shall keep a record of all property sold under authority of this Policy and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange; and

**NOW THEREFORE IT BE RESOLVED** This Policy is enacted pursuant to the provisions of NCGA 160A-266(c).

Adopted this the 7<sup>th</sup> day of May 2018.

**VIII. Conflict of Interest: Gifts and Favors**

This policy requires that all business shall be transacted in compliance with applicable law and shall be conducted in conformance to the highest ethical standards. The proper operation of government requires

that employees be independent, impartial, responsible to the citizens, and that the public positions not be used for personal gain. The following conduct is required in furtherance of these principles.

Employees shall not undertake or make, pursuant to their public authority, any contracts for their own benefit or contracts in which they are in any manner concerned or interested or from which they receive profits. Employees are prohibited from obtaining a direct benefit from any contract in which they are involved on behalf of the City of King. They are further prohibited from influencing or attempting to influence award of contracts, soliciting or receiving gifts or rewards for recommending, and influencing or attempting to influence contract awards. These matters are generally governed by NCGS 14-234. Also, please refer to the City of King Personnel Policy, Article IV, Sections 10 and 20.

Pursuant to NCGS 133-32, no employee of the City of King who is charged with the duty of (i) preparing plans, specifications, or estimates for public contracts; (ii) awarding or administering public contracts; or (iii) inspecting or supervising construction, shall accept any gifts or favors from any vendor or service provider who has a contract with a governmental agency, or has performed under such a contract within the past year, or anticipates bidding on such a contract in the future.

This section is not intended to prevent a gift a public servant would be permitted to accept under NCGS 138A-32, or the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at meetings or conferences. This section is not intended to prevent any contractor, subcontractor, or supplier from making donations to professional organizations to defray meeting expenses where governmental employees are members of such professional organizations, nor is it intended to prevent governmental employees who are members of professional organizations from participation in all scheduled meeting functions available to all members of the professional organization attending the meeting. All such gifts knowingly made or received are required to be reported by the recipient to the Department Head (City Manager if the recipient is a Department Head) if the gifts are made by a contractor, subcontractor, or supplier doing business directly or indirectly with the governmental agency employing the recipient of such a gift.

#### **IX. Federally and State Funded Projects and Programs**

All contracts and purchases funded, in whole or in part, with any federal or state grant or loan funds must be procured by all City Departments in a manner that conforms with all applicable law, including, without limitation, all federal laws, policies and standards, including those under the federal Uniform Guidance (2 CFR Part 200). Further, such regulations shall supersede all local purchasing provisions to the extent of any conflict. The City Manager and Finance Director may establish procedures consistent with this policy to ensure compliance with the requirements of this paragraph.

#### **X. General Provisions**

In the event of any conflict between this policy and NCGS, the NCGS shall control. Whenever any provision of this policy refers to or cites a section of the NCGS and that section is later amended or superseded, the policy shall be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section. To the extent any provisions of this policy exceed the requirements of applicable law, such provisions shall confer no rights on vendors or service providers. Without limiting the generality of the foregoing, failure to comply with those portions of the policy which exceed the requirements of applicable law shall not be deemed arbitrary and shall confer no right of appeal or resort to the courts. Pursuant to NCGS 143-133, no contract shall be divided for the purpose of evading the provisions of this policy. Failure to comply with the requirements of this policy may subject the employee to disciplinary action in accordance with City personnel policies and may subject such employee to personal liability when authorized by applicable law.

Councilman Carter moved to approve the consent as presented. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

#### **2020 FIREWORKS DISPLAY**

Presented by Homer Dearmin, City Manager.

Homer Dearmin, City Manager, explained that due to the COVID-19 pandemic our fireworks contractor has notified us that cancellation of fireworks displays scheduled for June 29 through July 12, 2020 prior to 45 days ahead of time will not be penalized despite our contract, with the following caveats: We can cancel by May 15, 2020 with no penalty, we can reschedule for a date before December 31, 2020 with no penalty depending on availability, or we can cancel between May 15 and July 4 with a 20% penalty, or \$2400.

**Action**

Councilman Carter moved to motion that we continue as scheduled for the July 4<sup>th</sup> fireworks display with the process of making a decision at a later date. Councilman Fowler seconded the motion which carried by a unanimous vote of 4-0.

**CONSIDERATION OF BUDGET AMENDMENT 2019-02.07**

Presented by Susan O'Brien, Director of Finance and Personnel

**CITY OF KING**  
**BUDGET AMENDMENT 2019-02.07**

Be it hereby ordained by the City Council of the City of King that the following amendment be made to the Budget Ordinance adopted on the 3rd day of June, 2019, as follows:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

<u>General Fund Expenditures</u>	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Governing Body		5,000	57,901
Administraton		4,250	149,805
Police		25,109	2,667,152
Fire & Rescue		2,943	2,235,593
Planning		3,000	228,465
Senior Center		3,250	118,774
Special Appropriations	9,000		1,612
<b>Total</b>	<b>9,000</b>	<b>43,552</b>	

This will result in an increase in the expenditures of the General Fund. The above changes in expenditures will require the following adjustments to revenues.

<u>General Fund Revenues</u>	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
GF Revenues		7,527	7,549,484
GF Fund Balance Appropriated		27,025	361,514
<b>Total</b>	<b>0</b>	<b>34,552</b>	

Section 2. To amend the Enterprise Fund, the expenditures are to be changed as follows:

<u>Enterprise Fund Expenditures</u>	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Governing Body		1,000	55,537
Administration		6,250	230,267
Water Operations		3,195	1,191,146
Water Distribution		8,000	1,191,327
Wastewater Operations		140,000	1,796,613
Special Appropriations	5,035		0
<b>Total</b>	<b>5,035</b>	<b>158,445</b>	

This will result in an increase in the expenditures of the Enterprise Fund. The above changes in expenditures will require an adjustment to revenues as follows:

<u>Enterprise Fund Revenues</u>	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
EF Revenues		3,195	6,860,695
EF Fund Balance Appropriated		150,215	216,697
<b>Total</b>	<b>0</b>	<b>153,410</b>	

Section 3. Copies of the budget amendment shall be furnished by the City Clerk to the City Council to the Mayor, Budget Officer and Finance Director for their directions.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Attest: \_\_\_\_\_  
Jack Warren, Mayor

\_\_\_\_\_  
Nicole Branshaw, City Clerk

Councilman Carter moved to approve the consent as presented. Councilwoman Fowler seconded the motion which carried by a unanimous vote of 4-0.

### **EMERGENCY OPERATIONS UPDATE**

Incident Commanders Steven Roberson and Jordan Boyette gave updates regarding the ongoing State of Emergency and the COVID-19 Coronavirus pandemic.

Chief Roberson stated that the City of King does have an application in with FEMA for reimbursements to COVID-19 expenses; however, since unlike hurricane assistance where there is an end date, so far COVID-19 does not have an end date in sight. No receipts or invoices have been sent at this time to FEMA; we have the application submitted and have been in contact with our FEMA representative. We are unsure of if or when we will receive any reimbursements.

### **DEPARTMENTAL REPORTS**

There were no questions concerning the departmental reports.

### **ITEMS OF GENERAL CONCERN**

Councilman Allen:

- It is a bad time all around and this is country wide so we need to keep the whole country in our prayers.

Mayor Pro Tempore McCraw:

- Thanked each Department Head and every Employee for the great things they are all doing during these unprecedented times.
- Really proud of a lot of churches, they have rallied around and had free meals for people.
- Noted that construction work on Brown Road is still going on, and a few weeks ago, DOT told him that it would probably take around six months to complete the job.

Councilman Fowler:

- Thanked everyone for all the emails they are getting; she feels very informed, especially with the email information from Fire Chief Roberson and City Manager Dearmin.
- Councilwoman Fowler appreciates the job everyone is doing to keep our citizens safe and the long hours being put in. Job well done.

Councilman Carter:

- Glad to hear Mrs. Riggin's has had her clients rally around her and possibly save her business. That is refreshing to hear. This pandemic is a terrible thing we are dealing with not only are we dealing with a health crisis but then the financial impacts that are more local.
- As a City, he hopes we are helping and supporting these businesses the best we can. He encourages the Council and the public if a business owner reaches out, do all you can to help out.

Mayor Warren:

- Thanked everyone of our staff and stated our employees are doing a great job.

- Encouraged people going to stores to have compassion for those working. You can smile because a smile does not cost a thing.

**ADJOURNMENT**

Mayor Pro Tempore McCraw moved to adjourn the meeting. Councilman Fowler seconded the motion which carried by a unanimous vote of 4-0. The meeting stood adjourned at 8:09 p.m.

Approved by:

Attest:

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Jack Warren  
Mayor

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Nicole Branshaw  
City Clerk

