

**BOARD OF
COMMISSIONERS
FEBRUARY 15, 2021
5:00 PM**



**R. Jay Foster Hall of
Justice Womack
Building Columbus, NC**

-
1. Call to Order - Chairman Melton.
 2. Invocation - Pastor Warren Elliott.
 3. Pledge of Allegiance - Commissioner Moore.
 4. Chairman and Commissioner Comments.
 5. Approval of Agenda
 - A. Motion to approve agenda.
 6. Consent Agenda
 - A. Approve the February 1, 2021 regular meeting minutes.
 - B. Approve the revised 2021 Meeting Schedule January - June.
 - C. Adopt the Plat Review Officer Resolution.
 - D. Schedule public hearing for new proposed road names for Monday, March 1, 2020 at 5:00 pm in the R. Jay Foster Hall of Justice Womack Building Columbus, NC.
 - E. Transportation Title VI Program Plan.
 - F. Resolution Declaring Surplus Real Property (P116-123) and Authorizing Sale by Electronic Public Auction.
 - G. Vaya Health Quarterly Report ending December 31, 2020.

Motion to approve the consent agenda.
 7. Citizen Comment(s) Agenda Items.
 8. Charter Communications Rural Digital Opportunity Fund (RDOF) Expansion - Michael Tanck, Director of Government Affairs Charter Communications Inc.
 9. Isothermal Community College (ICC) Update - Dr. Margaret Annunziata, President, and Stephen Matheny, Vice President of Administrative Services.
 10. Turner Shoal's Dam Update - David Odom, Engineer.
 11. Waterline Extension Update - David Odom, Engineer.
 12. Polk County High School Maintenance Project - Manager Pittman.

Motion to schedule a public hearing regarding the installment financing agreement to finance maintenance improvements at the Polk County High School on Monday, March 1, 2020 at 5:00 pm in the R. Jay Foster Hall of Justice Womack Building Columbus, NC.

Motion to adopt the Resolution calling a public hearing regarding an installment financing agreement to finance school improvements and the acquisition of equipment for a public school and use as security for the County's obligations under the agreement; and declaring the County's intent to reimburse certain expenditures from funds borrowed under the agreement.

13. Budget amendment to appropriate fund balance for capital project, and amend Project Ordinance to increase project for countywide radio communication system - Manager Pittman.

Motion to approve the budget amendment to appropriate \$659,966 to the capital project fund for the countywide radio communication project.

Motion to approve the amended Project Ordinance increasing the amount to \$861,476 (adding \$659,966 to the project for expansion of countywide radio communication project).

14. Budget Calendar for fiscal year 2021/2022 - Sandra Hughes, Finance Director.

15. Volunteer Board Application(s) - the review period was waived to seat members before budget, and appeal hearings begin for their boards and commissions.

A. Application for vote - 1 application for the Columbus Fire Tax Commission Sam Patel; 4 applications for the Equalization and Review Board Joshua Collier, Brian Metcalf, Adrienne Reilly; Tonya Walls; and 4 applications for the Fire and Rescue Advisory Commission Jeremy Gregg, Anthony Hamilton, Brian Metcalf, Derrick Overholt.

Motion to approve the volunteer board applications as presented.

Motion to appoint a Chairman to the Equalization and Review Board from appointed members.

16. Citizen Comment(s) Non-Agenda Items.

17. Adjournment

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
draft minutes	Cover Memo	2/12/2021

POLK COUNTY BOARD OF COMMISSIONERS
Regular Meeting
February 1, 2021 - 5:00 PM
R. Jay Foster Hall of Justice Womack Building Columbus, NC
Columbus, NC
MINUTES

PRESENT: Chairman Melton, Vice-Chairman Beiler, Commissioner Moore, Commissioner Overholt, and Commissioner Yoder. Also in attendance were County Manager Pittman, Attorney Berg, and Clerk to the Board High. Attorney Berg, media and citizens participated remotely.

1. Call to Order - Chairman Melton.
2. Invocation - Commissioner Overholt.
3. Pledge of Allegiance - Chairman Melton.
4. Chairman and Commissioner Comments.

Comments read by Commissioners are entered verbatim.

Commissioner Moore-

Some citizens of our county are concerned that the resolution we passed at our last meeting was because some of our citizens were involved in the tragic events in Washington DC on January 6th. That resolution in no way was saying that. I have spoken to a few that went to Washington DC and none of those in attendance were involved. Any protest or events that have been held in this county has not produced any type of violence. I voted for the resolution as an elected official stating that I do not condone violence of any type. In no way was this resolution saying that citizens from Polk County where involved. I'm here to serve all citizens of our great County and their well-being.

Commissioner Moore read a bookmark he hands out and said he did not know the author. "Watch your thoughts, they become your words; watch your words, they become your actions; watch your actions, they become your habits; watch your habits, they become your character; watch your character, it becomes your destiny."

Commissioner Yoder-

I do appreciate the Citizens of Polk County, and how they have responded during these times of political tension. We all have political opinions, and at times, I see this causes fear, anxiety, anger, disagreements, and etc. As a Commissioner my biggest concern has been that there is no violence of any kind, and that each citizen is free to express their opinion without fear of repercussions. We have seen robust discussions, and rightly so, but no violence of any kind. Which we do not condone or tolerate. Sheriff Wright and his Deputies have kept a watchful eye over Polk County and the Commissioners have also addressed the Public Safety side in putting forth a resolution. As a Commissioner I want to assure you that I am here to govern

for all citizens regardless of what party you affiliate with. Our Sheriff is here to protect and serve. As County leaders we are here to serve and govern, and keep you abreast of current information concerning the state of affairs in Polk County. This last week I was very disappointed when I saw an article with WLOS, News 13 which I felt incited more fear, more anxiety, more anger and disagreement and did nothing to calm the citizens of a situation that they had questions about. I felt that the article could have had a positive affect if WLOS, News 13 would have come to Sheriff Wright, County Manager Pittman, or one of the Commissioners, who could have given them the information on the state of affairs which the county leaders were closely monitoring on political tension and violence. Our citizens always have the right to ask questions to any news media, or to us as county leaders about any given situation, and we will address it as honestly and completely as we can, but for the news media to put out biased articles, that only incite, more fear, anxiety, and anger to our citizens, when all they needed to do was ask county leaders about the situation and truly get the answers that our citizens were seeking and would have had a positive calming effect. I would ask the local news media to be responsible in there reporting, and to think about the effect that it has on our citizens and on the credibility of their news organization. A good story brings hope and strength. A bad story is better left unsaid.

5. Approval of Agenda

Chairman Melton requested amending the agenda to move citizen comments during tonight's meeting to after agenda item *"Polk County School Maintenance Project Discussion - Aaron Greene, School Superintendent"* then add an agenda item to discuss citizen comment placement on future agendas.

- A. Commissioner Moore moved to approve the agenda.as amended, seconded by Commissioner Yoder and the motion carried unanimously.

6. Consent Agenda

Commissioner Overholt moved to approve the consent agenda, seconded by Commissioner Moore and the motion carried unanimously.

- A. January 4, 2021 regular meeting minutes.
- B. January 19, 2021 public hearing & regular meeting minutes.
- C. Tax refund requests through January 2021 in the amount of \$777.73.
- D. QZAB US Bank Escrow Agreement.
- E. 2020 Beautification Awards.

- F. Budget Amendment to appropriate \$5,592 from Emergency Management grant funds reserved in prior years to capital for equipping the EMG vehicle.

7. Citizen Comment(s)

This item was moved to after agenda item "Polk County School Maintenance Project Discussion - Aaron Greene, School Superintendent"

8. Big Bradley Falls Update.

Monty Crump, Vice-Chairman of the North Carolina Wildlife Resources Commission (WRC) said they are coming to present their recommendations on how they have prepared to move forward with safety concerns at Big Bradley Falls in Polk County, NC. He said they appreciate the partnership they have with the County and welcome any feedback or comments. Gary Gardner, Engineering Division Chief gave a presentation, a copy of which is incorporated by reference into these minutes.

Mr. Gardner explained the trail has been closed to the public due to safety concerns, since the Polk County Commissioners issued a Resolution to them in October 2019 "to use any and all means necessary to ensure the safety of citizens and visitors to the Bradley Falls area". He said they set up a "Temporary Restrictive Zone" at Big Bradley Falls making it accessible by permit only. He said this allows experienced individuals, and professionals the opportunity to gain access to the trails and falls if they first obtain a permit. Mr. Gardner said WRC staff and County officials then met in January 2020 determining WRC would evaluate the possibility of building a new, safer trail down to the base of the falls to allow viewing of the falls and deter use of the "overlook". He said when staff re-visited the proposed trail in September 2020 concerns were raised about potential safety issues with a portion of the proposed new trail. The concern was they would be adding an unsafe feature to mitigate an unsafe feature. The alternative, proposed by staff, was to develop a platform and knee wall at the "overlook" with safely constructed steps leading down to the site. Mr. Gardner said this alternative mitigates the existing hazards by providing safer access and a physical barrier, while still providing the view of the total falls.

He then gave an overview and timeline of the overlook project; the design contract was awarded to Black Diamond Trail Designs; WRC staff reviewed the proposed overlook project and trail improvements on January 20, 2021; National Heritage completed a survey on January 22, 2021. He said the next steps are bid contract documents are being developed to advertise for contractors to bid, and waiting for the North Carolina State Construction Office to review and approve the plans before awarding the contract, with construction anticipated to begin late spring 2021.

Commissioner Yoder thanked Mr. Crump and Mr. Gardner for coming to the meeting, and the WRC for moving ahead with the project.

Commissioner Overholt asked if there were any plans for the top of the falls where many of the accidents have occurred. Mr. Gardner said there are

restrictive zones, and they will create barriers, such as fencing. He said they will allow accessibility by permit only, and place signage to direct people to the overlook platform.

Commissioner Moore asked about the timeline for the plans to be reviewed, and if he thought that may hold up construction. Mr. Gardner said he believes the process will go fairly quickly, and he does not expect any delays.

Manager Pittman said one of the county's main concerns was getting public safety workers to accident scenes quickly and safely. He asked if there was anything the WRC could do to help the emergency personnel gain an easier access to the trails, and falls. Mr. Gardner said they have been unable to find one yet, but are looking to do so.

Mr. Crump asked if the County agrees with the alternative plan for the overlook and restrictive zones, if they will continue looking into more help for public safety access. Chairman Melton said on behalf of the Board they agreed.

9. Polk County School Maintenance Project Discussion.

Aaron Greene, School Superintendent thanked the Commissioners for their ongoing support, and said he appreciated how the Board of Education and the Commissioners work together which is not the case everywhere. He said in 2018 they had an energy saving contract analysis on all school facilities. Mr. Greene said when the School Board decided to go a different direction, they still used the analysis to determine what the facility needs were for the schools moving forward. The total estimated cost of all the facility needs will be approximately twenty-six million dollars, and will be addressed over the next nine to ten years.

Mr. Greene said Polk County High School is a thirty year old facility that was value engineered, and is having major HVAC issues, along with other issues, needing to be addressed. He said this is a substantial project with a lead time of four to five months, making this project top priority. He said they were ready to go last year, then COVID-19 came, and they placed it on hold due to all the uncertainties of the pandemic. He said now, with sales tax revenues where they are, they are ready to begin the process. Mr. Greene gave the notice of intent the schools are ready to proceed with the Polk County High School HVAC maintenance project. He stated the cost of this project will exceed five million dollars, and they will finance the project as they have done in the past. He said the Board of Education supports the project, and he is requesting the support of the Commissioners as well.

Manager Pittman said the county will use the sales tax revenue funds designated to school capital projects to pay the debt service payment for the term of the loan.

Commissioner Overholt asked for clarification on the cost of the project. Mr. Greene said he will come back in March with all the details, but at this time he knows it will be five to six million depending on the final construction costs.

Commissioner Moore asked where all the lottery money went from the State. Mr. Greene said lottery funds come from the State, and the legislature designates how the funds are to be used. Previously, funds were intended to help with construction costs. Now, they are designated to be used on operational expenses, such as non-instructional support personnel, and

supplies.

The Commissioners thanked Mr. Greene and the School Board for their partnership with the County.

10. Citizen Comments

This item was moved from agenda item 7.

There were twenty-one citizen comments submitted. They were read by Chairman Melton, and Vice-Chairman Beiler.

11. Citizen Comment Discussion.

Chairman Melton said he is notifying the public for future agendas, there will be two citizen comment periods. The first will be for agenda items before they are considered. The second citizen comment period will be after agenda items are completed and will be for non-agenda items.

12. Water Authority Counsel Agreement.

Manager Pittman said at the September 24, 2019 joint work session with the County, Broad River Water Authority, and Inman Campobello Water District the consensus of the three boards was to have the managers continue the discussion, and seek legal advice on the best option for everyone. He said what is being presented tonight is a letter of engagement to retain Belton Zeigler partner at Womble, Bond, Dickson LLP as legal counsel upon all three entities recommendation. Commissioner Moore moved to agree to and accept the terms and conditions for Belton Zeigler, Womble Bond Dickinson LLP to represent Polk County, North Carolina; the Broad River Water Authority; and Inman Campobello Water District in the Creation of New Structures for Water System Regionalization, seconded by Commissioner Yoder and the motion carried unanimously.

13. Polk County Law Enforcement Facility Refunding Installment Financing Contract Resolution.

Manager Pittman said the County has the opportunity to refinance the Polk County Law Enforcement Facility loan. He explained this would save approximately four hundred fifty thousand dollars over the life of the loan. He said the one new thing for their consideration is they will not be able to prepay the loan, however with the overall savings, he still recommends the refinancing. Vice-Chairman Beiler moved to adopt the Resolution Authorizing the Execution and Delivery of a First Amendment to the 2016 Installment Financing Agreement and Related Documents, seconded by Commissioner Yoder and the motion carried unanimously.

14. Volunteer Board Application(s)

A. Vice-Chairman Beiler moved to appoint Karen Davidson to the Library Board of Trustees, seconded by Commissioner Overholt and the motion

carried unanimously.

15. Closed Session

- A. Commissioner Moore moved to go into closed session for the purpose of property acquisition, seconded by Vice-Chairman Beiler and the motion carried unanimously..
- B. Commissioner Moore moved to return to open session, seconded by Vice-Chairman Beiler and the motion carried unanimously..

16. Adjournment

Commissioner Overholt moved to to adjourn, seconded by Commissioner Yoder and the motion carried unanimously.

Attest:

POLK COUNTY BOARD OF
COMMISSIONERS

Ange High
Clerk to the Board

Tommy W. Melton
Chairman

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: B.

ATTACHMENTS:

Description	Type	Upload Date
Meeting Schedule	Cover Memo	2/9/2021



Polk County Board of Commissioners
Regular Meeting Dates
January – June 2021

MEETING DATE	AGENDA ITEM DEADLINE
January 4, 2021	Tuesday, December 29, 2020
*January 19, 2021	Wednesday, January 13, 2021
February 1, 2021	Tuesday, January 26, 2021
February 15, 2021	Tuesday, February 9, 2021
March 1, 2021	Tuesday, February 23, 2021
March 15, 2021	Tuesday, March 9, 2021
March 29, 2021	Tuesday, March 23, 2021
April 19, 2021	Tuesday, April 13, 2021
May 3, 2021	Tuesday, April 27, 2021
May 17, 2021	Tuesday, May 11, 2021
June 7, 2021	Tuesday, June 1, 2021
June 21, 2021	Tuesday, June 15, 2021

All regular meetings, unless otherwise specified, are held at 5:00pm in the
R. Jay Foster Hall of Justice Womack Building
Columbus, North Carolina

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: C.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Cover Memo	2/9/2021

A Resolution Appointing Review Officers for Polk County

WHEREAS, Polk County and the municipalities within the County have regulations governing the subdivision of land; and,

WHEREAS, General Statute 47-30.2 requires the Board of Commissioners of each county designate by name one or more persons experienced in mapping or land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the register of deeds for recording; and,

WHEREAS, this Resolution shall be recorded in the county registry and indexed on the grantor index in the name of the Review Officer; and,

Now, THEREFORE, BE IT RESOLVED, that all Review Officers ever appointed by the Polk County Board of Commissioners are hereby removed, and

THEREFORE, BE IT RESOLVED that the Polk County Board of Commissioners appoint Hannah Lynch, Planning Administrator, Cathy Ruth, Planning Director, and Kristy Tipton, Office Administrator, as Review Officers.

Effective this day the 15th of February 2021.

Tommy W. Melton
Chairman, Board of County Commissioners

Attest:

Ange High
Clerk to the Board of Commissioners

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: E.

ATTACHMENTS:

Description	Type	Upload Date
Transportation Title VI	Cover Memo	2/9/2021

Action Requested:

TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the Board of Commissioners for Polk County, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Polk County Board of Commissioners, have reviewed and hereby adopt this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Polk County Transportation (PCT) services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Polk County Transportation



Date Adopted:

Title VI Program Plan



TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the Board of Commissioners for Polk County, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Polk County Board of Commissioners, have ***reviewed and hereby adopt*** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Polk County Transportation (PCT) services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Authorizing Official

DATE

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TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
POLK COUNTY GOVERNMENT

In accordance with DOT Order 1050.2A, Polk County Government assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, creed, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by Polk County Transportation.

Further, Polk County Government hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the County Manager.
2. Issue a policy statement, signed by the County Manager of the organization, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout the organization and to the general public, and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of County Manager.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by the organization. Ensure that every contract awarded by the organization's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by the organization.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or the organization's sub-recipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

THIS AGREEMENT is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

Authorized Signature

Date

Printed Name
Official Title

1.0 INTRODUCTION

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, creed (religion), and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, sub recipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

Polk County Government is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). Polk County Government establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, “Nondiscrimination Assurance.” This document details the nondiscrimination program, policies, and practices administered by Polk County Government, and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

Polk County Government establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined under Group 01.D, “Nondiscrimination Assurance,” of the FTA Certifications and Assurances. This document details the nondiscrimination program, policies, and practices administered by this organization, and will be updated periodically to incorporate changes and additional responsibilities as they are made.

2.0 DESCRIPTION OF PROGRAMS AND SERVICES

Polk County Transportation is a rural transit system operating Demand Response and Deviated Fixed service routes to support the general public with mobility options for travel inside and outside the county. Service covers the general public with programs for the elderly, disabled, residents going to work and college as well the needs of Human Service agencies. The transit system helps to connect residents to essential life services, for access to health care options which are not available inside the County, for recreation, shopping and personal care.

2.1 PROGRAM(S) AND SERVICES ADMINISTERED

Polk County Transportation provides public transportation options to its customers within, the townships/municipalities of Columbus, Tryon, Saluda, Mill Spring, Sunny View, and Green Creek, North Carolina. Service runs Monday through Friday with routes beginning at 6:00 a.m. and the last drop off at 5:30 pm. Connection to long distance travel (airports, train and bus stations) is provided after hours and on weekends. Lift equipped vehicles support passengers in wheel chairs. The fare for travel inside the county is \$2.

Funding for trips is received through NC Department of Transportation’s Community Transportation Program (Section 5311), Enhanced Mobility for Seniors and Individuals with Disabilities Program (Section 5310) and Rural Operating Assistance Program (ROAP) and the NC Home and Community Care Block grant (3B). The 3B grant covers residents who are 60 years or older.

A full fare schedule follows. Eligibility for programs is determined through an application process administered by the transit system.

PASSENGER FARES

Polk County Transportation FY19 Passenger Fares			
ALL PASSENGERS PAY EXACT CHANGE UPON BOARDING			
Demand Response Service (Door to Door)			
Destination	Passenger Group	Current Fare	
Inside Polk County	60 or older	No Charge w/Application	
Inside Polk County	General Public	\$2.00	
Inside Polk County - Daily Work Subscription		\$1.50 per trip	
Landrum - Work Subscription (Payable in advance)		\$4/day	
Landrum		\$5.00	
Hendersonville (medical or other appointments)		\$9.00	
Hendersonville Shopping Shuttle - round trip		\$8.00	
Rutherfordton		\$9.00	
Asheville		\$17.00	
Spartanburg		\$9.00	
Greenville		\$14.00	
Shelby		\$15.00	
Marion		\$15.00	
Gastonia		\$20.00	
Hickory		\$33.00	
Children: Under 3 years old free; 4 to 13 years old half price; 14 years old and up, full fare.			
*A Subscription Fare per trip will be available upon request to passengers who travel daily to work inside the county and to Landrum if their trips are not covered by a funding program.			
Airport Trips			
Covers Passengers Picked up at the Same Location and Dropped off at the Door			
Airport Service Up to 4 People	Current One Way Fare	Current Round Trip Fare	5th or more
Greenville/Spartanburg Airport	\$70.00	\$130.00	\$10 each
Asheville Airport	\$65.00	\$120.00	
Charlotte/Douglas Airport	\$115.00	\$230.00	

Staffing

The Transportation Department is one component of the county's Human Services group which reports to the Director of the Consolidated Human Services. Following is an organization chart for Transportation.

Roles and Responsibilities

Administration

- **Transportation Manager –**

Oversees the administrative and operations functions of the department, this includes application and administration of grant funding, administrative and operations budgets, staffing, performance management, marketing, outreach to the public, evaluation of service routes and quality and oversight for the system's safety and security.

- **Processing Assistant**

A highly specialized support function that maintains the agency's books, ensures invoices are processed, expenses and revenues are tracked, equipment and supplies are readily available to staff and ensures all other records are maintained or up-to-date. The person in this position acts as a back up to the Dispatcher, Scheduler and Transit Processing Assistant.

Operations

The Operations staff includes:

- **Dispatcher** -- facilitates the completion of passenger trips each day, coordinates trip changes, addresses driver and vehicle issues, updates the scheduling software, confirms next day travel, and closes out trip data for the current day's work.
- **Scheduler** – assembles passengers trips to create daily schedules, assigns drivers and vehicles based on passenger needs. Coordinates trips for Human Service agencies such as non-emergency Medicaid and the Senior Center
- **Driver** – operates a range of transit vehicles and is responsible for the safe and orderly transportation of passengers to and from their destinations. Completes tasks related to the safe operation of the vehicles including pre and post trip inspections, vehicle cleanliness, accurate trip records, collecting fares and assisting passengers as required.

2.2 FUNDING SOURCES / TABLES

For the purpose of federally-assisted programs, "federal assistance" shall include:

1. grants and loans of Federal funds;
2. the grant or donation of Federal property and interest in property;
3. the detail of Federal personnel;
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Each FTA Formula Grant received by our system, and whether the funds were received through NCDOT or directly from FTA, is checked below.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5311 (Formula Grants for Other than Urbanized Areas)	☒	☒	Annual, one-year grant for administrative salaries, benefits, expenses, and capital for the replacement of vehicles.

2.3 DECISION-MAKING PROCESS

Decisions affecting service to the public are presented to the Polk County Board of Commissioners after review by the Consolidated Human Service Agencies and Transportation Advisory Boards.

Board or Committee Name	Appointed	Elected	# of Members
Polk County Board of Commissioners	☐	☒	5
Health and Human Service Agency	☒	☐	16
Transit Advisory Board	☒	☐	10

2.4 TITLE VI COORDINATOR

The individual below has been designated as the Title VI Coordinator for HHSA Division of Transportation, and is empowered with sufficient authority and responsibility to implement the Title VI Nondiscrimination Program:

Katelyn Earley
Transportation Manager
3 Courthouse Square, P.O Box 308, Columbus, NC 28722
828-894-8203
kearley@polknc.com

Alternate:
Joshua Kennedy, CHSA Director
40 Courthouse St., P.O. Box 308, Columbus, NC 28722

Phone: 828-894-2114
Email: jkennedy@polknc.org

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Training internal staff and officials on their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

2.5 CHANGE OF TITLE VI COORDINATOR AND/OR HEAD OF DECISION-MAKING BODY'S TITLE OR "CAO"

If Title VI Coordinator changes, this document and all other documents that name the Coordinator, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new Title of CAO.

2.6 ORGANIZATIONAL CHART

Polk County Transportation currently employs 12 staff which consists of the following job categories:

- Transportation Manager
- Operations Lead/Scheduler
- Dispatcher/Fleet Tech
- Processing Assistant
- Drivers(9)

An organizational chart showing the Title VI Coordinator's place within the organization is located in **Appendix B**.

2.7 SUB RECIPIENTS

Polk County Transportation does not have pass through funds to any other organizations and, therefore, does not have any sub recipients.

3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of Polk County Government and Polk County Transportation, as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, creed (religion), age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.

Marche Pittman, County Manager

Date

Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of “programs and activities” to include all programs and activities of federal-aid recipients, sub recipients, and contractors, whether such programs and activities are federally-assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act”; 49 U.S.C. 5332, “Nondiscrimination (Public Transportation)”; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d

Implementation

- This statement will be signed by the County Manager of, Polk County and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

4.0 NOTICE OF NONDISCRIMINATION

- Polk County Transportation operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with Polk County Transportation.
- For more information on Polk County Transportation's civil rights program, and the procedures to file a complaint, contact 828-894-8203; email kearley@polknc.org; or visit our administrative office at 3 Courthouse Square, Columbus, NC, 28722. For more information, visit www.polknc.org/transportation.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and inside our vehicles.
- Ads in newspapers and other publications shall include the following: "Polk County Transportation operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on Polk County Transportation's Title VI program or how to file a discrimination complaint, please contact 828-894-8203; kearley@polknc.org."
- The statement will be posted or provided in languages other than English, when appropriate.
- See **Appendix C** for Spanish and French versions of this notice.

5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

We are committed to nondiscriminatory administration of our programs and services, organization-wide. Polk County Transportation will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

Annual Education and Acknowledgement Form

Title VI Nondiscrimination Policy

(Title VI and related nondiscrimination authorities)

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of Polk County Transportation are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to:

Katelyn Earley
Transportation Manager
3 Courthouse Square. P.O. Box 308, Columbus, NC, 28722
Phone: 828-894-8203
Email: kearley@polknc.org

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of Polk County Transportation Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of Polk County Transportation programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

Signature

Date

Implementation

- Periodically, but not more than once a year, employees and representatives will receive, review and certify commitment to the Title VI Program.
- New employees shall be informed of Title VI provisions and expectations to perform their duties accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.
- Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program. Maintain documents of each review on file.
- Signed acknowledgement forms and records of internal assessments will remain on file for at least three years.

6.0 CONTRACT ADMINISTRATION

Polk County Transportation ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of the organization to which they are contracted. Polk County Transportation and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

6.1 CONTRACT LANGUAGE

I. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-

discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

- (a) withholding payments to the contractor under the contract until the contractor complies; and/or
- (b) cancelling, terminating, or suspending a contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

II. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123)

(prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

*The Contractor has read and is familiar with the terms above:

Contractor's Initials

Date

Implementation

- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

The Polk County Transportation, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, creed, limited English proficiency, low-income, or disability in consideration for an award.

Implementation

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields, and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by Polk County Transportation (PCT) to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to Polk County Transportation programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

FILING OF COMPLAINTS

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, creed (religion) or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative, and must be in writing.
3. **Time Limits and Filing Options** – A complaint 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 instance of the conduct.

Complaints may be submitted to the following entities:

- **Polk County Transportation** 3 Courthouse Square, Columbus, NC 28722, 828-894-8203
 - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 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 Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **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
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
 5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."
 6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
			FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 49 U.S.C. 5332(b); FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information, and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
3. The **Log Year(s)** since the last submittal will be entered (e.g., 2015-2018, 2017-2018, FFY 2018, or 2018) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

DISCRIMINATION COMPLAINT FORM

Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with Polk County Transportation/ Polk County Government, within 180 days after the discrimination occurred.				
Last Name:		First Name:		☐ Male ☐ Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		
Identify the Category of Discrimination: ☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN ☐ SEX ☐ CREED (RELIGION) ☐ DISABILITY ☐ LIMITED ENGLISH PROFICIENCY ☐ AGE *NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.				
Identify the Race of the Complainant ☐ Black ☐ White ☐ Hispanic ☐ Asian American ☐ American Indian ☐ Alaskan Native ☐ Pacific Islander ☐ 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 discriminatory action(s):				
How were you 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 has either taken action, or participated in action, to secure rights protected by these laws. If you feel that 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.				
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).				
<u>Name</u>		<u>Address</u>		<u>Telephone</u>
1. _____		_____		_____
2. _____		_____		_____
3. _____		_____		_____
4. _____		_____		_____

DISCRIMINATION COMPLAINT FORM

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.

- ☐ NC Department of Transportation _____
- ☐ Federal Transit Administration _____
- ☐ US Department of Transportation _____
- ☐ US Department of Justice _____
- ☐ Federal or State Court _____
- ☐ Other _____

Have you discussed the complaint with any Polk County Transportation/Polk County Government 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, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:

Polk County Transportation
County Annex Gibson and Ward St
Columbus, NC 28722
P.O Box 308
(828)-894-8203

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: ☐ NCDOT ☐ FTA Date Referred: _____

DISCRIMINATION COMPLAINTS LOG

Log Year(s):

CASE NO.	COMPLAINANT NAME	RACE/ GENDER	RESPONDENT NAME	BASIS	DATE FILED	DATE RECEIVED	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

No Complaints or Lawsuits ☐

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **Polk County Transportation** since the previous Title VI Program submission to NCDOT.

Signature of Title VI Coordinator or Other Authorized Official

Date

Print Name and Title of Authorized Official

INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

Investigative Report

I. COMPLAINANT(S) NAME (or attorney for the complainant(s) – name and address if applicable)

Name: _____
Address: _____
Phone: _____

II. RESPONDENT(S) (or attorney for the respondent(s) – name and address if applicable)

Name: _____
Address: _____
Phone: _____

III. APPLICABLE LAW/REGULATION

[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53)]

IV. COMPLAINT BASIS/(ES)

[For example, Race, Color, National Origin, Creed (Religion), Sex, Age, Disability)]

V. ISSUES/ALLEGATIONS

[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, creed, sex, national origin, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Example:

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.

Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

VI. BACKGROUND

[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]

VII. INVESTIGATIVE PROCEDURE

[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]

VIII. ISSUES / FINDINGS OF FACT

[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]

IX. CONCLUSION

[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]

X. RECOMMENDED ACTIONS

[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

APPENDIX

[Include in the Appendix any supplemental materials that support your findings and conclusion.]

8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

Race and Ethnicity	Number	Percent
Total Population	20510	100
White	18633	90.8
Black or African American	918	4.5
American Indian or Alaska Native	72	0.4
Asian	68	0.3
Native Hawaiian and Other Pacific Islander	2	0.0
Some other Race	528	2.6
Two or More Races	289	1.4
HISPANIC OR LATINO (of any race)	1122	100
Mexican	906	4.4
Puerto Rican	30	0.1
Cuban	23	0.1
Other Hispanic or Latino	163	0.8

8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	20510	9825	10685	100%	100%	100%
Under 5 years	931	477	454	4.5	4.9	4.2
Under 18 years	3938	2046	1892	19.2	20.8	17.7
18 to 64 years	11579	5590	5989	56.5	56.9	56.1
65 years and over	4993	2189	2804	24.3	22.3	26.2
Median Age	49.1	46.9	51.0			

8.3 DISABILITY

DATA UNAVAILABLE

8.4 POVERTY

DATA UNAVAILABLE

8.5 HOUSEHOLD INCOME

DATA UNAVAILABLE

8.6 LIMITED ENGLISH PROFICIENCY POPULATIONS

8.7 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

Title VI Equity Analyses. In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Environmental Justice Analyses. As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities or fares. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

10.0 PUBLIC INVOLVEMENT

10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how Polk County Transportation (PCT) will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated in Sections 3.0 and 4.0, respectively. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

10.3 DISSEMINATION OF INFORMATION

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and sub recipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

Public Meetings

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner’s request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

10.5 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

In an effort to comply with DOT's LEP policy guidance and Executive Order 13166, this section of our public participation plan outlines the steps we will take to ensure meaningful access to all benefits, services, information, and other important portions of our programs and activities by individuals who are LEP. Accordingly, a Four Factor Analysis was conducted to determine the specific language services appropriate to provide, to whom, and to determine if our communication with LEP persons is effective.

Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) The resources available to the recipient and costs.

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.*

There are no non-English language groups in Polk County with populations at or above 1,000. Refer to table below.

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	19546	+/- 121	100%	(X)
Speak only English	18507	+/- 219	95%	+/- .32%
Spanish or Spanish Creole:	840	+/- 174	5%	+/- .71%
Speak English "very well"	648	+/- 166	4%	+/- .69%
Speak English less than "very well"	192	+/- 99	1%	+/- .01%

Factor #2: *The frequency with which LEP individuals come in contact with the program.*

The Spanish speaking community interacts with Polk County Transportation on a regular basis; that is, at least once each day. For this reason, effort has been made to hire and retain staff fluent in Spanish and to translate rates and other information into Spanish. Requests for support have not been received in other languages.

Factor #3: *The nature and importance of the program, activity, or service provided by the recipient to people's lives.*

Transportation is a key factor in helping residents connect with needed life-services, education, and recreational services. A large number of county residents rely solely on transportation to help meet their everyday needs.

Factor #4: <i>The resources available to the recipient and costs.</i>
--

Bilingual resources are available through the Department of Social Services. No assessment has been completed to determine the cost of such support.

LANGUAGE ASSISTANCE PLAN

As a result of the above four factor analysis, a Language Assistance Plan (LAP) was not required. However, reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services.

10.6 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

Polk County Transportation is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

Race/Ethnicity: ☐ White ☐ Black/African American ☐ Asian ☐ American Indian/Alaskan Native ☐ Native Hawaiian/Pacific Islander ☐ Hispanic/Latino ☐ Other (please specify): _____	National Origin: (if born outside the U.S.) ☐ Mexican ☐ Central American: _____ ☐ South American: _____ ☐ Puerto Rican ☐ Chinese ☐ Vietnamese ☐ Korean ☐ Other (please specify): _____
Gender: ☐ Male ☐ Female	Age: ☐ Less than 18 ☐ 45-64 ☐ 18-29 ☐ 65 and older ☐ 30-44
Disability: ☐ Yes ☐ No	
I choose not to provide any of the information requested above: ☐	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact Katelyn Earley at Polk County Transportation at 828-894-8203 or by email at kearley@polknc.org.

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

Implementation

- Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.
- If a member, for whatever reason, selects "*I choose not to provide any of the information requested above*," this will be accepted as a **completed** form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member's race and gender, based on the Coordinator's best guess.
- Data from these forms will be used to complete the Demographic Request Table.
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

10.7 KEY COMMUNITY CONTACTS

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
Ernie Kan	Columbus	Public Sector	Yes
Gina Cashion	Polk County	Health and Human Services Agency	Yes
Haley Suskauser	Polk County	Health and Human Services Agency	Yes
Karyl Fuller	IPDC	Government Affiliate/IPDC	Yes
Kimberly Wilson	Polk County	Health and Human Services Agency	Yes
Lambert Ridings	Polk County Public Schools	Transportation Provider/Board of Education	Yes
Neal Bebber	Polk Vocational Services	Public Human Svc/Polk Vocational Svc	Yes
Paul Beiler	Polk County Local Gov't	Government Affiliate	Yes
Susan Bell	Town of Tryon	Government Affiliate	Yes
George Alley	Thermal Belt Outreach	Public Human Svc/Thermal Belt Outreach	No

Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact any individual listed above must request that information from the Title VI Coordinator.

11.0 STAFF TRAINING

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

12.0 NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Member names and full demographics for each committee are available, upon request.

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population	48	52	90.8	4.5				5.5
Transit Advisory Board	27.2	72.7	90	10				
Health and Human Service Agencies Board	73	27	100					

Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

13.0 RECORD-KEEPING AND REPORTS

As a sub recipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and

LEP). Updates will be submitted to NCDOT for review and approval, and adopted by our Board when required.

In addition to items documented throughout this Plan, records and reports due at the time of compliance reviews or investigations may include:

Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

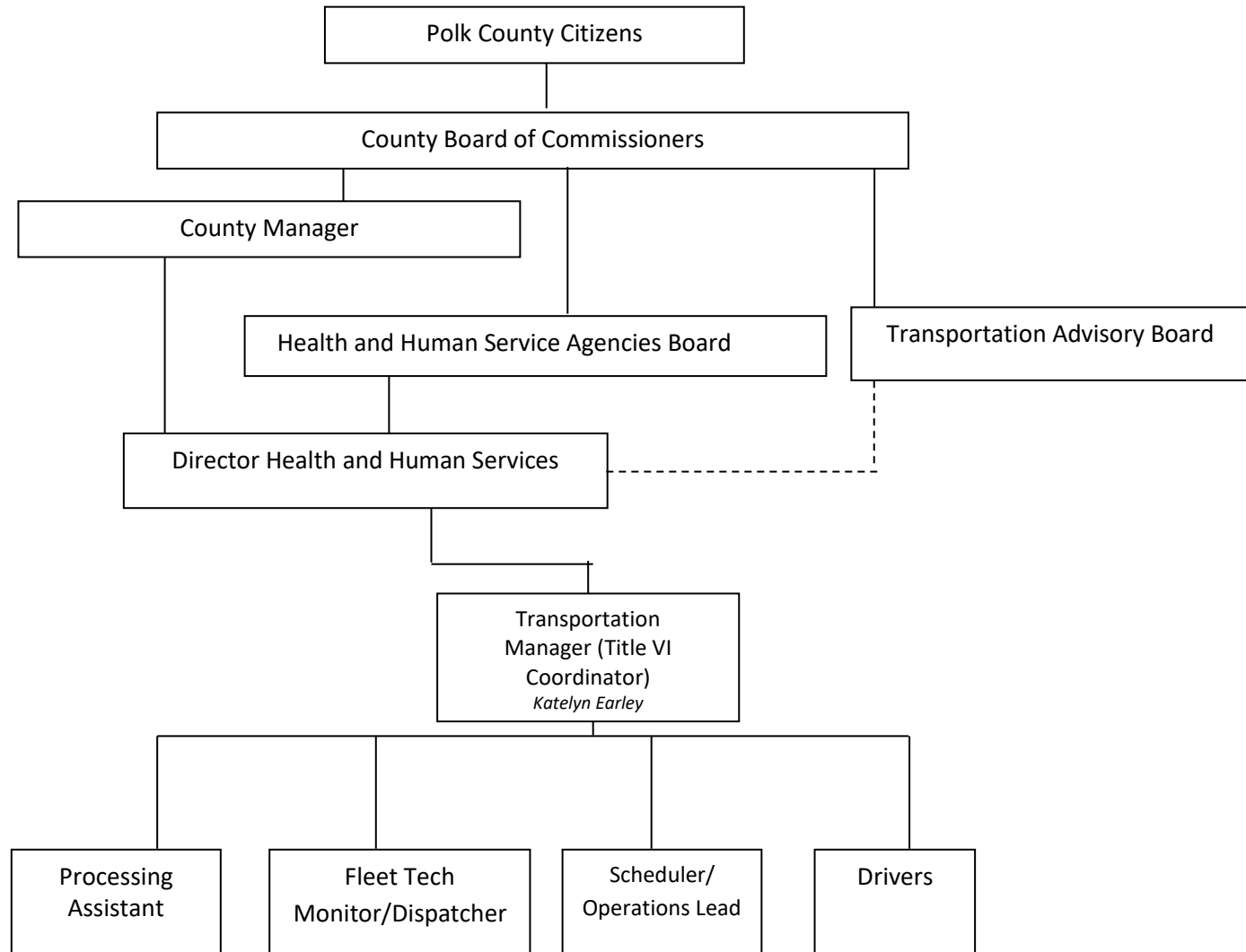
Appendix A

Applicable Nondiscrimination Authorities

During the implementation of this Title VI Program, the organization, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

Appendix B
Organizational Chart



Appendix C
NCDOT's Compliance Review Checklist for Transit

I. Program Administration (General Requirements) <i>Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.</i> Note: Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.	
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	☐
2. Title VI Policy Statement (<i>signed</i>)	☐
3. Title VI Notice to the Public, including a list of locations where the notice is posted	☐
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties Name/Title:	☐
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	☐
6. Title VI Complaint Form	☐
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	☐
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	☐
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	☐
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	☐
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	☐
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	☐
13. If you pass through FTA funds to other organizations , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ No Subrecipients ☐	☐
14. A Title VI equity analysis if you have constructed or conducted planning for a facility , such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ No Facilities Planned or Constructed ☐	☐
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ No Construction Projects ☐	☐

16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. Year/Agency:	☐
II. Transit Providers <i>Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.</i> Note: All NCDOT subrecipients that provide <u>fixed route</u> public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section. ➤ Not Applicable ☐ (Check this box if you do not provide <u>fixed route</u> services, and skip questions 17 and 18. This section does not apply to you if you <i>only</i> provide demand response services.)	
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
17. Service standards (quantitative measures) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators: • Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.)	☐
• Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).)	☐
• On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be “on time.” Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.)	☐
• Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider’s service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.)	☐
18. Service policies (system-wide policies) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following: • Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. NOTE: Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)	☐
• Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)	☐

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: F.

ATTACHMENTS:

Description	Type	Upload Date
Resolution	Cover Memo	2/10/2021

**RESOLUTION OF THE POLK COUNTY BOARD OF COMMISSIONERS
DECLARING SURPLUS REAL PROPERTY AND AUTHORIZING THE SALE BY
ELECTRONIC PUBLIC AUCTION**

WHEREAS, G.S. 160A-270 allows the Polk County Board of Commissioners to sell Real property at public auction upon adoption of a resolution authorizing the approval officer to dispose of property at public auction; and

WHEREAS, the following property is not needed for any governmental use by Polk County:

Polk County Parcel P116-123 located on Rambling Creek Drive, Tryon NC; and

WHEREAS, it is the intent of the County to sell the described parcel of land as is, and any offer or bid must be confirmed by the Commissioners before the sale will be effective; and

WHEREAS, the Polk County Board of Commissioners authorize the County Manager to sell the property herein described by electronic auction at polknc.org; and

NOW, THEREFORE BE IT RESOLVED that the Polk County Board of Commissioners do hereby declare said property as surplus, and authorizes the County Manager to sell said property at electronic public auction, and the Commissioners shall accept or reject the highest bid within thirty (30) days thereafter.

Approved this 15th day of February, 2021.

POLK COUNTY BOARD
OF COMMISSIONERS

Tommy W. Melton
Chairman

ATTEST:

Angé High
Clerk to the Board

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: G.

ATTACHMENTS:

Description	Type	Upload Date
Vaya Quarterly Report	Cover Memo	2/10/2021

Suggested Motion:

Motion to approve the consent agenda.



Vaya Health

200 Ridgefield Court, Suite 206
Asheville, NC 28806
1-800-893-6246
www.vayahealth.com

Larry E. Hill
Executive VP & CFO

January 29, 2021

RE: Vaya Health Quarterly Report to the Communities for Period Ending December 31, 2020

Dear County Representatives:

Enclosed you will find a financial update for Vaya Health for the most center quarter ending December 31, 2020. As the ongoing impact of the COVID-19 pandemic remains volatile to current and future operations, we continue to preface with this statement as a reminder of the unpredictability of financial earnings during this unprecedented event:

"Vaya's financial picture is an anomaly and subject to change based on future utilization and policy. That COVID bubble has impacted the Medicaid revenue, cost, utilization, membership and even Single Stream."

Included in this email are the Fiscal Monitoring Report and a companion report, the Vaya Health Total Spendable Cash, which provides greater clarity of cash availability after reserving 30 days of cash for operations. Note that this is a more conservative calculation than the State solvency metric which does not allow for certain working capital needs. Also note that a significant amount of cash is restricted for Medicaid Risk Reserve and may be spent only in the case of insolvency to pay claims for providers.

Vaya continues to support our providers with a portfolio of tools during the COVID bubble. As evidenced below, we have authorized \$16.2m of provider stabilization support during the COVID-19 pandemic with \$13.8m expended through January 4th.

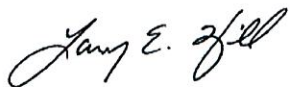
As of January 4, 2020	Authorized	Paid	Providers Benefitting	Unduplicated Members Served
Hardship	\$5,192,463	\$5,040,034	43	n/a
Rate Increases	\$8,266,362	\$7,862,088	170	2,309
Appendix K Caps	\$1,502,783	\$0	51	215
Appendix K Retainer	\$1,011,671	\$703,772	21	192
New Telehealth Codes for Eval, Assess, and Mgmt Codes	\$240,833	\$240,833	86	4,469
TOTALS	\$16,214,112	\$13,846,727		

Over the upcoming quarter, management expects an additional level of Medicaid and provider stabilization spending will be sourced from the current excess cash position.

For 24/7 access to care or crisis assistance, call 1-800-849-6127 | NC Relay 711

Should you have any additional questions or comments, please do not hesitate to contact me via email or phone.

Sincerely,

A handwritten signature in cursive script, reading "Larry E. Hill".

Larry E. Hill

Executive Vice-President & CFO

Vaya Health | 200 Ridgefield Court, Suite 206

Asheville, NC 28806

☎ 828-225-2785 ext. 4734

✉ larry.hill@vayahealth.com

Vaya Health Total Spendable Cash
As of December 31, 2020

Total Operating Cash (Excluding Risk Reserve)	87,178,151
Less Accounts Payable	(45,133,555)
Plus Accounts Receivable	10,794,630
Less Annual Leave Payout Liability	(2,361,205)
Less Other Post Employment Benefits Liability	(2,150,000)
Less 30 Days Cash	(36,514,676)
Spendable Cash	11,813,345

In accordance with G.S. 122C-124.2(e)(3), the risk reserve's purpose is to pay outstanding liabilities (unpaid claims) to providers in cases of insolvency and not intended to be used for operating costs. These resources are not available for payment of non-provider claims and may not be accessed by the LME MCO without written consent from DHHS.

COMMENTS AND EXPLANATIONS

FISCAL MONITORING REPORT

The report is divided into four sections:

- Section 1 contains budget versus actual information for the prior year and current year.
 - Revenue
 - Total Local Funds
 - Total County Funds
 - Total State, Federal, and Medicaid Funds
 - Total Revenue
 - Expenditures
 - Net Income or (loss) from operations
 - Net Income or (Loss) (from Operations and Risk Revenue) includes the Medicaid Risk Revenue that by statute the state will not allow LME MCOs to access.
 - Less Risk Reserve Revenue is the amount of Medicaid Risk Reserve Revenue included in the Net Income or (Loss) (from Operations and Risk Revenue) even though the LME/MCO does not have access to those funds.
 - Net Income or (Loss) from Operations is the true operating income or (loss) not counting the Medicaid Risk Revenue that is restricted by state statute and not accessible to the LME/MCO.
- Section 2 Fund Balance contains information on the restricted and unrestricted components that comprise the Fund Balance.
 - Restricted Fund Balance for Risk Reserve contains the amount of Medicaid Risk Reserve that is restricted by statute and not accessible to the LME/MCO.
 - Restricted Fund Balance – State Statute, Prepaids & Investments in Fixed Assets represents amounts of funds already expended but not yet expensed or fully depreciated that are not readily available for use by the LME/MCO.
 - Unrestricted Fund Balance (Including Board Commitments) are funds available for use.
 - Total Fund Balance represents the sum of the restricted and unrestricted fund balances.
- Section 3 Current Cash Position contains information on cash that is available for use and cash that is restricted by state statute and is not available for use.
 - Current Cash in Bank (Including Risk Reserve) represents Vaya's total cash and investments including the Medicaid Risk Reserve, that is restricted by state statute and unavailable for use by the LME/MCO.
 - Less Risk Reserve Cash – Set Aside is the amount of Medicaid Risk Reserve that is restricted by state statute and unavailable for use by the LME/MCO.
 - Total Operating Cash is the amount of cash and investments that are available for the LME/MCO to use. It does not include funds that are unavailable to the LME/MCO such as the Medicaid Risk Reserve.
- Section 4 Estimated Services Incurred But Not Yet Reported (IBNR) represents an estimate based on historical claims patterns for services that have been received by recipients, but have not yet been billed by providers or, received and paid by the LME/MCO.

VAYA HEALTH TOTAL SPENDABLE CASH

This report starts with the Total Operating Cash contained in Section 3 of the Fiscal Monitoring Report and adds or subtracts items that will be paid or received in the future. It also subtracts an amount equal to 30 days operating cash (approximately \$1.2 million per calendar day) to show the amount of unrestricted cash that is prudently available for use should there be unforeseen interruptions in revenue.

Total Cash (Excluding Risk Reserve) ties to Total Operating Cash in Section 3 of the Fiscal Monitoring Report.

Less Accounts Payable represents the total amount of the items to be paid for both services (claims incurred but not reported or paid) and items to be paid for non-service items.

Plus Accounts Receivable represents the total amount of funds to be collected in the future.

Less Annual Leave Payout represents the liability for unused annual leave to be taken or paid out if the employee leaves the company.

Less Post Employment Benefits represents the liability for vested retirement benefits.

Less 30 Days Cash represents a minimal period of time to keep a cushion of cash to continue operations should there be unforeseen interruptions in revenue. The current level of cash used for operations (including services and administration) is approximately \$1.2 million per calendar day.

Fiscal Monitoring Report

LME / MCO NAME: VAYA HEALTH FOR THE PERIOD ENDING: 12/31/2020
 # of month in the fiscal year (July = 1, August = 2, . . . , June = 12) =====> 6

1. REPORT OF BUDGET VS. ACTUAL	(1)	(2)	(3)	(4)	(5)	(6)
	PRIOR YEAR		CURRENT YEAR 2020-2021			
	2019-2020		ACTUAL	BALANCE	ANNUALIZED	
	BUDGET	ACTUAL	BUDGET	YR-TO-DATE	(Col. 3-4)	PERCENTAGE
REVENUE						
Interest Earned	350,000	312,941	400,000	25,649	374,351	12.82%
Rental Income	-	-	-	-	-	-
Appropriation of Fund Balance	5,096,414	-	-	-	-	-
Other Local	1,022,900	544,824	977,040	603,382	373,657	123.51%
Total Local Funds	6,469,314	857,765	1,377,040	629,032	748,008	91.36%
County Appropriations (by County, includes ABC Funds):						
Alexander County	50,000	50,000	50,000	25,000	25,000	100.00%
Alleghany County	115,483	115,483	109,709	54,855	54,855	100.00%
Ashe County	189,566	189,566	189,566	94,783	94,783	100.00%
Avery County	89,600	89,600	89,600	44,800	44,800	100.00%
Buncombe County	600,000	600,000	600,000	300,000	300,000	100.00%
Caldwell County	121,881	122,139	123,438	63,972	59,466	103.65%
Cherokee County	75,000	75,000	75,000	37,500	37,500	100.00%
Clay County	15,000	-	15,000	7,500	7,500	100.00%
Graham County	6,000	6,000	6,000	3,000	3,000	100.00%
Haywood County	104,950	103,742	105,500	53,535	51,965	101.49%
Henderson County	528,612	528,612	528,612	264,306	264,306	100.00%
Jackson County	123,081	123,081	123,081	61,541	61,541	100.00%
Macon County	106,623	106,623	106,623	53,312	53,312	100.00%
Madison County	30,000	30,000	30,000	15,000	15,000	100.00%
McDowell County	67,856	67,856	67,856	33,928	33,928	100.00%
Mitchell County	18,000	18,000	18,000	9,000	9,000	100.00%
Polk County	78,535	79,125	79,191	39,272	39,919	99.18%
Swain County	27,219	27,192	28,500	14,651	13,849	102.82%
Transylvania County	99,261	99,261	99,261	49,631	49,631	100.00%
Watauga County	171,194	171,194	171,194	85,597	85,597	100.00%
Wilkes County	269,993	270,129	234,112	117,981	116,131	100.79%
Yancey County	26,000	26,000	26,000	13,000	13,000	100.00%
Total County Funds	2,913,854	2,898,603	2,876,243	1,442,163	1,434,080	100.28%
DMH/DD/SAS State and Federal Funding	86,995,234	82,608,687	88,399,534	40,259,445	48,140,089	91.09%
DHB Capitation Funding (Medicaid)	335,491,557	332,647,880	359,094,950	192,359,702	166,735,248	107.14%
DHB Risk Reserve Funding (Medicaid)	4,785,200	4,938,000	5,468,451	2,954,659	2,513,792	108.06%
All Other State/Federal Funds	1,132,000	1,134,341	1,540,000	672,553	867,447	87.34%
Total State, Federal and Medicaid Funds	428,403,991	421,328,908	454,502,935	236,246,358	218,256,576	102.66%
TOTAL REVENUE	437,787,159	425,085,275	458,756,218	238,317,553	220,438,665	103.90%
EXPENDITURES:						
Administration	55,054,417	49,309,356	66,441,318	25,533,396	40,907,922	76.86%
LME Provided Services (Service Support)	1,986,847	1,736,773	2,242,194	957,476	1,284,718	85.41%
Provider Payments (State Funds)	61,941,409	60,228,930	59,290,868	19,899,942	39,390,926	67.13%
Provider Payments (Federal Funds)	17,807,926	15,501,979	26,566,000	17,913,716	8,652,284	134.86%
Provider Payments (County Funds)	2,913,854	2,897,259	2,876,243	1,298,319	1,577,924	90.28%
Provider Payments (Medicaid)	297,213,865	288,551,773	300,470,756	163,035,310	137,435,446	108.52%
Shelter Plus Care Grant Expenditures	868,840	834,804	868,840	398,734	470,106	91.79%
TOTAL EXPENDITURES	437,787,159	419,060,873	458,756,218	229,036,893	229,719,326	99.85%
Net Income or (Loss) (from Operations and Risk Reserve)		6,024,402		9,280,660		
Less Risk Reserve Revenue		(4,938,000)		(2,954,659)		
NET INCOME OR (LOSS) FROM OPERATIONS		1,086,402		6,326,001		
2. FUND BALANCE						
Restricted Fund Balance for Risk Reserve		49,540,249		52,494,908		
Restricted Fund Balance - State Statute, Prepaids & Investment in Fixed Assets		11,817,686		16,923,807		
Unrestricted Fund Balance (including Board Commitments)		18,871,086		20,090,967		
TOTAL FUND BALANCE		80,229,021		89,509,682		
3. CURRENT CASH POSITION						
Current Cash in Bank (Including Risk Reserve)				139,673,059		
Less Risk Reserve Cash				(52,494,908)		
TOTAL OPERATING CASH				87,178,151		*See additional Document
4. ESTIMATED SERVICES INCURRED BUT NOT REPORTED/PAID (IBNR)				25,816,416		

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: 11.

ATTACHMENTS:

Description	Type	Upload Date
Public Notice	Cover Memo	2/12/2021
Resolution	Cover Memo	2/12/2021

Action Requested:

RESOLUTION CALLING A PUBLIC HEARING REGARDING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE SCHOOL IMPROVEMENTS AND THE ACQUISITION OF EQUIPMENT FOR A PUBLIC SCHOOL AND USE AS SECURITY FOR THE COUNTY'S OBLIGATIONS UNDER THE AGREEMENT; AND DECLARING THE COUNTY'S INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM FUNDS BORROWED UNDER THE AGREEMENT

Suggested Motion:

Motion to schedule a public hearing regarding the installment financing agreement to finance maintenance improvements at the Polk County High School on Monday, March 1, 2020 at 5:00 pm in the R. Jay Foster Hall of Justice Womack Building Columbus, NC.

Motion to adopt the Resolution calling a public hearing regarding an installment financing agreement to finance school improvements and the acquisition of equipment for a public school and use as security for the County's obligations under the agreement; and declaring the County's intent to reimburse certain expenditures from funds borrowed under the agreement.

NOTICE OF PUBLIC HEARING

The Board of Commissioners for the County of Polk, North Carolina (the “County”) has determined to consider whether to enter into an installment financing agreement (the “Agreement”) pursuant to Section 160A-20 of the General Statutes of North Carolina obligating the County to make installment payments thereunder in the principal amount not to exceed \$6,200,000, plus interest thereon. The Agreement is for the purpose of providing funds, together with any other available funds, to pay the costs of acquiring and installing certain HVAC, lighting and other equipment at Polk County High School, a public school owned and used by the Polk County Board of Education (the “Project”) located at 1681 NC Highway 108 in Columbus, North Carolina. To secure its obligations under the Agreement, the County will grant a security interest in the Project to the lender under the Agreement.

Section 160A-20(g) of the General Statutes of North Carolina requires that the County hold a public hearing prior to entering into the Agreement. Section 153A-158.1 of the General Statutes of North Carolina requires that the County hold a public hearing relating to the proposed acquisition of property by the County under the Agreement to be used for school purposes. If the Board of Commissioners for the County so determines, an application will be submitted to the Local Government Commission of North Carolina for approval of the Agreement.

Please take notice that the Board of Commissioners for the County will conduct a public hearing in the R. Jay Foster Hall of Justice in the Womack Building located at 40 Courthouse Street in Columbus, North Carolina at 5:00 p.m. on March 1, 2021 at which time any person may be heard regarding the proposed Agreement described above, including granting a security interest in the Project.

Any person wishing to comment in writing regarding the proposed Agreement or the proposed acquisition of property by the County under the Agreement to be used for school purposes should do so prior to March 1, 2021 to the County of Polk, North Carolina, 40 Courthouse Street, Post Office Box 308, Columbus, North Carolina 28722, Attention: Angé High, Clerk to the Board of Commissioners.

Angé High
Clerk to the Board of Commissioners

The Board of Commissioners of the County of Polk, North Carolina met in a regular meeting in the R. Jay Foster Hall of Justice in the Womack Building located at 40 Courthouse Street in Columbus, North Carolina, the regular place of meeting, at 5:00 p.m. on February 15, 2021.

Present: Chairman Tommy Melton, presiding, and Commissioners

Absent: Commissioners

Also present: Angé High, Clerk to the Board of Commissioners; _____

* * * * *

_____ introduced the following resolution, the title of which was read and copies of which had been distributed to each Commissioner:

**RESOLUTION CALLING A PUBLIC HEARING REGARDING AN
INSTALLMENT FINANCING AGREEMENT TO FINANCE SCHOOL
IMPROVEMENTS AND THE ACQUISITION OF EQUIPMENT FOR A
PUBLIC SCHOOL AND USE AS SECURITY FOR THE COUNTY'S
OBLIGATIONS UNDER THE AGREEMENT; AND DECLARING THE
COUNTY'S INTENT TO REIMBURSE CERTAIN EXPENDITURES
FROM FUNDS BORROWED UNDER THE AGREEMENT**

Section 1. The Board of Commissioners (the "Board") for the County of Polk does hereby find and determine as follows:

(a) The Polk County Board of Education (the "School Board") is a local school administrative unit for a public school system located in the County of Polk, North Carolina (the "County"), and the School Board has advised the County that there is a need for various improvements to Polk County High School, including the acquisition and installation of HVAC improvements, LED lighting improvements and other improvements upgrades (the "Project") to serve the citizens of the County in the area served by the School Board.

(b) The County is considering entering into an installment financing agreement with a financial institution to be determined (the "Agreement") pursuant to G.S. 160A-20 for the purpose of providing funds in an amount not to exceed \$6,200,000 for financing the costs of the Project, to be repaid with interest thereon. The Agreement will be subject to the approval of the North Carolina Local Government Commission and the Board has determined to authorize the staff of the County to apply to the Local Government Commission for approval of the Agreement and has determined at this time to make certain findings in support of such application.

(c) In order to secure the payment obligations of the County in connection with the financing arrangements under the Agreement, the County will grant a security interest in all or some part of the Project.

(d) In accordance with Sections 160A-20(g) and 153A-158.1(a) of the North Carolina General Statutes, a public hearing on the Agreement and acquiring by the County of the Project for use by the School Board is required.

(e) Section 1.150-2 of the Federal Treasury Regulations (the “Reimbursement Regulations”) prescribes procedures regarding the reimbursement of certain expenditures by or on behalf of the County from the proceeds of tax-exempt bonds or other obligations issued after the expenditures, including, without limitation, a requirement that the County declare its official intent to reimburse the expenditures with proceeds of the tax-exempt debt prior to, or within sixty (60) days of, payment of the expenditures to be reimbursed; and the County or the School Board intends to advance their own funds in order to pay certain capital costs (the “Original Expenditures”) relating to the Project.

Section 2. The Board hereby fixes 5:00 p.m. on March 1, 2021 in the Commissioners’ Meeting Room of the in the R. Jay Foster Hall of Justice in the Womack Building located at 40 Courthouse Street in Columbus, North Carolina, the regular place of meeting, as the hour, day and place for a public hearing on (a) the proposed Agreement and (b) the acquisition of the Project by the County for use by the Polk County Board of Education for school purposes. The Board hereby directs the Clerk to said Board to publish notice of such public hearing once in the The Tryon Daily Bulletin not later than the 10th day before said date.

Section 3. The Board hereby declares the following:

(a) The County reasonably expects to reimburse itself for the Original Expenditures from the proceeds of debt to be incurred by the County under the Agreement.

(b) \$6,200,000 is the maximum principal amount of debt expected to be incurred for the purpose of paying the costs of the Project.

(c) This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to expressly declare the official intent of the County to reimburse itself from the proceeds of debt to be hereinafter incurred by the County for certain expenditures paid by the County on or after the date which is sixty (60) days prior to the date hereof.

(e) The funds heretofore advanced or to be advanced by the County to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the County to permanently finance the Original Expenditures.

(f) All Original Expenditures to be reimbursed by the County were paid no more than sixty (60) days prior to, or will be paid on or after the date of, this declaration of official intent, except with respect to certain amounts incurred before such 60-day period not exceeding 20% of the issue price of the proceeds of the debt to be hereinafter incurred which are expended for “preliminary expenditures” within the meaning of Section 1.150-2 of the Treasury Regulations (the “Preliminary Expenditures”). The County understands that, except for the Preliminary Expenditures, such reimbursement must occur not later than eighteen (18) months after the later

of (a) the date the Original Expenditures were paid and (b) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the Original Expenditures were paid.

Section 5. This resolution shall take effect upon its adoption.

Upon motion of Commissioner _____, the foregoing resolution entitled “RESOLUTION CALLING A PUBLIC HEARING REGARDING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE SCHOOL IMPROVEMENTS AND THE ACQUISITION OF EQUIPMENT FOR A PUBLIC SCHOOL AND USE AS SECURITY FOR THE COUNTY’S OBLIGATIONS UNDER THE AGREEMENT; AND DECLARING THE COUNTY’S INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM FUNDS BORROWED UNDER THE AGREEMENT” was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Angé High, Clerk to the Board of Commissioners of the County of Polk, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners of said County at a regular meeting held on February 1, 2021, as it relates in any way to the adoption of the foregoing resolutions and that said proceedings are to be recorded in the minutes of said Board of Commissioners.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said County this 1st day of March, 2021.

Clerk to the Board of Commissioners

[SEAL]

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: 12.

ATTACHMENTS:

Description	Type	Upload Date
Budget Amendment and Project Ordinance	Cover Memo	2/9/2021
Kimball quote	Cover Memo	2/10/2021

Suggested Motion:

Motion to approve the budget amendment to appropriate \$659,966 to the capital project fund for the countywide radio communication project.

Motion to approve the amended Project Ordinance increasing the amount to \$861,476 (adding \$659,966 to the project for expansion of countywide radio communication project).

POLK COUNTY FINANCE

BUDGET AMENDMENT: APPROPRIATE GENERAL FUND BALANCE

DATE: 2/15/2021 BOC Meeting

BATCH #:

LINE

Dept.: Transfer to Capital Project Fund

Amendment # : 7-F Fund balance

INCREASE EXPENSE

INCREASE FUND BALANCE APPROPRIATED

GL ACCOUNT #

10-9800-9841-0

Transfer out

\$ 659,966

GL ACCOUNT #

10-3991-0000

Fund Balance Approp

\$ (659,966)

EXPLANATION:

To appropriate fund balance for the Co-Wide Communication Project Ordinance that will connect Polk County to Henderson County's Nexedge System

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

COUNTY OF POLK, NORTH CAROLINA

PROJECT BUDGET ORDINANCE Co-Wide Communication

BUDGET EXPENDITURES

	<u>Original Budget</u>	<u>4/20/2020</u>	<u>Amended</u> <u>2/15/2021</u>
Capital Improvements	41-4325-5000-0	\$ 201,510	\$ 861,476
Total Expenditures		<u>\$ 201,510</u>	<u>\$ 861,476</u>

REVENUES

Transfer-in GF	41-3981-9800	\$ 201,510	\$ 861,476
Total Revenues		<u>\$ 201,510</u>	<u>\$ 861,476</u>

04/20/2020: Recording system replacement/FCC licenses/radio equipment replacements
(Originally budgeted in the General Fund but will cross fiscal years and have
additions as the project expands)

02/15/2021: Polk County GEN1 Nexedge System - 6 Sites, 5 channels per site to connect;
connecting to Henderson County's Nexedge System
(Added \$659,966 to project for expansion of the County-wide Communication Project)

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

-Project Ordinance: Co-Wide Comm



**POLK COUNTY GEN1 NEXEDGE SYSTEM
6 SITES - 5 CHANNELS PER SITE**

SITE	COST
TRYON PEAK	\$ 162,136.00
LAW COMPLEX	\$ 18,000.00
GREEN CREEK	\$ 143,186.00
MILL SPRING	\$ 143,705.00
SALUDA SITE (NOT INCLUDED)	
SUNNY VIEW	\$ 148,705.00
INFRASTRUCTURE TOTAL	\$ 615,732.00

SYSTEM SUBSCRIBERS

SITE	COST
NX-5000 SUBSCRIBERS	\$ 44,233.80

SYSTEM TOTAL PRICE	\$ 659,965.80
--------------------	---------------



ESTIMATE

ESTIMATE #	DATE
2028	2/8/2021

CUSTOMER ID	VALID FOR
432	60 DAYS

CUSTOMER
POLK COUNTY SUBSCRIBERS

ITEM/DESCRIPTION	QTY	UNIT PRICE	AMOUNT
NX-5200K3 150-174MHZ PORTABLE	45	525.00	23,625.00
KRA-26 VHF ANTENNA	45	14.00	630.00
KNB-L3	45	170.00	7,650.00
KSC-Y32	45	115.00	5,175.00
NX-5700 MOBILE RADIO	6	625.00	3,750.00
ATNENNA AND COAX KIT	6	85.00	510.00
<i>Thank you for your business!</i>	SUBTOTAL		41,340.00
	TAX RATE		7.000%
	TAX		2,893.80
	TOTAL		\$ 44,233.80



ESTIMATE

ESTIMATE #	DATE
2026	2/8/2021

CUSTOMER ID	VALID FOR
432	60 DAYS

CUSTOMER
POLK COUNTY TRYON PEAK

ITEM/DESCRIPTION	QTY	UNIT PRICE	AMOUNT
NXR-5700 NEXEDGE VHF REPEATER	5	4,400.00	22,000.00
HIGH STABILITY OSCILLATOR	1	2,300.00	2,300.00
KSGPG91800 REPEATER TRUNKING FEATURE	5	1,050.00	5,250.00
5 Channel VHF COMBINER/MULTICOUPLER	1	18,000.00	18,000.00
RF AMPLIFIER	5	2,900.00	14,500.00
POWER SUPPLY 100AMP N+1 WITH BATTERY BACKUP	3	750.00	2,250.00
POWER DISTRIBUTION PANEL WITH REMOTE ACCESS CAPABILITY	2	1,150.00	2,300.00
7/8" HELIAX	240	8.65	2,076.00
7/8" CONNECTORS	6	160.00	960.00
VHF ANTENNAS 1 TX, 1 RX, 1 SPARE	3	2,500.00	7,500.00
FCC LICENSE	1	12,000.00	
CISCO ROUTER AND NETWORK SWITCH	2	2,500.00	5,000.00
MICROWAVE SYSTEM CAMBIUM PTP-750	4	10,000.00	40,000.00
LABOR ON PRE-STAGING, INSTALLATION AND DEPLOYMENT	1	40,000.00	40,000.00
<i>Thank you for your business!</i>		SUBTOTAL	162,136.00
		TAX RATE	7.000%
		TAX	11,349.52
		TOTAL	\$ 173,485.52



ESTIMATE

ESTIMATE #	DATE
2026	2/8/2021

CUSTOMER ID	VALID FOR
432	60 DAYS

CUSTOMER
POLK COUNTY SALUDA SITE

ITEM/DESCRIPTION	QTY	UNIT PRICE	AMOUNT
NXR-5700 NEXEDGE VHF REPEATER	5	4,400.00	22,000.00
HIGH STABILITY OSCILLATOR	1	2,300.00	2,300.00
KSGPG91800 REPEATER TRUNKING FEATURE	5	1,050.00	5,250.00
5 Channel VHF COMBINER/MULTICOUPLER	1	18,000.00	18,000.00
RF AMPLIFIER	5	2,900.00	14,500.00
POWER SUPPLY 100AMP N+1 WITH BATTERY BACKUP	3	750.00	2,250.00
POWER DISTRIBUTION PANEL WITH REMOTE ACCESS CAPABILITY	2	1,150.00	2,300.00
7/8" HELIAX	450	8.65	3,892.50
7/8" CONNECTORS	6	160.00	960.00
VHF ANTENNAS 1 TX, 1 RX, 1 SPARE	3	2,500.00	7,500.00
STANDOFF MT	3	350.00	1,050.00
FCC LICENSE	1	12,000.00	12,000.00
CISCO ROUTER AND NETWORK SWITCH	2	2,500.00	5,000.00
MICROWAVE SYSTEM CAMBIUM PTP-750	2	10,000.00	20,000.00
150 FOOT SELF SUPPORTING TOWER	1	22,000.00	22,000.00
REFURBISHED SHELTER WITH GENERATOR	1	25,000.00	25,000.00
LABOR ON INSTALLATION OF TOWER AND SHELTER	1	60,000.00	60,000.00
LABOR ON PRE-STAGING, INSTALLATION AND DEPLOYMENT	1	40,000.00	40,000.00
<i>Thank you for your business!</i>		SUBTOTAL	264,002.50
		TAX RATE	7.000%
		TAX	18,480.18
		TOTAL	\$ 282,482.68



ESTIMATE

ESTIMATE #	DATE
2026	2/8/2021

CUSTOMER
POLK COUNTY LAW COMPLEX

CUSTOMER ID	VALID FOR
432	60 DAYS

ITEM/DESCRIPTION	QTY	UNIT PRICE	AMOUNT
NXR-5700 NEXEDGE VHF REPEATER	5	4,400.00	-
HIGH STABILITY OSCILLATOR	1	2,300.00	-
KSGPG91800 REPEATER TRUNKING FEATURE	5	1,050.00	-
5 Channel VHF COMBINER/MULTICOUPLER	1	18,000.00	18,000.00
POWER SUPPLY 100AMP N+1 WITH BATTERY BACKUP	3	750.00	-
POWER DISTRIBUTION PANEL WITH REMOTE ACCESS CAPABILITY	2	1,150.00	-
7/8" HELIAX	150	8.65	
7/8" CONNECTORS	6	160.00	
VHF ANTENNAS 1 TX, 1 RX, 1 SPARE	3	2,500.00	-
STANDOFF MT	3	350.00	
FCC LICENSE	1	12,000.00	-
CISCO ROUTER AND NETWORK SWITCH	2	2,500.00	-
LABOR ON PRE-STAGING, INSTALLATION AND DEPLOYMENT	1	40,000.00	
<i>Thank you for your business!</i>	SUBTOTAL		18,000.00
	TAX RATE		6.750%
	TAX		1,215.00
	TOTAL		\$ 19,215.00



ESTIMATE

ESTIMATE #	DATE
2026	2/8/2021

CUSTOMER
POLK COUNTY GREEN CREEK

CUSTOMER ID	VALID FOR
432	60 DAYS

ITEM/DESCRIPTION	QTY	UNIT PRICE	AMOUNT
NXR-5700 NEXEDGE VHF REPEATER	5	4,400.00	22,000.00
HIGH STABILITY OSCILLATOR	1	2,300.00	2,300.00
KSGPG91800 REPEATER TRUNKING FEATURE	5	1,050.00	5,250.00
5 Channel VHF COMBINER/MULTICOUPLER	1	18,000.00	18,000.00
RF AMPLIFIER	5	2,900.00	14,500.00
POWER SUPPLY 100AMP N+1 WITH BATTERY BACKUP	3	750.00	2,250.00
POWER DISTRIBUTION PANEL WITH REMOTE ACCESS CAPABILITY	2	1,150.00	2,300.00
7/8" HELIAX	240	8.65	2,076.00
7/8" CONNECTORS	6	160.00	960.00
VHF ANTENNAS 1 TX, 1 RX, 1 SPARE	3	2,500.00	7,500.00
STANDOFF MT	3	350.00	1,050.00
FCC LICENSE	1	12,000.00	
CISCO ROUTER AND NETWORK SWITCH	2	2,500.00	5,000.00
MICROWAVE SYSTEM CAMBIUM PTP-750	2	10,000.00	20,000.00
LABOR ON PRE-STAGING, INSTALLATION AND DEPLOYMENT	1	40,000.00	40,000.00
<i>Thank you for your business!</i>		SUBTOTAL	143,186.00
		TAX RATE	7.000%
		TAX	10,023.02
		TOTAL	\$ 153,209.02



ESTIMATE

CUSTOMER
POLK COUNTY MILL SPRING

ESTIMATE #	DATE
2026	2/8/2021

CUSTOMER ID	VALID FOR
432	60 DAYS

ITEM/DESCRIPTION	QTY	UNIT PRICE	AMOUNT
NXR-5700 NEXEDGE VHF REPEATER	5	4,400.00	22,000.00
HIGH STABILITY OSCILLATOR	1	2,300.00	2,300.00
KSGPG91800 REPEATER TRUNKING FEATURE	5	1,050.00	5,250.00
5 Channel VHF COMBINER/MULTICOUPLER	1	18,000.00	18,000.00
RF AMPLIFIER	5	2,900.00	14,500.00
POWER SUPPLY 100AMP N+1 WITH BATTERY BACKUP	3	750.00	2,250.00
POWER DISTRIBUTION PANEL WITH REMOTE ACCESS CAPABILITY	2	1,150.00	2,300.00
7/8" HELIAX	300	8.65	2,595.00
7/8" CONNECTORS	6	160.00	960.00
VHF ANTENNAS 1 TX, 1 RX, 1 SPARE	3	2,500.00	7,500.00
STANDOFF MT	3	350.00	1,050.00
FCC LICENSE	1	12,000.00	
CISCO ROUTER AND NETWORK SWITCH	2	2,500.00	5,000.00
REFURBISHED SHELTER WITH GENERATOR	1	25,000.00	20,000.00
LABOR ON PRE-STAGING, INSTALLATION AND DEPLOYMENT	1	40,000.00	40,000.00
<i>Thank you for your business!</i>		SUBTOTAL	143,705.00
		TAX RATE	7.000%
		TAX	10,059.35
		TOTAL	\$ 153,764.35



ESTIMATE

ESTIMATE #	DATE
2026	2/8/2021

CUSTOMER ID	VALID FOR
432	60 Days

CUSTOMER
POLK COUNTY SUNNY VIEW

ITEM/DESCRIPTION	QTY	UNIT PRICE	AMOUNT
NXR-5700 NEXEDGE VHF REPEATER	5	4,400.00	22,000.00
HIGH STABILITY OSCILLATOR	1	2,300.00	2,300.00
KSGPG91800 REPEATER TRUNKING FEATURE	5	1,050.00	5,250.00
5 Channel VHF COMBINER/MULTICOUPLER	1	18,000.00	18,000.00
RF AMPLIFIER	5	2,900.00	14,500.00
POWER SUPPLY 100AMP N+1 WITH BATTERY BACKUP	3	750.00	2,250.00
POWER DISTRIBUTION PANEL WITH REMOTE ACCESS CAPABILITY	2	1,150.00	2,300.00
7/8" HELIAX	300	8.65	2,595.00
7/8" CONNECTORS	6	160.00	960.00
VHF ANTENNAS 1 TX, 1 RX, 1 SPARE	3	2,500.00	7,500.00
STANDOFF MT	3	350.00	1,050.00
FCC LICENSE	1	12,000.00	
CISCO ROUTER AND NETWORK SWITCH	2	2,500.00	5,000.00
REFURBISHED SHELTER WITH GENERATOR	1	25,000.00	25,000.00
LABOR ON PRE-STAGING, INSTALLATION AND DEPLOYMENT	1	40,000.00	40,000.00
<i>Thank you for your business!</i>		SUBTOTAL	148,705.00
		TAX RATE	7.000%
		TAX	10,409.35
		TOTAL	\$ 159,114.35

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

February 15, 2021 Regular Meeting

Agenda Item#: 13.

ATTACHMENTS:

Description	Type	Upload Date
Proposed Budget Calendar	Cover Memo	2/9/2021

POLK COUNTY Budget Calendar

(Revaluation Budget Calendar)

February 15, 2021	Board discusses/approves Budget Calendar	Monday-regular meeting
February 26, 2021	County Departments Receive Budget Packets & Guidance Department Head Meeting (All others will be mailed)	Friday - Regular Dept. Mgr. meeting
February 26- March 19, 2021	All Departments & Agencies Prepare Budget Request	3 wks to prepare- due Friday
March 15, 2021	Fire Departments & Rescue Squad Submit Budgets to the County & FRAC. Outside Agencies Submit Budget Requests- Estimate if Necessary	Monday
March 19, 2021	County Departments Submit Budgets to Finance Department	Friday
March 19 April 9, 2021	Finance Inputs Budget Requests	3 wks to prepare- due Friday
April 9, 2021	All Budget Agency Final Requests are Due	Friday
April 12 - April 23, 2021	Manager Reviews Requests & Meets with Department Mgrs.	2 weeks- Monday-Friday
April 26 - May 7, 2021	Prepare Budget Presentation	2 weeks- Monday-Friday
May 10, 2021	Manager Presents Balanced Budget to Board of Commissioners (Special Meeting - 9:00am)	Monday 9:00am
May 17, 2021	Board of Commissioner Budget Work Session - 1:00pm (Regular meeting at 7:00pm)	Monday
May 18, 2021	Board of Commissioner Budget Work Session - 3:00pm	Tuesday
May 25, 2021	Advertise Public Hearing for Budget Ordinance for 6/7/21	Tuesday
June 7, 2021	Board of Commissioner Budget Work Session - 5:00pm Budget Public Hearing to Follow - Regular Meeting to Follow	Monday
June 21, 2021	Board of Commissioners Adopt Tax Levy and Ordinance (Regular Meeting)	Monday
June 23, 2021	Ordinance Available on County Website	Wednesday