AGENDA

No.  Item                                             Co-Chair      Time

I.  Call to Order & Introductions                      2 minutes

II. Mayor Pro Tem Eiselt                                5 minutes
    • Subpoena Power / Citizens Review Board, attachments 1 and 2

III. Councilmember Mitchell                            5 minutes
    • Good Faith Efforts, attachments 3 and 4

IV. Councilmember Bokhari                              5 minutes
    • Veteran Owned Business Preference, attachment 5
    • 5G Implementation
    • US 74 Conversion to Interstate

V.  Part II: City Department State & Federal           30 minutes
    Legislative Requests
    • Presentation attached

VI. Updates from October 1 Meeting                     5 minutes
    • Mecklenburg County Commission adopted Aging-in-Place Resolution, attachment 6
    • Responses to questions posed during the Slumlord Legislation discussion (forthcoming)

VII. Committee Discussion                              5 minutes

VIII. Upcoming Opportunities                           2 minutes
    • NLC City Summit, November 7 – 10, Los Angeles

IX. Upcoming Committee Meetings                        1 minute
    • November 19, 2:00 pm, Room 280
    • December 17, 2:00 pm, Room 280

Distribution: Mayor & City Council  City Manager  City Manager’s Executive Team
Attachment: 2018-2019 Legislative Calendar
<table>
<thead>
<tr>
<th>Items</th>
<th>Intergovernmental Relations Committee</th>
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<tbody>
<tr>
<td></td>
<td>Discussion / Information</td>
<td>Adoption / Recommendation</td>
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<tr>
<td>Hear State legislative requests</td>
<td>October 15</td>
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<tr>
<td>Propose 2019 State Legislative Agenda to City Council</td>
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<td>Implementation Strategies of the State &amp; Federal Legislative Agendas</td>
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Part II: City Department
State & Federal Legislative Requests

Intergovernmental Relations Committee

October 15, 2018

Overview

• Aviation
  – Commercial Service Airport Improvements (State)

• CATS
  – 2030 Transit Corridor System Plan (Federal)
  – Special Assessments (State)

• Charlotte Fire Department
  – NC Search and Rescue Teams (State)

• CMPD
  – Security Funding (Federal)
  – Out-of-State Law Enforcement (State)
  – School Calendar Flexibility (State)
### Commercial Service Airport Improvements (State)

- Secure recurring funding for capital improvements at North Carolina’s commercial service airports
- State has ten commercial service airports
- Federal funding for airport capital improvements is not as robust now as in past years
- State enacted one-time appropriations for capital improvements in the 2018-2020 State Budget

### 2030 Transit Corridor System Plan (Federal)

- Continue working with the Congress and the Administration to secure federal resources for the build-out of the 2030 Transit Corridor System Plan
- 2030 Plan is predicated on ~ 50% of funding for construction coming from the federal government
- US Congress has continued the Capital Investment Grants and BUILD programs
- MTC will be considering this request
### Special Assessments (State)

- **Support continuation of the Special Assessments for Critical Infrastructure Needs Act**
- Financing instrument enables cities to use special assessments on property owners for public projects, including transit oriented development, benefiting that area
- Potential source of funding for Gateway Station
- Act expires on July 1, 2020
- MTC will be considering this request

### NC Search and Rescue Teams (State)

- **Appropriate recurring State funding in support of NC Search & Rescue Teams**
- Search & Rescue Teams are housed in local fire departments and dispatched to disaster areas by the State
- NC General Assembly appropriated one-time funding of $2.3 million for FY 2019, which is approximately 50% of the local costs of operating the teams for State efforts
## Security Funding (Federal)

- Support our Federal Delegation as they seek security funding for the 2020 Republican National Convention

- US Congress has appropriated $50 million for security purposes for each of the cities that have hosted a major political party convention since 2004

## Out-of-State Law Enforcement (State)

- Secure authorization to utilize out-of-state law enforcement officers during the 2020 Republican National Convention

- Legislation is required to allow out-of-state law enforcement to engage in law enforcement activities under the supervision of CMPD
School Calendar Flexibility (State)

- Extend school calendar flexibility to Charlotte-Mecklenburg Schools during the 2020 Republican National convention

- RNC 2020 is to be held August 24 – 27, 2020, which coincides with the first week of school for CMS in the 2020-2021 school year

- CMS is considering requesting calendar flexibility from the State

- Maintaining close communications with CMS as they deliberate this issue

Next Steps

- The next meeting of the Committee is on November 19, where the Committee will recommend State & Federal Legislative Agendas for City Council consideration

- If Committee desires additional information on the requests presented today, then we will work to provide that information by November 19
House Bill 350
Requested by City of Charlotte
2017 Long Session

SECTION 1. G.S. 160A-168(c), as amended by Section 3 of S.L. 1997-305, reads as rewritten:

"(c) All information contained in a city employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

... (8) In order to facilitate citizen review of the police disciplinary process, the city manager or the chief of police, or their designees, may release the disposition of disciplinary charges against a police officer and the facts relied upon in determining the disposition to the person alleged to have been aggrieved by the officer's actions or to that person's survivor and to members of the citizens' review board. Board members shall maintain as confidential all personnel information to which they gain access as a member of the Board. Each member of the Board shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City. For purposes of this subdivision, the 'disposition of disciplinary charges' includes determinations that the charges are sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the Charlotte-Mecklenburg Police Department. In the event that the citizens' review board hears an appeal of a police disciplinary case, the disposition of the case, as defined in this subdivision, as well as the facts and circumstances of the case, may be released by the city manager or the chief of police, or their designees, to any person whose presence is necessary to the appeals hearing as determined by the chief of police or his designee. In the conduct of evidentiary fact-finding proceedings, any of the following may subpoena witnesses and compel the production of evidence: (i) the chair; (ii) the vice-chair when acting in the absence of the chair; and (iii) a majority of the members of the Board. If a person fails or refuses to obey a subpoena issued pursuant to this subdivision, the Board may apply to the General Court of Justice, Superior Court Division, for an order requiring that the subpoena be obeyed, and the court shall have jurisdiction to issue the order after notice to all parties.

..."

SECTION 2. This act applies to the City of Charlotte only.
SECTION 3. This act is effective when it becomes law.
My name is Mark Michalec and I am President of Charlotte-Mecklenburg Fraternal Order of Police Lodge 9. Our Lodge represents hundreds of officer’s with the Charlotte-Mecklenburg Police Department.

I am writing to you regarding the recent concerns brought before the Charlotte City Council on December 5th, 2016 to have more transparent investigations and tougher civilian oversight as it relates to the Charlotte-Mecklenburg Police Department.

Specifically, the concerns were to have information more available to the public about police misconduct, strengthen the Citizen’s Review Board, and make the process easier to file a complaint against an officer.

The Citizen’s Review Board (CRB) has been in existence since 1997 and since its inception, there has been discussion on how to modify it. Usually, discussions began after a critical incident involving a CMPD officer.

We believe that there has been more than enough information distributed to the public involving the investigations of officer’s misconduct. CMPD Internal Affairs Bureau has released their data on cases received and their dispositions. CMPD Internal Affairs also makes it easy for any citizen to file a complaint. They can be made in a variety of forms to include in person, telephone, online, or mail. They can also be made anonymously. So, as far as “transparency” with CMPD, I’m not sure how more transparent CMPD needs to be.

The main issue with the CRB, from what we have learned from these groups, is for the Board to have subpoena power.

We believe that the CRB is sufficient as it currently stands. There is no need for them to have subpoena powers. CMPD Internal Affairs Bureau does more than an adequate job investigating a complaint against an officer. If applicable, CMPD officers are subject to a criminal investigation (conducted either by CMPD or NCSBI), an internal investigation, a Civil Service investigation (who hire, promote, or fire and officer and can change discipline by the Chief), a N.C. Training and Standards investigation, and Citizens Review Board investigation to name a few. How many more check and balances does one need? How much more “power” does any one of those bodies need? They don’t need any more “power”. It sounds to us that these groups want the CRB to try a case against an officer and dictate discipline against the officer without input from CMPD. The CRB have a sufficient number of resources available to them to obtain the information and training needed to hear a case. They don’t need any additional.

Basically, the CRB is an appeal process for the citizen if they do not believe the Chief of Police acted appropriately in punishing (or not punishing) a particular officer. Let the Chief manage his employees accordingly. Let him and his administration do their job!

I appreciate your time in this matter and if you have any questions or concerns, please feel free to contact me and I’ll be glad to discuss them with you.

Mark Michalec
President Charlotte-Mecklenburg FOP Lodge 9
mmichalec@ncfoplodge9.com
§ 143-128.2. Minority business participation goals.

(a) The State shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of work for each State building project, including building projects done by a private entity on a facility to be leased or purchased by the State. A local government unit or other public or private entity that receives State appropriations for a building project or other State grant funds for a building project, including a building project done by a private entity on a facility to be leased or purchased by the local government unit, where the project cost is one hundred thousand dollars ($100,000) or more, shall have a verifiable ten percent (10%) goal for participation by minority businesses in the total value of the work; provided, however, a local government unit may apply a different verifiable goal that was adopted prior to December 1, 2001, if the local government unit had and continues to have a sufficiently strong basis in evidence to justify the use of that goal. On State building projects and building projects subject to the State goal requirement, the Secretary shall identify the appropriate percentage goal, based on adequate data, for each category of minority business as defined in G.S. 143-128.2(g)(1) based on the specific contract type.

Except as otherwise provided for in this subsection, each city, county, or other local public entity shall adopt, after a notice and public hearing, an appropriate verifiable percentage goal for participation by minority businesses in the total value of work for building projects.

Each entity required to have verifiable percentage goals under this subsection shall make a good faith effort to recruit minority participation in accordance with this section or G.S. 143-131(b), as applicable.

(b) A public entity shall establish prior to solicitation of bids the good faith efforts that it will take to make it feasible for minority businesses to submit successful bids or proposals for the contracts for building projects. Public entities shall make good faith efforts as set forth in subsection (e) of this section. Public entities shall require contractors to make good faith efforts pursuant to subsection (f) of this section. Each first-tier subcontractor on a construction management at risk project shall comply with the requirements applicable to contractors under this subsection.

(c) Each bidder, which shall mean first-tier subcontractor for construction manager at risk projects for purposes of this subsection, on a project bid under any of the methods authorized under G.S. 143-128(a1) shall identify on its bid the minority businesses that it will use on the project and an affidavit listing the good faith efforts it has made pursuant to subsection (f) of this section and the total dollar value of the bid that will be performed by the minority businesses. A contractor, including a first-tier subcontractor on a construction manager at risk project, that performs all of the work under a contract with its own workforce may submit an affidavit to that effect in lieu of the affidavit otherwise required under this subsection. The apparent lowest responsible, responsive bidder shall also file the following:

1. Within the time specified in the bid documents, either:
   a. An affidavit that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the applicable goal. An affidavit under this sub-subdivision shall give rise to a presumption that the bidder has made the required good faith effort; or
   b. Documentation of its good faith effort to meet the goal. The documentation must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.
(2) Within 30 days after award of the contract, a list of all identified subcontractors that the contractor will use on the project.

Failure to file a required affidavit or documentation that demonstrates that the contractor made the required good faith effort is grounds for rejection of the bid.

(d) No subcontractor who is identified and listed pursuant to subsection (c) of this section may be replaced with a different subcontractor except:

(1) If the subcontractor's bid is later determined by the contractor or construction manager at risk to be nonresponsible or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of the bid work, or

(2) With the approval of the public entity for good cause.

Good faith efforts as set forth in G.S. 143-131(b) shall apply to the selection of a substitute subcontractor. Prior to substituting a subcontractor, the contractor shall identify the substitute subcontractor and inform the public entity of its good faith efforts pursuant to G.S. 143-131(b).

(e) Before awarding a contract, a public entity shall do the following:

(1) Develop and implement a minority business participation outreach plan to identify minority businesses that can perform public building projects and to implement outreach efforts to encourage minority business participation in these projects to include education, recruitment, and interaction between minority businesses and nonminority businesses.

(2) Attend the scheduled prebid conference.

(3) At least 10 days prior to the scheduled day of bid opening, notify minority businesses that have requested notices from the public entity for public construction or repair work and minority businesses that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal. The notification shall include the following:

a. A description of the work for which the bid is being solicited.

b. The date, time, and location where bids are to be submitted.

c. The name of the individual within the public entity who will be available to answer questions about the project.

d. Where bid documents may be reviewed.

e. Any special requirements that may exist.

(4) Utilize other media, as appropriate, likely to inform potential minority businesses of the bid being sought.

(f) A public entity shall require bidders to undertake the following good faith efforts to the extent required by the Secretary on projects subject to this section. The Secretary shall adopt rules establishing points to be awarded for taking each effort and the minimum number of points required, depending on project size, cost, type, and other factors considered relevant by the Secretary. In establishing the point system, the Secretary may not require a contractor to earn more than fifty (50) points, and the Secretary must assign each of the efforts listed in subdivisions (1) through (10) of this subsection at least 10 points. The public entity may require that additional good faith efforts be taken, as indicated in its bid specifications. Good faith efforts include:

(1) Contacting minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor or available on State or local government maintained lists at least 10 days before the bid or proposal date and notifying them of the nature and scope of the work to be performed.
(2) Making the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bid or proposals are due.

(3) Breaking down or combining elements of work into economically feasible units to facilitate minority participation.

(4) Working with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.

(5) Attending any prebid meetings scheduled by the public owner.

(6) Providing assistance in getting required bonding or insurance or providing alternatives to bonding or insurance for subcontractors.

(7) Negotiating in good faith with interested minority businesses and not rejecting them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.

(8) Providing assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisting minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

(9) Negotiating joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

(10) Providing quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

(g) As used in this section:

(1) The term "minority business" means a business:
   a. In which at least fifty-one percent (51%) is owned by one or more minority persons or socially and economically disadvantaged individuals, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals; and
   b. Of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

(2) The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:
   a. Black, that is, a person having origins in any of the black racial groups in Africa;
   b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
   c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent, or the Pacific Islands;
   d. American Indian, that is, a person having origins in any of the original Indian peoples of North America; or
(3) The term "socially and economically disadvantaged individual" means the same as defined in 15 U.S.C. 637.

(h) The State, counties, municipalities, and all other public bodies shall award public building contracts, including those awarded under G.S. 143-128.1, 143-129, and 143-131, without regard to race, religion, color, creed, national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3. Nothing in this section shall be construed to require contractors or awarding authorities to award contracts or subcontracts to or to make purchases of materials or equipment from minority-business contractors or minority-business subcontractors who do not submit the lowest responsible, responsive bid or bids.

(i) Notwithstanding G.S. 132-3 and G.S. 121-5, all public records created pursuant to this section shall be maintained by the public entity for a period of not less than three years from the date of the completion of the building project.

(j) Except as provided in subsections (a), (g), (h) and (i) of this section, this section shall only apply to building projects costing three hundred thousand dollars ($300,000) or more. This section shall not apply to the purchase and erection of prefabricated or relocatable buildings or portions thereof, except that portion of the work which must be performed at the construction site. (2001-496, s. 3.1.)
CBI FORM 5: Good Faith Effort (GFE) and Statement of GFE Compliance

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<tr>
<th>Bidder Name:</th>
<th>Project Name:</th>
<th>Project Number:</th>
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Per Part B, Section 5 of the CBI Policy, if a Bidder has not fully met the established Subcontracting Goal(s) for this project, then the Bidder must document it has met the GFE requirements by completing this Form. GFE Points will be calculated, independently, for each Subcontracting Goal that is not met. For instance, if the Bidder fails to meet both the SBE Goal and the MBE Goal that was set with respect to African American, Native American, and Hispanic firms, the Bidder will have to earn the minimum GFE points for SBEs and also the minimum GFE Points for MBEs.

Detailed information of the City’s GFE requirements can be found in the CBI Policy, Part B, Section 5. The Bidder must submit CBI Form 5 within three (3) Business Days after the City requests it, unless specified otherwise in the City Solicitation Documents. Failure to do so constitutes grounds for rejection of the Bid. Below is a list of Good Faith Efforts as defined in Part B, Section 5.3. To the left of each item is the number of points assigned to that item. Please place an “X” in the first column for each item you are claiming credit. Failure to achieve the minimum number of Good Faith Efforts points stated in the box below constitutes grounds for rejection of your bid.

NOTE: All actions necessary to earn GFE Points must be undertaken prior to Bid Opening.

<table>
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<tr>
<th>Total Available GFE Points is: 155</th>
<th>Minimum Number of GFE Points Required for this Project is: 50</th>
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<tbody>
<tr>
<td>Points</td>
<td>Good Faith Effort (GFE)</td>
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| 10     | Section 5.3.1: Contacts. The Bidder must contact SBEs and MBEs in a manner reasonably calculated to meet the established Subcontracting Goal(s) for the Contract. Factors considered may include but are not limited to:
| (a) The number of available SBEs and MBEs contacted; (b) Whether the Bidder directed its contacts to SBEs and MBEs listed as performing scopes of work sufficient to meet the SBE Goal and MBE Goal; (c) Whether the contacts were made at least 10 Days before Bid Opening; (d) How the contacts were made and whether they were documented in a verifiable way (and in compliance with any forms provided by the City); (e) Whether the substance of the Bidder’s solicitation was reasonably sufficient to generate a response from SBEs and MBEs; (f) Whether the Bidder promptly and adequately responded to inquiries received from SBEs and MBEs; and (g) Whether the Bidder made follow-up contacts to SBEs and MBEs that did not respond to the Bidder’s initial contact. |
| 10     | Section 5.3.2: Making Plans Available. To receive credit for this GFE, the Bidder must: (i) make “Project Documents” (as defined below) available for inspection by SBEs and MBEs at least 10 Days before Bid Opening; and (ii) notify the SBEs and MBEs contacted under GFE 5.3.1 of the way in which Project Documents will be made available.
A Bidder may receive credit for GFE 5.3.2 only if it receives credit for GFE 5.3.1 (Contacts), and only if it responds promptly to any requests made for access to the Project Documents. |
<p>| 15     | Section 5.3.3: Breaking Down Work. The Bidder must demonstrate to the City’s satisfaction that it broke down or combined elements of work into economically feasible units to facilitate SBE and MBE participation. In awarding points the City will consider the number and dollar value of the scopes of work the Bidder listed in its written invitation for SBE and MBE participation, whether those scopes would be sufficient to meet the established Subcontracting Goal and how the Bidder notified SBEs and MBEs of its willingness to break down the work into such units. Simply restating the City’s subcontracting scopes as listed in the City’s Solicitation Documents will not earn this GFE. A Bidder may receive credit for this GFE only if it receives credit for GFE 5.3.1 (Contacts). |</p>
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| **Section 5.3.4: Working With MBE/SBE Assistance Organizations.** The Bidder must document that it worked with an MBE/SBE Assistance Organization (as defined below), to provide assistance in recruiting MBEs/SBEs for the Contract for which Bids are sought.  
- A “MBE/SBE Assistance Organization” is an organization identified by the City of Charlotte and listed in the City Solicitation Documents as providing assistance in the recruitment of MBEs/SBEs. |
|   |   | □ 10 |   |   |
| **Section 5.3.5: Attendance at Pre-Bid.** To receive credit for this GFE, the Bidder must attend any pre-bid meetings scheduled by the City for the Contract in question. |
|   | □ 20 |   |   |   |
| **Section 5.3.6: Bonding or Insurance Assistance on Construction Contract.** The Bidder must assist a SBE and/or MBE in getting required bonding or insurance coverage for the Contract at issue or provide alternatives to bonding or insurance for SBEs and/or MBEs. To document satisfaction of this GFE, the Bidder must submit: (a) the name of the SBE and/or MBE; (b) a description of the assistance the Bidder provided; (c) the date the Bidder provided the assistance; (d) the name of a contact person with the SBE and/or MBE who can verify that the Bidder provided the assistance; and (e) any additional information requested by the City. No credit will be given for assistance provided to an Affiliate of the Bidder. In deciding whether to award points for this GFE, the City will consider how significant and meaningful the assistance was, how many SBEs and/or MBEs it was offered to, and what impact it likely had on the Bidder’s efforts to recruit SBEs and/or MBEs for the project. |
|   | □ 15 |   |   |   |
| **Section 5.3.7: Negotiating in Good Faith with MBEs/SBEs.** The Bidder must: (a) demonstrate that it negotiated in good faith with interested SBEs and/or MBEs (which means showing at least some back and forth negotiation between the Bidder and SBEs and/or MBEs); (b) demonstrate that it did not reject any SBEs and/or MBEs as unqualified without sound reasons based on their capabilities; (c) document in writing the reasons for rejecting any SBEs and/or MBEs for lack of qualification. |
|   | □ 25 |   |   |   |
| **Section 5.3.8: Financial Assistance.** The Bidder must provide one of the following types of assistance to an SBE and/or MBE in connection with the Contract: (a) assistance in obtaining equipment, a loan, capital, lines of credit, (b) joint pay agreements or guaranties to secure loans, the purchase of supplies, or letters of credit, including waiving credit that is ordinarily required; or (c) assistance in obtaining the same unit pricing with the Bidder’s suppliers as the Bidder. To receive credit for this GFE, Bidders must document: (a) the name of the SBE and/or MBE; (b) the description of the assistance the Bidder provided; (c) the date the Bidder provided the assistance; and (d) the name of a contact person with the SBE and/or MBE who can verify that the Bidder provided the assistance. No credit will be given for assistance provided to an Affiliate of the Bidder. In deciding whether to award points for this GFE, the City will consider how significant and meaningful the assistance was, how many SBEs and/or MBEs it was offered to, and what impact it likely had on the Bidder’s efforts to recruit SBEs and/or MBEs for the project. |
|   | □ 20 |   |   |   |
| **Section 5.3.9: Entering Into Joint Venture.** To receive credit for this GFE, the Bidder must demonstrate that it negotiated a Joint Venture or partnership arrangement with one or more SBEs and/or MBEs, as applicable, on the Contract. To receive credit for this GFE, Bidders must document: (a) the name of the SBE and/or MBE; (b) a description of the Joint Venture or partnership; (c) evidence of the date the SBE and/or MBE entered into the agreement; and (d) the name of a contact person with the SBE and/or MBE who can verify the terms of the agreement. No credit will be given for a joint venture with an Affiliate of the Bidder. |
|   | □ 20 |   |   |   |
| **Section 5.3.10: Quick Pay Agreements on the Construction Contract Up For Award.** For purposes of this Section, the term “Quick Pay Commitment” means an agreement or policy commitment to pay all SBEs and/or MBEs participating in the Contract within **20 Days** after the Contractor confirms that the MBE/SBE has properly performed and the MBE/SBE’s work has been properly completed. To receive credit for this GFE, Bidders must provide the City with a copy of the Quick Pay Commitment and documentation showing that the Bidder informed each SBE and/or MBE about the Quick Pay Commitment as part of the Bidder’s SBEs and/or MBEs contacts under Section 5.3.1. No Bidder will receive credit for (i) any statement indicating that the Bidder will consider entering into a Quick Pay Commitment or (ii) any statement made verbally but not in written form to communicate the Quick Pay Commitment. A Bidder may receive credit for this GFE only if it receives credit for GFE 5.3.1 (Contacts). |

**Total GFE Points (Claimed by Bidder) _____**  **Total GFE Points Earned (Assessed by City) _____**
CITY OF CHARLOTTE  
OFFICE OF THE CITY ATTORNEY  
Memorandum

TO: Mayor and City Council  
FROM: Robert E. Hagemann, City Attorney  
DATE: March 15, 2018  
RE: Authority for Veteran-Owned Business Preference

There is no clear statutory authority for the City to provide a preference to Veteran-Owned Businesses (VOB) in awarding contracts, whether as a prime contractor or through the setting of subcontracting goals.

Lowest Responsible Bidder Contracts

In the context of “lowest responsible bidder” contracts (i.e., construction and commodity contracts in excess of $30,000), it is my opinion that a VOB preference could not be established without specific legislative authority. That is due to the fact that such contracts must be awarded to the lowest responsible bidder “taking into consideration quality, performance, and the time specified in the bids for the performance of the contract.” G.S. 143-129 and -131. Whether a prime or subcontractor is a VOB has nothing to do with the criteria specified in the statute. Also consider that the General Statutes specifically authorize the setting of MWBE goals and the General Assembly provided the City with special legislation that authorizes SBE goals. So in order to establish a VOB preference for these types of contracts, authorization from the General Assembly would be necessary.

Qualifications Based Selection Contracts

State law specifies that the selection of architectural, engineering, surveying, construction management at risk services, design-build services, and public-private partnership construction services should be based on “demonstrated competence and qualification for the type of professional services ... [and then] negotiate a contract for those services at a fair and reasonable fee with the best qualified firm.” G.S. 143-64.31. Since VOB status has nothing to do with qualification criteria specified under this standard, it is my opinion that, like lowest responsible bidder contracts, state enabling legislation would be necessary to provide a VOB preference for qualifications based selection contracts.
Other Service Contracts

State law is silent on the criteria for awarding other service contracts. Given the underlying flexibility, providing a VOB preference may be lawful. While having the General Assembly specifically authorize this would be the legally safest way to proceed, Council could pursue development of a VOB preference for these types of contracts with an understanding of the legal risks.

Other Considerations

Should the Council seek to develop a VOB preference program, several issues will need to be considered.

First, unlike race which is a suspect classification for equal protection purposes, a disparity study showing underutilization and past discrimination would not be legally necessary. However from a policy standpoint, it might make sense to obtain an understanding of whether there are real or perceived barriers to VOB participation, and the extent to which those barriers have resulted in underutilization.

Second, the Council would have to establish the criteria to be used for determining whether a business qualifies as a VOB. These might include, by way of illustration, percentage ownership, degree of management and control, length of time in the service, whether the veteran was honorably or dishonorably discharged, whether the veteran was disabled in service (a requirement of the federal program), and whether to require presence of the company in the defined local market. If the Council were to consider requiring some preexisting presence in the local market, a consideration of local preference constitutional issues would be necessary.
Memorandum

TO: Jason Kay, City Manager’s Office
FROM: Nancy Rosado, Charlotte Business INClusion (CBI) Manager
COPY: Robert Hagemann, City Attorney
      Randy Harrington, Chief Financial Officer and Director of Management & Financial Services
      Maya Siggers, CBI Compliance Manager
DATE: March 20, 2018
RE: Veteran-Owned Business (VOB) Program

The City Manager’s Office has asked the Charlotte Business INClusion (CBI) Office to review and summarize the feasibility of incorporating a Veteran-Owned Business (VOB) program or component into the City’s existing CBI Policy that currently provides contracting opportunities for Minority, Women Small Business Enterprises (MWSBEs). After reviewing the City Attorney’s legal memorandum issued on this matter, CBI concurs with legal regarding the need for specific legislative authority from the General Assembly in order to set VOB goals in the manner currently done with our MWSBE program, as well as potential issues with a VOB program being considered a local preference incentive.

When considering the CBI policy, we agree that there would need to be a basis for the program demonstrating that there is a real or perceived barrier of participation for VOBs and that there is availability and interest that would warrant the undertaking of such a program. If it were determined that CBI could legally move forward with establishing a VOB program, a major consideration for implementing such a program includes ensuring that the VOB program created does not undermine current MWSBE program goals. Other considerations would include the need for a study, consideration of how other jurisdictions in North Carolina as well as peer cities are managing VOB programs, and the creation of new processes to gather, certify, and set accurate VOB goals.

**Veteran-Owned Business Programs**

Veteran-Owned Business programs are typically designed with the focus of providing a contract incentive to reward VOBs for their service to our country, over redressing some past or current discriminatory impact as is the case with MWBE programs. Because Veteran programs are based neither on race or gender, their implementation would work most similarly to that of a traditional, race neutral Small Business Program, where data on firms deemed as “available” would be used to administer either a contract set-aside or bid incentive preference program.

**Conducting a Study**

CBI concurs with legal, that while a disparity study is not necessary for implementation of a VOB program, it would be in the best interest of the City from a policy standpoint if some study or research were conducted to determine if there are barriers that have prevented VOBs from participating in the City’s contracting process. Additionally, without a study, there would be challenges in developing the benchmark of current availability and utilization to determine the potential goals for VOB participation.
The City’s current SBE initiative has been studied and the purpose of the program is to grow and develop local small businesses, while the MWBE program is an attempt to remedy past and current discriminatory practices in contracting for minorities and women. In order to best serve, it would be imperative to have an understanding of what need and issue is addressed by incorporating a VOB program into the current CBI Policy.

A study may also provide insight on whether providing a VOB preference for contracts under $30k, as outlined in the City Attorney’s legal memorandum, would be worth the additional resources it would require to effectively implement a VOB initiative. Furthermore, a study could help determine if a Veteran specific sheltered market program would undermine the City’s current efforts to promote MWSBE participation as prime contractors.

**VOB Programs in Other Jurisdictions**

VOB programs have not emerged as a major part of most City procurement programs across the country. In researching programs in Raleigh, Durham, Greensboro, as well as Fayetteville, due to its close proximity to Fort Bragg, it is concluded that none of these cities in North Carolina have adopted a VOB program. The same was discovered on the state level, which is likely due to the legal requirements and authority of the NC General Assembly to establish such a program.

Chicago has implemented a VOB program and it operates as three bid Incentives:

- Veteran Subcontractor Utilization Incentive: A maximum two percent (2%) bid Incentive is available for utilizing VOB subcontractors
- Business Enterprises Owned or Operated by Persons with Disabilities Bid Incentive: An Incentive designed to increase participation by businesses owned by persons with disabilities, which includes Service Disabled Veterans
- Veteran-Owned/Small Business Enterprise Joint Venture (JV) Veteran-Owned Small Local Business Bid Incentive: This Incentive encourages joint ventures between SBEs and VOBs, and is worth five percent (5%) of the contract base bid.

The City of Chicago certifies veteran owned businesses in house, at a fee of $250 and requires that those businesses be located within their designated 6 county geographical area.

Other national VOB programs include:

- Los Angeles County certifies service disabled veterans for contracting opportunities. The eligible business must be certified with the US Department of Veteran Affairs or the California Department of General Services. This program offers a fifteen percent (15%) bid price reduction or preference.
- Fulton County Georgia has a local preference program and a service disabled veteran Incentive where a two percent (2%) bid incentive is scored in the RFP process.

**Veteran Business Data and Registration**

One consideration for establishing a VOB program would be the lack of data available. Unlike most business registries, Veteran status is not a part of demographic data collected by most jurisdictions, including the City of Charlotte. Utilizing reliable data is key to the success of any program. If the City were to establish a VOB initiative, the City would need to compile a list of verified Veteran businesses to begin an outreach and registration campaign.

Policy considerations for registering VOBs could include: 51% ownership; personal net worth; degree of management and control; means of verifying veteran status; and local proximity of the business within the market.
MECKLENBURG COUNTY
BOARD OF
COMMISSIONERS
RESOLUTION SUPPORTING LEGISLATION TO STUDY
HOMESTEAD ACT THRESHOLDS AND NEEDS RELATED TO ALL
COMMUNITIES IN NORTH CAROLINA

WHEREAS, the need for senior citizens to have the opportunity “to age at home” and have affordable housing is critical; and

WHEREAS, on Sept. 20, 2016, Mecklenburg County applied for the World Health Organization’s status of “Age-Friendly” by joining the AARP Network of Age-Friendly Communities; and

WHEREAS, the Center for Disease Control defines aging in place as “the ability to live in one’s own home and community safely, independently, and comfortably, regardless of age, income, or ability level”; and

WHEREAS, the increasing contributions of older adults to economic, social and cultural development is a valuable resource for our County and State; and

WHEREAS, the U.S. Census Bureau estimates that nearly 23 percent of North Carolina’s population will be 60 and older by the year 2030, an increase of more than 26 percent from 2012; and

WHEREAS, in 2017 the median income for the elderly in the United States was 40.9% less than individuals below 65 years of age; and

WHEREAS, the largest numbers of homeless individuals in North Carolina live in the urban centers with the highest rates of homelessness occurring in the western more rural counties; and

WHEREAS, North Carolina allows a low-income homestead tax exemption in the amount of either $25,000, or 50% of the appraised home value (whichever is greater) for qualifying individuals that are at least 65 years of age or totally and permanently disabled; and

WHEREAS, the qualifying Annual Income Eligibility Limit is set every year by the NC Department of Revenue. The limit for 2017 was $29,600 for income received from all sources during the calendar year 2016; and

WHEREAS, there are counties in North Carolina with higher costs of living where the median income for individuals 65 and older is above the threshold but is still an amount that makes paying property taxes burdensome thereby decreasing opportunities for senior citizens to qualify for the exemption and denying them the opportunity to age in place by staying in their homes and communities; and
WHEREAS, legislation directing a thorough review and analysis of the Homestead Act to include state officials and local government officials, would support efforts to alleviate homelessness and support the growing population of older adults in North Carolina:

NOW, therefore, be it, RESOLVED, that the Mecklenburg Board of County Commissioners supports and advocates for legislation directing a review and analysis of the North Carolina Homestead Act that includes state and local government officials to assess the needs of all counties in North Carolina.

Adopted this the 2nd Day of October 2018

Ella B. Scarborough, Chair
Mecklenburg Board of County Commissioners
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
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<tbody>
<tr>
<td>September 19</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>September 24</td>
<td>Action Review: Federal Update</td>
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<tr>
<td>October 1</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>October 15</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>November 6</td>
<td>2018 General Election</td>
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<tr>
<td>November 7 – 10</td>
<td>NLC City Summit (Los Angeles, CA)</td>
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<tr>
<td>November 15 – 16</td>
<td>NC Metropolitan Mayors Coalition meeting (Asheville)</td>
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<tr>
<td>November 19</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>November 26</td>
<td>Action Review: Present Committee recommended 2019 legislative agendas</td>
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<tr>
<td>November 27</td>
<td>NC General Assembly reconvenes</td>
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<tr>
<td>November 29</td>
<td>NC League of Municipalities Advocacy Goals Conference (Raleigh)</td>
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<tr>
<td>December 10</td>
<td>City Council consideration of Committee proposed 2019 legislative agendas</td>
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<tr>
<td>December 17</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>January TBD</td>
<td>Legislative Briefing for the Mecklenburg State Delegation</td>
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<td>January 3</td>
<td>US Congress convenes</td>
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<td>January 9</td>
<td>NCGA convenes one-day 2019 Organizational Session</td>
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<tr>
<td>January 22</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>January 23 – 25</td>
<td>US Conference of Mayors Winter Meeting (Washington, DC)</td>
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<tr>
<td>January 30</td>
<td>NCGA reconvenes</td>
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<tr>
<td>February 18</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>March 10 – 13</td>
<td>NLC Congressional City Conference &amp; briefing for Congressional Delegation (Washington, DC)</td>
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<tr>
<td>March 18</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>March / April TBD</td>
<td>NC League of Municipalities Town Hall Day (Raleigh)</td>
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<td>April 15</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<td>May 20</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>June 17</td>
<td>Intergovernmental Relations Committee meeting, 2:00 pm, Room 280</td>
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<tr>
<td>June 28 – July 1</td>
<td>US Conference of Mayors Annual Meeting (Honolulu)</td>
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