

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
NOVEMBER 1, 2012 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council, Chairman
 Commissioner Charles Evans
 Commissioner Jimmy Keefe

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
 Amy Cannon, Deputy County Manager
 James Lawson, Assistant County Manager
 Rick Moorefield, County Attorney
 Howard Abner, Assistant Finance Director
 Sally Shutt, Chief Public Information Officer
 Jeffery Brown, Engineering and Infrastructure Director
 Debbie Miller, Purchasing/Buyer
 Thelma Matthews, Purchasing/Accounts Manager
 Betty Clark, Information Services Director
 Keith Todd, Deputy Information Services Director
 Candice White, Clerk to the Board
 Kellie Beam, Deputy Clerk to the Board
 Press

Commissioner Council called the meeting to order at 11:20 a.m.

1. APPROVAL OF MINUTES – OCTOBER 4, 2012

MOTION: Commissioner Keefe moved to approve the minutes as presented.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (3-0)

2. DISCUSSION ON PROPOSED PRINT MANAGEMENT POLICY

Amy Cannon, Deputy County Manager, introduced Betty Clark and Keith Todd from Information Services, and stated Ms. Clark and Mr. Todd have been working with Thelma Matthews and Debbie Miller from Finance on a proposed print management policy.

Ms. Cannon stated at the June 7, 2012 meeting of the Policy Committee, a discussion was made about having a print management review to develop a proposed print management policy. Ms. Cannon stated the county currently has a contractual agreement with Systel which includes a cost per copy contract and the goal of the proposed print management policy is to eliminate printers that are very costly to make prints. Ms. Cannon stated although the actual printers are fairly inexpensive the cost of toner cartridges in most cases is more expensive than the cost of the printer. Ms. Cannon stated the cost of each print is as much as five or six cents per copy. Ms. Cannon stated Systel has been working with Information Services staff to review which printers are being heavily used and where the county can strategically place copier-printers to network the printing function to the multi-functional devices.

Ms. Cannon stated the proposed print management policy is fairly simple and basically restricts departments from buying printers without review from Information Services. Ms. Cannon explained the copier-printers will not fully replace all printers because there are some instances where it may be in the best interest of the department and business function to have a printer.

MOTION: Commissioner Keefe moved to recommend the print management policy as presented by the Deputy County Manager.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Keefe stated he feels implementing the print management policy will produce a significant amount of savings as long as staff remains diligent in making it happen. Commissioner Keefe suggested making sure all copiers are automatically set to default to print black and white instead of color. Commissioner Keefe stated he feels this is a great policy and shows good financial management of county dollars. Commissioner Keefe further stated he would like to see a goal set for a dollar amount of savings. James Martin, County Manager, stated in reference to a savings goal, the county will attempt to save ten (10) percent in the first twelve (12) months.

VOTE: UNANIMOUS (3-0)

3. DISCUSSION ON THE COUNTY'S FLEXIBILITY WITH REGARD TO PURCHASES SUBJECT TO INFORMAL BID REQUIREMENT

Rick Moorefield, County Attorney, referenced his memo, "Discussion of the County's Flexibility with Regard to Purchases Subject to Informal Bid Requirement", and stated this item was intended for discussion only.

Mr. Moorefield stated at the October 4, 2012 meeting of the Policy Committee, Commissioner Keefe asked him to clarify the county's flexibility with regard to purchases subject to the statutory informal bid procedure. Mr. Moorefield explained this

request was made in the context of a larger discussion of the county's implementation of its local preference policy for purchasing.

Mr. Moorefield stated G.S. 143-131 requires that the purchase or "lease-purchase" of apparatus, supplies, materials and equipment between the amounts of \$30,000 and \$90,000 per transaction be made subject to the informal bid procedure. Mr. Moorefield stated the informal bid procedure requires that bids be solicited and received for these purchases but unlike formal bidding, there is no requirement that the request for bids be advertised, that there be a minimum number of bids or that the bids be sealed. Mr. Moorefield further explained that there is not even a requirement that the bids be in writing, but the county must keep a written record of the bids and these bids are not public records until after the bid is awarded. Mr. Moorefield stated even though the informal bid procedure is not at all like the formal bid procedure, the two approaches do share the same standard for awarding a contract. Mr. Moorefield further stated the contract must be awarded to the lowest responsible, responsive bidder.

Mr. Moorefield stated Commissioner Keefe is particularly interested in the extent to which the county can implement a local preference policy for purchases subject to the informal bid requirement. Mr. Moorefield further stated it is clear that the county cannot declare local vendors to be more responsible than non-local bidders and proceed on that basis to only consider local bidders. Mr. Moorefield explained the statutory prohibition against public disclosure of informal bid records is to avoid a bidder having access to the bids already received, thus, the county is prohibited from reporting the bids received to a preferred local bidder with the hope that the preferred local bidder will beat the bid price already received. Mr. Moorefield stated for these reasons, the county could not offer any preferential treatment or advantage to only local bidders.

Mr. Moorefield stated since the county does have the statutory option to reject all bids and since purchases subject to informal bids do not have to be advertised, the county can solicit a second round of bid proposals only from the lowest bidders including the lowest local vendor and each bidder lower than the lowest local bid. Mr. Moorefield further explained although this will not insure that a local vendor will ultimately provide the lowest bid, it does give the local vendor, and any vendors with lower bids, a second chance to do so and with the understanding that each of them must provide the very best price that each can. Mr. Moorefield stated where the spread between the lowest local bid and the lowest bid is not very great, this could be a useful tool to promote local bidding opportunities and where there is a substantial difference in the spread, this would likely not produce a different result. Mr. Moorefield explained this approach could be incorporated into the local preference policy with established criteria as to when a second round of bids would be obtained.

Mr. Moorefield stated another method which may shortcut the informal bidding process and produces the same result as obtaining a second round of bids is the reverse auction bid process authorized by G.S. 129.9. Mr. Moorefield further stated a "reverse auction" means a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment and the bidders' prices may

be revealed during the reverse auction. Mr. Moorefield stated under this process every bidder can see every other bid and bidding continues until the deadline for receiving bids is reached. Mr. Moorefield explained again, this process will not insure that a local vendor will provide the lowest bid but it does offer local bidders the opportunity to see first-hand what bid will be needed to compete.

Mr. Moorefield stated his recommendation is not to make any changes to the county's current purchasing policy at this time but instead try a wider approach over the next fiscal year including some of the suggestions he mentioned. Mr. Moorefield stated the Policy Committee should consider whether to recommend any changes in the county's purchasing policy to the Board of Commissioners.

Commissioner Keefe stated he would like to see solicitations posted on the county's website in a match-force type environment. Ms. Cannon stated staff in Finance and Information Services are already working on Commissioner Keefe's idea and the information could be on the county's website around the Spring of 2013 or possibly sooner.

Ms. Cannon explained Finance staff is working with Mr. Moorefield by educating county departments to really emphasize local purchasing and also putting all local vendors on the county intranet by their function, services or products offered. Ms. Cannon stated she believes this education process will further enhance the dollar amount of purchases that stay within this community.

Mr. Moorefield suggested for Finance staff to continue to pursue this issue and give the Policy Committee a report around the spring of 2013 of what changes have been made and how those changes are working out.

4. DISCUSSION ON POLICY FOR PUBLIC USE OF THE COURTROOM IN THE HISTORIC COURTHOUSE

Mr. Moorefield stated at the October 4, 2012 meeting of the Policy Committee, Commissioner Keefe requested that the Policy Committee consider a policy for the public use of the courtroom in the Historic Courthouse. Mr. Moorefield further stated Commissioner Keefe directed him to draft a policy which did not permit religious and/or political uses and included a reasonable fee.

Mr. Moorefield stated he considered the following issues when preparing the draft policy:

- the availability of privately-owned meeting facilities, such as the Sky Room on Hay Street only two blocks from the Historic Courthouse, the Pate Room at the library, and the meeting facilities available at the Crown Complex
- the need to protect the courtroom from potential damage
- the need for security during any function or event;
- the need to secure the building after any function or event.

Mr. Moorefield explained the proposed minimum and additional fees are based on the cost of providing two (2) deputies in an overtime status with a minimal charge for utilities. Mr. Moorefield stated the proposed policy makes the courtroom available to all uses except for political and religious purposes, which are defined in the policy.

Commissioner Keefe asked if there should be an additional custodial charge added to the facility user fee or if the facility user fee should be increased to include custodial care. Mr. Martin stated the current policy states the minimum fee shall be \$200 and suggested the fee be increased to \$250 to include custodial care.

Mr. Martin stated in the proposed policy it states the implementation of this policy shall be the responsibility of the county manager. Mr. Martin requested this to read “county manager or designee”.

MOTION: Commissioner Keefe moved to recommend the proposed policy with the facility user fee to be increased to \$250 for functions and events and also state that the county manager may appoint a designee for implementation of the policy.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

5. DISCUSSION ON POLICY FOR PLACING A MATTER ON THE AGENDA OF THE POLICY COMMITTEE AND OTHER COMMITTEES

Mr. Moorefield stated after the October 4, 2012 meeting of the Policy Committee, Commissioner Council requested him to draft a policy addressing the placement of matters on an agenda of the Policy Committee. Mr. Moorefield stated Commissioner Council’s concern was to avoid another meeting at which a different topic was presented than the topic identified on the agenda, persons traveled from out-of-town to make a presentation without there being any notice that they were going to speak or what they were going to speak about, and matters were placed on the agenda by individual commissioners without regard for the time constraints of the meeting. Mr. Moorefield further stated after the notice for submissions of matters for the agenda was sent out, Commissioner Keefe expressed that he also wanted an agenda policy developed for all of the committees.

Mr. Moorefield stated he has drafted a proposed policy just for application to the Policy Committee and if the Board of Commissioners desires to develop an agenda policy for each committee, the proposed policy can readily be adapted to the other committees.

Mr. Moorefield stated the clerk shall place matters on the agenda in the following order of priority:

- A matter which has been directed by a vote of the board of commissioners, regardless of the staff person presenting the matter;
- A matter which has been directed by a vote of either of the committees, regardless of the staff person presenting the matter;
- A matter which has been requested by the county manager, regardless of the staff person presenting the matter;
- A matter which has been requested by an individual commissioner, regardless of the staff person presenting the matter.

Mr. Moorefield further stated no matter shall be placed on the agenda unless it is supported with a memorandum signed by the county manager or the person who will present the matter. Mr. Moorefield stated the memorandum shall provide the following:

- A statement of sufficient background information for the committee members to understand the reason the committee is being requested to consider the matter;
- A concise statement of what is being requested of the committee;
- The identity of who is requesting the matter;
- The identity of every person other than a staff person who will address the committee about the matter; and
- An estimate of the amount of time it will take the committee to consider the matter.

Questions and discussion followed. Commissioner Edge stated he believed the policy should also apply to the Facilities and Finance Committees in addition to the Policy Committee.

MOTION: Commissioner Evans moved to recommend the proposed agenda policy for all of the commissioner committees.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (3-0)

6. DISCUSSION OF BOARD OF COMMISSIONERS MEETINGS THAT FALL ON A NATIONAL HOLIDAY

Candice White, Clerk to the Board, referenced her memo “Discussion of Board of Commissioners’ Meetings that Fall on a National Holiday”. Ms. White stated the Board of Commissioners at its March 18, 2002 meeting approved a recommendation of the Policy Committee to reschedule Board of Commissioners’ meetings that fall on a national holiday (President’s Day and/or Easter Monday) to the next day or Tuesday. Ms. White further stated since that time there has been mention by some Board members of rescheduling those meetings to Monday.

Ms. White explained the Cumberland County 2013 Holiday Schedule, which follows the State of North Carolina Holiday Schedule, does not observe either President’s Day or Easter Monday as holidays. Ms. White further explained instead, the county holiday

schedule observes Good Friday. Ms. White stated traditionally President's Day and/or Easter Monday have been observed by the Cumberland County Schools as part of their student/teacher holidays or teacher work days.

Ms. White stated the Policy Committee should consider whether to continue holding Board of Commissioners' meetings on the Tuesday following President's Day and/or Easter Monday or reschedule those meetings to Monday.

MOTION: Commissioner Keefe moved to recommend to the full Board that it approve holding Board of Commissioners' meetings on the Monday designated as President's Day and continue to hold meetings on the Tuesday following Easter Monday.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

7. OTHER MATTERS OF BUSINESS

There were no other matters of business to discuss.

MEETING ADJOURNED AT 12:28 PM