

**MINUTES OF BOARD OF COUNTY
COMMISSIONERS
OF GUILFORD COUNTY**

Greensboro, North Carolina
December 9, 2020

The Board of County Commissioners met in a duly noticed special meeting on December 9, 2020 at 5:30PM, in the Blue Room located on the first floor of the Old County Courthouse, 301 W. Market St., Greensboro, North Carolina.

PRESENT: Chairman Melvin "Skip" Alston, presiding; Vice Chairman J. Carlvena Foster; Commissioners Justin Conrad, Carly Cooke, Kay Cashion, James Upchurch and Alan Perdue. Participating via virtual communication: Commissioners Alan Branson and Carolyn Q. Coleman.

ABSENT: None.

ALSO PRESENT: County Manager Marty Lawing; County Attorney Mark Payne; Deputy County Manager Clarence Grier; Clerk to Board Robin Keller; Ariane Webb, Deputy Clerk to Board; Jessica Wolf, Deputy Clerk to Board; Worley Smith, Communications Manager; Dr. Iulia Vann, DHHS-Public Health Division Director; Don Campbell, Emergency Management Division Director; Hemant Desai, Information Services Director; Captain Randy Shepherd, Sheriff's Office; members of staff and media. Virtual participation was made available to members of the public and media.

I. WELCOME AND CALL TO ORDER

Chairman Melvin "Skip" Alston welcomed those present and called the meeting to order at 5:30PM.

By unanimous consent, the Board voted to recess in order to move the meeting upstairs to the Commissioners' Chamber located on the 2nd Floor of the Old County Courthouse, 301 W. Market St., Greensboro, North Carolina to allow additional room for spacing.

The Board reconvened the meeting at 5:32PM in Chambers.

II. NEW BUSINESS

A. COVID-19 BOARD OF HEALTH RULES

1. 2020-449 GUILFORD COUNTY BOARD OF HEALTH RULE

Review and consider adoption of the proposed Guilford County Board of Health rule regarding COVID-19 civil penalties.

Legislation Text

[BOH COVID-19 Civil Penalties Rule v-7 clean.pdf](#)

County Attorney Mark Payne introduced the agenda item and reminded the Commissioners that they are now acting in their role as the Guilford County Board of Health, giving them authority to adopt a Board of Health rule under Chapter 130A under the North Carolina General Statutes. He noted a Board of Health rule must be based upon a public health issue and the application of the rule applies throughout the county, even in incorporated cities.

Payne reviewed the rule under consideration and stated it gives the County the authority to enforce the Governor's Executive Orders related to prevention of the COVID-19 pandemic.

Commissioners Alan Branson and Carolyn Q. Coleman were announced as participating virtually in the meeting.

Payne shared that the rule is enforced through civil penalties and orders of abatement, which can include closures of establishments in violation of both the executive orders and Board of Health rule. He emphasized the goal is to educate and obtain compliance with these laws and noted the Board of Health rule provides the Board with more flexibility in enforcement. Payne reviewed the changes to the most recent version of the rule under Board consideration.

Commissioner James Upchurch requested Payne provide additional information regarding potential sanctions businesses could receive for non-compliance.

Payne stated that, unless there is a need for immediate response to address an immediate health hazard, the first violation would result in a warning combined with education to ensure voluntary compliance.

Commissioner Alan Perdue spoke to the need for clarity when enacting a regulation and questioned the intent of the definition of enforcement officer, under Section 3 of the rule. He questioned the agreement between municipalities and the County that would identify and educate designated enforcement officers. Perdue stressed the importance of knowing the regulation and enforcement process when mitigating violations.

Commissioner Perdue noted the reference to revocation of restaurant permits in Section 6 of the rule gives the appearance of being more punitive to restaurants than other businesses.

Payne confirmed there may be a need to utilize resources from other entities to assist with enforcement, and the rule is broad enough to allow this option. He emphasized designation of enforcement officers would lie with the County. Payne shared Public Health already has the authority to revoke restaurant permits if an imminent public health hazard is identified, and noted the Board of Health rule under consideration highlights this role.

Commissioner Perdue cautioned against the unintended consequences of creating panic amongst citizens, and provided examples where wearing masks may not be appropriate or medically prohibitive. He expressed his concerns with supporting the rule given that he has not reviewed the educational component.

Commissioner Perdue questioned the wording within enforcement progression section of the rule related to civil penalties and orders of abatement issued for multiple violations.

Payne stated this was a typo that required correction, and noted this section was written to create an equitable and consistent approach to enforcement.

Commissioner Perdue questioned the definition of the hearing officer, as outlined under the Obstruction section of the rule, and its responsibilities and role related to enforcement.

Payne discussed the role of the hearing officer in managing appeals of any citations issued under the rule. He shared he would eliminate this role from this rule to ensure clarity.

Commissioner Perdue referenced Section 7 of the rule and the ability to serve citations via mail. He noted the rule's language indicates a person's failure to receive the citation does not affect its validity and spoke to the importance of utilizing certified or registered mail to ensure the citation is received timely by the responsible party. Perdue expressed his concerns that the policy is not ready for adoption.

Commissioner Kay Cashion questioned if the official citation notice will be posted on the facility with a follow-up notice sent via mail.

Payne confirmed and stated the enforcement policy will include multiple options to ensure the responsible party receives the citation, as the County must be able to prove that the citation was received. He spoke to the Board's ability to direct staff to make sure all steps are taken to ensure parties are in receipt of these citations.

Chairman Alston noted the simplest means is to send citations with a return receipt requested, that requires signature for receipt.

Payne noted the majority of citations will be issued directly to the person by the enforcement officer, but if that option is not available, the rule outlines other solutions to serve the citation.

Commissioner Cashion echoed the need to ensure the responsible party has received notice of any fines. She expressed concerns with the “sole discretion” language listed under Section 7.A. and the enforcement officer’s flexibility in upholding the rules.

Payne noted the discretion language does not differ from guidance for other enforcement roles within the County, and noted the officer’s most important role is educating the public on this rule.

Commissioner Cashion spoke to the various roles that could be identified as enforcement officers and questioned the training that would be offered.

Payne spoke to the importance of providing training that is consistent with the rule’s intent for equity and consistency with regards to enforcement.

Commissioner Justin Conrad expressed his concerns regarding enforcement officers making immediate determinations on violations, despite a potential lack of training and experience in the field, and questioned the agreements in place with local municipalities.

Payne noted these agreements would have similarities to mutual aid agreements, and noted he feels secure in the quality of enforcement training that will be provided by Public Health.

Commissioner Conrad reiterated his concerns regarding a newly trained employee with limited enforcement experience and training, issuing citations that include civil penalties. He shared his review of the volume of 911 calls received over the prior three (3) months reporting COVID-19 noncompliance. Conrad noted only forty-three (43) calls were received during this period and questioned the need to recruit personnel beyond the trained enforcement officials on staff for enforcement.

Commissioner Conrad requested an update regarding COVID-19 death rates in the community.

Dr. Iulia Vann shared 259 community members have passed away due to COVID-19, and noted the loss of more people within the past two (2) weeks than in the prior two (2) months, due to COVID-19. She confirmed long-term care facilities continue to work closely with Public Health, but there are certain centers who continue to struggle with managing outbreaks.

Commissioner Conrad spoke to the tragedy of any loss of life and expressed concerns that the Board of Health rule and the City of Greensboro’s order do not mention long-term care facilities, despite the overwhelming number of deaths resulting from congregate living communities.

Chairman Alston stated the current rule under consideration is a starting point that addresses an urgent need. He shared no new laws are being created and the County is only enforcing the Governor’s Executive Orders. Alston stressed the importance of developing guidelines to help protect the community and ensure compliance.

Commissioner Alan Branson questioned the length of training for enforcement officers and the possibility of hiring part-time staff to assist with enforcement. He expressed his concerns with the rule and questioned when vaccines would become readily available to the public.

Chairman Alston directed Dr. Vann to address the training for enforcement officers and noted an update on vaccinations would be provided later in the meeting.

Dr. Vann noted Public Health will rely heavily upon current Environmental Health inspectors to educate and enforce compliance for restaurants, lodging areas, institutions, hospitals, schools and childcare facilities, and other businesses they are already inspecting and permitting. She noted that, upon passage, training will include each portion of the adopted rule and the Governor's Executive Order.

Vice Chairman J. Carlvena Foster reiterated these are unprecedented times and noted the County Attorney has already indicated his level of comfort with the enforcement training that will be provided by the Public Health department.

Motion was made by Vice Chairman J. Carlvena Foster, and seconded by Chairman Melvin "Skip" Alston, to adopt the proposed Guilford County Board of Health rule, including any recommended rewordings and clarifications, regarding COVID-19 civil penalties.

VOTE: Motion carried 6 – 3
AYES: Melvin "Skip" Alston, J. Carlvena Foster, Carly Cooke, James Upchurch, Kay Cashion, Carolyn Q. Coleman
NOES: Alan Branson, Justin Conrad, Alan Perdue

The Guilford County Board of County Commissioners in their capacity as the Guilford County Board of Health, order as follows:

Section I. Authority

This rule is authorized by Chapters 130A and 166A of the North Carolina General Statutes.

Section II. Findings

This BOH Rule is adopted pursuant to North Carolina General Statutes, Chapter 130A – Public Health, North Carolina General Statutes Chapter 166A – Emergency Management, Guilford County Public Health rules, Guilford County Ordinances and the Guilford County Declaration of a State of Emergency (SOE) dated March 13, 2020, and the Governor's Declaration of a State of Emergency (SOE) dated March 10, 2020 and related to the COVID-19 pandemic. Further, this rule specifically adopts by reference, pursuant to N. C. Gen. Stat. 130A-22, all the Executive

Orders issued by the Governor in response to, and pursuant to, the Governor's SOE, which are still applicable as of the date of this Rule and as revised thereafter. These Executive Orders as described in this paragraph may sometimes be referred to hereinafter as 'the EO's' or 'the Executive Orders.'. This rule will be effective upon adoption by the Board of Health. The Board finds that this Rule is necessary for the immediate protection of the public's health and safety, based upon the following:

- A. COVID-19 is a novel coronavirus. Symptoms include fever, cough, shortness of breath, new loss of smell and taste, weakness, fatigue, nausea and vomiting, etc.; outcomes have ranged from mild to severe illness and death. Beginning in or around February 2020, the World Health Organization (WHO) declared the COVID-19 outbreak a public health emergency of international concern, the Centers for Disease Control and Prevention (CDC) determined the virus presents a serious public health threat, and the U.S. Department of Health and Human Services declared a nationwide Public Health Emergency.
- B. On March 10, 2020, the Governor of the State of North Carolina proclaimed a State of Emergency as a result of the threat of COVID-19 to the public health and the economy.
- C. The County of Guilford with consent of incorporation by the Cities of Greensboro, High Point, and Gibsonville, along with the Towns of Jamestown, Summerfield, Stokesdale, Oak Ridge, Whitsett, Sedalia, and Pleasant Garden, declared a State of Emergency on March 13, 2020.
- D. On October 21, 2020, with North Carolina's COVID-19 trends moving in the wrong direction, the North Carolina Department of Health and Human Services and the NC Department of Public Safety sent a letter to local leaders asking them to help slow the spread of the virus by promoting the 3 Ws and considering local actions to improve compliance with executive orders.
- E. On November 17, 2020, to mitigate the increasing spread of COVID-19, the Governor of North Carolina and Secretary of the North Carolina Department of Health and Human Services (NC DHHS) announced a new COVID-19 County Alert System to pinpoint counties with the highest levels of viral spread and offer specific recommendations to bring numbers down. This system will help give local leaders another tool to understand how their county is faring and to make decisions about actions to slow viral spread.
- F. Guilford County has continued to see data trends moving in the wrong direction including new cases per 100,000, positivity rate and hospitalization numbers due to COVID-19 disease. An increase in all these indicators signifies an urgent need to reinstitute and enforce restrictions and precautionary measures.
- G. Violations of Executive Orders present an immediate threat to the public health and safety and increase the likelihood that the COVID-19 virus will spread throughout the County and overwhelm our health care systems, cause preventable illnesses and deaths, and inflict other significant harms, including economic and social effects, on our community.
- H. Immediate enforcement of Executive Orders is necessary to ensure their consistent, effective implementation and to achieve their intended purposes, including controlling the spread of COVID-19 within the County.
- I. Existing strategies for enforcing Executive Orders include education, misdemeanor criminal prosecution and civil litigation. While these strategies are helpful and necessary,

they have not been sufficient to limit infection spread. Additional enforcement strategies are necessary to incentivize public compliance with the North Carolina Executive Order.

- J. Issuance of administrative penalties provides a significant deterrent to violating the Executive Order and will help promote public health measures and implement guidance issued by the State or County Public Health Directors.
- K. This alternative enforcement mechanism is also designed to provide some relief to law enforcement, to enable additional County staff to assist with enforcing the Executive Orders, to allow for flexibility in the use of enforcement tools, and to enhance the County's ability to achieve the public health purposes supporting the Executive Orders.
- L. Administrative enforcement, including Orders of Abatement, civil penalties, and administrative citations, will provide additional and alternative mechanisms to efficiently and more immediately deter violations and enhance the effectiveness of Executive Orders to combat the further spread of COVID-19 in the community.
- M. In some circumstances, a response to an Executive Order violation demands a substantial penalty to provide an effective and significant deterrent. Civil penalties must be, where necessary and appropriate, significant enough to ensure they cannot be dismissed by the commercial or non-commercial violator as "the cost of doing business," particularly when the impact to public health and safety is high.

Section III. Definitions

"Enforcement Officer" means the following officers or employees or their designated assistants or deputies; only county employees, including temporary or part-time employees, or municipal employees may be designated as enforcement officers:

1. Police officers, code enforcement officers, and any other employees designated by the County or municipal city/town manager, where the municipality and the County have entered into an agreement to mutually participate in the enforcement, including education, of this Rule;
2. The Guilford County Public Health Director or their designees;
3. The Guilford County Sheriff and designated Deputies;
4. The Guilford County Fire Marshal or their designees;
5. The County Attorney and associated staff.

Section IV. Purpose and Intent

The purpose and intent of this Board of Health Rule is to provide the County, and cities and towns within the County, with administrative enforcement tools, which can be used when necessary in conjunction with education, outreach, and engagement, to assist on achieving compliance with relevant covid-19 related North Carolina Executive Orders. It is further intended that the County, and cities and towns within the County, will coordinate enforcement efforts to achieve consistency among jurisdictions and efficient and effective enforcement of Public Health Orders.

Section V. Effective Period

This BOH Rule will remain in effect until expiration or termination of the Proclamation of a Local Emergency, or until this BOH Rule is modified or revoked by the Guilford County Board of Health, whichever is sooner.

Section VI. Adoption of Public Health Orders as County Law

All Public Health Orders issued during a declared local public health emergency are hereby adopted as the law of the county and shall apply to both incorporated cities and unincorporated areas of the County. All Governor's EO's related to the COVID-19 SOE shall be deemed orders and regulations of the Board of Health, pursuant to N. C. Gen. Stat. 130A-1 *et seq.* and N. C. Gen. Stat. 130A-22 in particular and are determined to be necessary for the protection of life and property during the local public health emergency. Violations of this Rule are hereby determined to be a valid basis for abatement orders to remove or otherwise address public health nuisances/imminent health hazards. Further, for those facilities which serve food and are subject to food sanitation permits and regulation, a violation of this rule is hereby deemed to be a nuisance/imminent health hazard and is deemed to be a violation of their permit.

Section VII. Executive Order Enforcement

- A. Authority and Discretion to Enforce. An enforcement officer is authorized to enforce against a violation of an Executive Order within the enforcing officer's jurisdiction. Enforcement under this BOH Rule is at the sole discretion of the enforcing officer for the county, city, or town in which the violation occurs.
- B. Public Nuisance. A violation of an Executive Order as described in this Rule and described in particular detail in Section 1, is a public nuisance.
- C. Immediate Danger to Health and Safety. Any violation represents an immediate danger to public health and safety under N. C. Gen Stat. 130A-1 *et seq.* and is subject to the immediate imposition of civil penalties.
- D. SANCTIONS: Civil Penalties and Abatement Orders.
 1. Except as set out in D (2) below, a violation is subject to a civil penalty of \$300 per violation for a first assessed violation, \$400 for a second violation, and \$500 for each additional violation by the same responsible party.
 2. For violations of restrictions limiting capacity, shall be a civil penalty of \$100 per person within the facility in excess of the capacity limits established by the EO's.
 3. Imposition of Civil Penalties. Civil penalties may be imposed by an enforcing officer, a hearing officer, or the court.
 4. A civil penalty for violation of this Rule may be assessed by means of a Citation issued by an Enforcement Officer. Civil penalties imposed by means of Citation shall be collected in accordance with the procedures specified in this Rule.
 5. The civil penalty becomes effective and due immediately upon issuance of the Citation. The Responsible Party has ten (10) days from the date of service of the Citation to pay the penalty in the absence of a timely submitted request for hearing to appeal the citation, pursuant to Section IX, below.

6. Each and every occurrence and/or day during which the violation is repeated shall constitute a separate and distinct violation.
 7. The County, City, or Town may pursue any remedy authorized by law to collect civil penalties that are not timely paid, including but not limited to a civil action for collection of civil penalties in the nature of a debt collection.
 8. Guilford County may assess any violator for its investigative costs for any penalties of \$500 or more. Investigative expenses include payment for the issuing enforcement officer's time and expense in pursuing the matter to conclusion.
 9. Where the Public Health Director, in her or his determination, finds that an order of abatement is necessary to abate a public health nuisance the Public Health Director can issue an order to do so, up to and including shutting down a facility's operations and/or the revocation of permits for food service establishments; this Rule authorizes the issuance of such orders. Orders of abatement can be issued at any time upon a violation and may be issued independently of any civil penalties.
- E. Enforcement Progression. The primary goal of the County, the cities, towns, and any enforcement officer is to achieve compliance. Except where a sanction is warranted to protect the public health from an imminent hazard, an enforcing officer shall first issue a warning to abate a violation prior to imposing a civil penalty. If a violation continues or resumes after imposing civil penalties, the enforcing officer may refer the case to law enforcement for criminal enforcement. It is in the enforcement officer's sole discretion to determine the most effective means of enforcement consistent with this BOH Rule, and nothing in this subsection is intended to abridge that discretion. However, it is the adopted policy of the Board of Health that sanctions, either civil penalties or orders of abatement, or both, *shall* be imposed on any violator's third, and subsequent, violations. The enforcement officer shall further have authority to issue administrative citations and any other notices and orders necessary to obtain compliance and cost recovery, as well as the power to inspect public and private property as provided by law, impose fines and fees, and use the administrative remedies that are available under state law, this chapter, and other applicable provisions of the Guilford County Code or ordinances of the relevant cities or towns.

Orders of abatement may include the closure of a facility and the revocation of any license to operate for a facility serving food or alcohol. The normal progression of enforcement using an order of abatement shall be to close a facility or establishment for 24 hours or until the public health hazard is removed, whichever occurs later, for the first violation where an order of abatement is issued; closure for 48 hours for a second violation; and 72 hours for third or more violations. However, in no instance can, or will an order of abatement be lifted if the public nuisance has not been completely and satisfactorily corrected.

- F. Public Disclosure of Uncured Violations. Guilford County or the relevant cities or towns may publicly disclose any violation of an Executive Order or a Public Health Order,

including the name of the Responsible Party and the nature, date, and location of the violation.

- G. Obstruction. Every person who willfully resists, delays, or obstructs any enforcement officer in the discharge or attempt to discharge any duty of their office or employment in connection with this BOH Rule shall be guilty of a class 2 misdemeanor, punished by a fine not exceeding \$500, or by imprisonment in a county detention center not to exceed six months, or by both.
- H. False statements. Every person who willfully states anything which that person knows to be false in any oral or written statement to an enforcement officer or hearing officer regarding the subject of an investigation, citation, or hearing occurring pursuant to this BOH Rule shall be guilty of a class 2 misdemeanor, punished by a fine not exceeding \$250, or by imprisonment in a county detention center not to exceed three months, or by both.
- I. Litigation Authority. The Office of the Guilford County Attorney and each city or town attorneys' office is authorized to file a civil action on behalf of the relevant city, town, or county to enjoin any violation and to obtain other appropriate relief needed to abate the violation, as well as to recover all associated costs, attorneys' fees, and any fines or penalties imposed. No further Board authority or permission to initiate litigation is required to enforce violations.
- J. Remedies Cumulative and Nonexclusive. All remedies contained in this BOH Rule are cumulative and in addition to any other remedies available under local, state, or federal law, including any criminal, civil, or administrative enforcement. Election to employ the remedies set forth in this BOH Rule does not preclude any other means of enforcement with respect to the same violation.
- K. City or Town Alternative Enforcement Regulations. A city or town within the County may adopt or rely upon any ordinance, resolution, or directive that confirms or supplements the enforcement provisions or mechanisms in this BOH Rule or the relevant Governor's Executive Orders.

Section VIII. Citations

- A. A Citation shall be served on the Responsible Party in one or more of the following ways:
 - 1. By in person delivery, provided the personal delivery can be accomplished without violating Public Health Orders. Such service is effective if the Citation documents are set down near the Responsible Party and orally identified in a manner that can be heard by the Responsible Party.
 - 2. By posting and mailing a copy of the Citation, if the violation occurred on real property known to the Enforcement Officer to be owned, possessed, or controlled by the Responsible Party. The Citation shall be physically posted on the real property in a position that is likely to catch the attention of a person entering the property, including, without limitation, a front door, a gate, or a mailbox. The Citation shall also be mailed

- to the address at which the Citation was posted, or to any other mailing address of the Responsible Party that is known to the Enforcement Officer.
3. By mailing a copy of the Citation to a mailing address of the Responsible Party that is known to the Enforcement Officer, if number 1 and 2 above are impracticable.
 4. By emailing a copy of the Citation to an email address reasonably likely to be accessible to the Responsible Party, if number 1, 2 and 3 above are impracticable.
- B. Delivery shall be complete at the time of in person or emailing, one day after posting the Citation, or five days after service by mail alone. The failure of any person to receive the Citation shall not affect the validity of the Citation or of any other code enforcement steps or proceedings taken pursuant to this Rule.

Section IX. Appeals

Sanctions issued pursuant to this rule may be appealed pursuant to N. C. Gen. Stat. 130A-24.

Adopted this the 9th day of December 2020.

B. COVID-19 TESTING / VACCINATION UPDATES

Don Campbell, Emergency Management Division Director, provided an update on COVID-19 testing options and vaccinations. He spoke to the transition from outdoor, drive-through testing sites to indoor operations in light of the potential for colder, inclement weather during the fall and winter seasons. Campbell shared their intent to move to permanent testing locations in Greensboro and High Point. He identified the Greensboro Coliseum as a potential site and spoke to the success of the recent event held at this facility where approximately 800 people were testing in six (6) hours. Campbell noted they are having conversations with the City of High Point to identify potential locations and confirmed they are no longer conducting testing at the E. Wendover location, as there is not sufficient capacity to test large numbers of people at this site.

Dr. Vann spoke to expanded testing opportunities throughout Guilford County, and noted two (2) vendors have been identified who utilize multiple testing modalities to serve the public. She shared the potential for additional costs associated with utilizing these vendors.

Dr. Vann stated vaccines from Pfizer and Moderna are both waiting federal approval for emergency use. She noted that, if approved, the first rounds of vaccines are expected to arrive in North Carolina on December 14, with a phased approach for distribution. Dr. Vann stated initial doses will be prioritized for health care workers and confirmed hospitals, including Cone Health and Wake Forest University Baptist Medical Center, will receive the first distributions.

Dr. Vann shared the second allocation of vaccines is scheduled for December 21 and will be distributed to a second round of hospitals and local health departments. She spoke to the uncertainty regarding the length of each phased allocation, and noted the timeframe for each will

be dependent upon NC DHHS and their ability to move the state through these phases. Dr. Vann confirmed an initial plan was developed three (3) months ago and is tailored as additional information is received.

Commissioner Carolyn Q. Coleman questioned the need for absorb additional costs if the County partners with other vendors to expand testing capacity.

Dr. Vann explained the vendors initial approach would be to bill health insurance to cover their costs; however, the County will serve as the payor of final resort in cases where health insurance cannot be billed and for those individuals without health insurance or Medicaid that cannot pay for testing.

Vice Chairman Foster questioned how the dosages of the vaccines will be administered.

Dr. Vann discussed the system used to track vaccine inventory and administration, and noted this platform supported by NC DHHS will alert those who received the initial dose to schedule return appointments to take the second dose within the appropriate timeframe.

Commissioner Perdue referenced recent surveys polling public safety staff across the country-wide on their willingness to take the vaccine and questioned if staff had planned on how they might manage any Guilford County first responders unwilling to be vaccinated.

Dr. Vann shared a survey was recently developed and should be deployed within the next few days.

Commissioner Carly Cooke questioned if the two-doses of vaccine would arrive at the same time and the plans for storage.

Dr. Vann stated federal and state guidance encourages them to utilize the doses as they are received and not save them for the second round of vaccinations, as they have been assured they will receive the second round timely. She shared the Pfizer vaccines will be stored in a freezer that meets their cold storage requirements and will explore options for purchasing additional storage units through internal County processes or by working with local partners.

Commissioner Cooke questioned additional materials that may need to be purchased to administer the vaccine.

Campbell stated materials like syringes, band-aids and alcohol swabs will be shipped with the vaccine; however, the largest need will be personnel, facilities for administration and cleaning supplies. He shared the goal is to conduct multiple, large-scale vaccination events.

Commissioner Coleman questioned which brand of vaccine will the County receive.

Commissioner Branson left the meeting at 6:45PM.

Dr. Vann stated the Pfizer vaccine will be initially allocated to hospitals on December 14, and the Moderna vaccine will be included in the second round of allocations on December 21, but is unsure which brand will be sent to the County.

Commissioner Coleman questioned if the County could receive the vaccine developed by Astra-Zeneca.

Campbell stated this vaccine has not been approved in the United States and that the county will only receive those that have been federally approved.

Dr. Vann shared approximately 150 vaccines are in the approval process and noted the Pfizer and Moderna vaccines are the ones closest to reaching the end-stages of approval.

C. CARES GRANT FUNDING UPDATES

1. 2020-457 CARES GRANT BUDGET UPDATE

Legislation Text

CARES Budget Update for Dec 9.pdf

County Manager Marty Lawing introduced the item and shared staff have been monitoring the CARES grant allocation since the last reallocation of funding approximately one (1) month ago.

Campbell provided an update on the CARES grant budget.

Chairman Alston questioned which committed amounts were verbal or written.

Campbell shared the all items identified under the Mitigation and Preparedness Government Grants included written agreements with local entities for CARES grant reimbursements. He shared the county has made verbal commitments to reimburse certain agencies for expenses associated with homeless program support, but the county has not received their reimbursement requests.

Chairman Alston questioned if there was a requirement to have an agreement in writing to confirm intent.

Payne shared the verbal agreement was sufficient, but the preference is for written agreements that outline the reimbursement process.

Campbell clarified the disbursement materials are written, however; the Board's intent for the Guilford County Continuum of Care (CoC) to receive reimbursement for homeless program support expenses was shared verbally to expedite the process.

Chairman Alston urged staff to secure written reimbursement agreements.

Vice Chairman Foster questioned if the remaining committed funds in the Small Business Grant Program.

Campbell shared the committed funds encompass returned checks for awarded organizations where research is being conducted to identify the correct mailing address.

Commissioner Coleman questioned if there was a surplus of funding remaining.

Campbell stated Board actions have created plans for remaining funding, approximately \$4 million of which has been earmarked for mitigation and preparedness reserve funding.

The Board discussed the funding plan.

Commissioner Cashion spoke to the economic impact of the arts industry and shared her hope the Board would reconsider allocating additional funding to the Non-Profit Assistance Program for Arts.

Chairman Alston questioned the \$14.3 million in the County Reimbursement category.

Lawing shared the \$14 million has been set aside to cover public safety and public health county employee salary expenses associated with the COVID-19 pandemic, and noted these funds could be reallocated, if needed.

Chairman Alston stated these funds could be reallocated towards vaccination expenses and enforcement of the Board of Health rule.

Lawing noted potential costs associated with vaccinations, testing and other assistance has been built into the county mitigation and preparedness section of the CARES grant funding budget.

Chairman Alston spoke to the need to expand testing opportunities throughout the county, and expressed concern related to maintaining a reserve when there are immediate community needs that could be addressed through this funding.

Commissioner Perdue reminded the Board of the December 31 deadline that is approaching and the potential for these funds to be reverted back to the federal government if they are unexpended. He spoke to the need to best utilize the current funding given current timeframes.

Chairman Alston requested staff meet to develop alternative plans to utilize funding based upon the current CARES grant timeframe and the possibility of an extension.

Commissioner Coleman spoke to the need to consider those households facing food insecurity during the holiday season.

Lawing clarified if an extension is not granted by the federal government, CARES funding could be used to reimburse salaries and benefits for public safety and public health staff, and a plan

could be developed to utilize General Fund monies for other expenditures, which gives the County the flexibility to use these funds responsibly.

D. CARES GRANT FUNDING - OUTSTANDING REQUESTS

1. 2020-456 INTELLISITE THERMAL VISION SYSTEM - PHASE 2

Approve the purchase of IntelliSite Thermal Vision Cameras from Cumberland Group at a total price not to exceed \$287,500, plus applicable sales tax. This price includes installation, licensing and initial configuration of twenty-three (23) camera systems in nine (9) county locations.

Hemant Desai, Information Services Director, reviewed the first phase of the thermal vision camera installation project that occurred in August 2020. He noted the six (6) locations where they were installed reported savings in staff time and utilization. Desai shared that, based upon the success of Phase I, the working group has developed a list of nine (9) locations where cameras can be installed in Phase II.

Chairman Alston questioned the timing of the request.

Lawing spoke to the benefit of immediate purchase of the cameras to expedite delivery.

Desai shared if the cameras are purchased by December 10, Intellisite staff have provided a 99% chance of receipt by December 31, but installation may occur after this date.

Payne spoke to recent CARES grant guidance that relaxes certain requirements related to purchasing deadlines. He noted if the project is not completed timely, the County only risks covering the \$4,000 installation cost.

Chairman Alston questioned the December 31 deadline for utilization of CARES grant funding.

Payne reiterated the cameras could be purchased with CARES funding, but the installation costs may not be covered if the project is not completed timely.

Chairman Alston questioned the denial of a recent request from Guilford County Schools to purchase 10,000 air purifiers because purchase and installation of the units could not be guaranteed by the December 31 deadline.

Campbell shared the GCS request included \$4 million in installation costs to upgrade electrical systems which may not have been completed by the December 31 deadline. He noted the primary concern was the vendor's inability to complete the work within the 30-60 day window beyond the December 31 deadline allowed by federal guidance for use of CARES funding.

Commissioner Perdue questioned if the cameras could be used as a part of the county's security system.

Desai confirmed the security component would be deployed within the next week and shared the cameras are dual purpose as they offer thermal video and security monitoring.

Vice Chairman Foster questioned the original placement of the cameras installed during Phase 1.

Lawing shared the placement of the Phase 1 cameras.

Commissioner Cooke questioned if the request is included in the CARES grant budget.

Lawing shared that, if approved, this item could be charged under the Mitigation and Preparedness – County line for compliance with Public Health measures.

Commissioner Cooke expressed her concerns with a piecemeal approach when considering requests to utilize CARES grant funding.

Commissioner Coleman questioned if the cameras will be shipped before next week.

Desai shared the company confirmed all cameras would be received by next week if purchased by December 10.

Commissioner Coleman questioned the plan to consider all CARES grant funding requests.

Chairman Alston echoed Commissioner Cooke's request to consider all CARES grant funding requests at the same time.

Commissioner Cashion requested clarification of the item.

Chairman Alston shared Commissioner Cooke's interest in having all CARES grant funding requests presented to the Board in one meeting.

Motion was made by Commissioner Carolyn Q. Coleman, and seconded by Vice Chairman J. Carlvena Foster, to approve the purchase of IntelliSite Thermal Vision Cameras from Cumberland Group at a total price not to exceed \$287,500, plus applicable sales tax. This price includes installation, licensing and initial configuration of twenty-three (23) camera systems in nine (9) county locations.

Commissioner Perdue spoke to potential shipping delays associated with the holiday season and other organizations ordering similar equipment nationwide. He expressed his support for motion in order to meet CARES funding deadlines.

Commissioner Cashion expressed her support for the motion.

Commissioner Conrad confirmed sufficient funding will be available in the line for the mitigation and preparedness line in the CARES grant budget.

Commissioner Cooke questioned the recent guidance regarding items purchased with CARES grant funding.

Campbell clarified the guidance states items that cannot be delivered by the deadline must have a contract in place stipulating the vendor cannot deliver by the deadline.

Commissioner Cooke questioned the flexibility to utilize CARES funding for salaries.

Lawing confirmed if no extension is granted, the plan is to utilize CARES funding to reimburse public health and public safety salaries, and then develop a plan to allocate General Fund dollars.

Commissioner Cooke shared she has no issues with this specific request and reiterated her reluctance to support the requests piecemeal.

Commissioner Upchurch echoed Commissioner Cooke's concerns. He spoke to the need to consider the entire breadth of CARES grant funding requests.

Substitute motion was made by Commissioner James Upchurch, and seconded by Commissioner Carly Cooke, to table the motion on the approve the purchase of IntelliSite Thermal Vision Cameras from Cumberland Group at a total price not to exceed \$287,500, plus applicable sales tax to the December 17, 2020 regular meeting of the Board of Commissioners.

Commissioner Conrad expressed his appreciation for Commissioners Cooke and Upchurch interest taking a global approach to considering CARES funding requests, but spoke to the timeframes associated with the request under consideration.

Substitute motion was made by Commissioner James Upchurch, and seconded by Commissioner Carly Cooke, to table the motion on the approve the purchase of IntelliSite Thermal Vision Cameras from Cumberland Group at a total price not to exceed \$287,500, plus applicable sales tax to the December 17, 2020 regular meeting of the Board of Commissioners.

VOTE: Motion failed 3 - 5
AYES: Melvin "Skip" Alston, Carly Cooke, James Upchurch
NOES: J. Carlvena Foster, Justin Conrad, Kay Cashion, Carolyn Q. Coleman, Alan Perdue
ABSENT: Alan Branson

Motion was made by Commissioner Carolyn Q. Coleman, and seconded by Vice Chairman J. Carlvena Foster, to approve the purchase of IntelliSite Thermal Vision Cameras from Cumberland Group at a total price not to exceed \$287,500, plus applicable sales tax. This price includes installation, licensing and initial configuration of twenty-three (23) camera systems in nine (9) county locations.

VOTE: Motion carried 6 - 2
AYES: Melvin "Skip" Alston, J. Carlvena Foster, Justin Conrad, Kay Cashion, Carolyn Q. Coleman, Alan Perdue
NOES: None
ABSTAIN: Carly Cooke and James Upchurch
ABSENT: Alan Branson

2. 2020-451 PURCHASE OF TWO (2) TEK84 INTERCEPT WHOLE BODY SECURITY SCANNING SYSTEMS FOR DETENTION CENTERS

Approve purchase of two (2) Tek84 Intercept Whole Body Security Scanning Systems at an estimated cost of \$314,930 to be paid for from CARES Act Funds, and direct staff to take such actions necessary to secure the purchase and enter into any necessary agreements.

Captain Randy Shepard introduced the agenda item. Sheriff's Office staff presented a video detailing the pat down procedure, which highlights the close contact between the deputy and the detainee, and a separate video demonstrating the scanning system. Shepard indicated the scanning system eliminates the need for close contact between staff and intakes, avoiding potential exposure to COVID-19 and minimizing security threats.

Motion was made by Commissioner Alan Perdue, and seconded by Commissioner Kay Cashion, to approve purchase of two (2) Tek84 Intercept Whole Body Security Scanning Systems at an estimated cost of \$314,930 to be paid for from CARES Act Funds, and direct staff to take such actions necessary to secure the purchase and enter into any necessary agreements.

Commissioner Coleman questioned the percentage of contraband missed at intake.

Shepard noted missed contraband has been identified through cell searches and shared the experiences of other agencies utilizing the scanning system.

Commissioner Cooke reiterated her interest in considering all CARES grant funding requests at one time.

Commissioner Upchurch echoed Commissioner Cooke's comments and shared he would not be able to support the motion on the floor.

Commissioner Conrad questioned when the equipment would be delivered.

Shepard stated the possibility of delivery after December 30 and spoke to the potential to enter into a contract with the vendor with the expectation of deliver prior to this date.

Payne indicated the vendor's willingness to commit to a delivery date of December 30.

Commissioner Conrad offered a friendly amendment to the motion on the floor to include an equipment delivery date of December 31.

Commissioner Perdue accepted the friendly amendment to the motion.

Vice Chairman Foster reviewed the vendor quote that included a requirement for the department to take delivery by January 2021.

Commissioner Cashion spoke to the vulnerability of the deputy sheriff during the pat down procedure and questioned if the need for this equipment follows safety guidelines or health guidelines.

Shepard spoke to the benefits of maintaining distance between the detention officer and detainee to eliminate potential COVID exposures, in addition to safety benefits for personnel.

Vice Chairman Foster questioned the total number of positive COVID-19 cases in the Sheriff's Office.

Shepard shared there have been twenty-five (25) positive cases in the past two (2) weeks.

Commissioner Perdue stated there is nothing more important than ensuring officer safety and COVID-19 safety precautions make it imperative to provide them with the resources to do their jobs.

Commissioner Coleman called the question.

Chairman Alston requested the delivery requirement included on the quote.

Payne clarified the friendly amendment makes purchase of the item contingent upon delivery prior to December 31.

Commissioner Conrad clarified the amendment and noted that if an extension of CARES grant funding is allowed, then the item could be considered during the December 17, 2020 regular meeting.

Chairman Alston offered an amendment to the friendly amendment to the motion on the floor that if CARES grant funding is extended beyond the December 31, 2020 deadline, delivery of the equipment could occur in January 2021.

Commissioner Perdue accepted this amendment to the friendly amendment to the motion.

Motion was made by Commissioner Alan Perdue, and seconded by Commissioner Kay Cashion, to approve purchase of two (2) Tek84 Intercept Whole Body Security Scanning Systems at an estimated cost of \$314,930 to be paid for from CARES Act Funds, and direct staff to take such actions necessary to secure the purchase and enter into any necessary agreements, contingent upon delivery of the scanning system equipment by December 31, 2020. In the event CARES grant funding deadlines are extended beyond December 31, 2020, delivery of the scanning system equipment can occur in January 2021.

VOTE: Motion carried 6 - 2
AYES: Melvin "Skip" Alston, J. Carlvena Foster, Justin Conrad, Kay Cashion, Carolyn Q. Coleman, Alan Perdue
NOES: None
ABSTAIN: Carley Cooke and James Upchurch
ABSENT: Alan Branson

III. OTHER BUSINESS

There was no additional business requiring Board consideration.

IV. HOLD CLOSED SESSION PURSUANT TO N.C.G.S. §143-318.11 FOR THE PURPOSE OF CONSULTING WITH THE COUNTY ATTORNEY.

Motion was made by Chairman Melvin "Skip" Alston, and seconded by Vice Chairman J. Carlvena Foster to hold closed session pursuant to N.C.G.S. §143-318.11 for the purpose of consulting with the County Attorney.

VOTE: Motion carried 8 - 0
AYES: Melvin "Skip" Alston, J. Carlvena Foster, Justin Conrad, Carly Cooke, James Upchurch, Kay Cashion, Carolyn Q. Coleman, Alan Perdue
NOES: None
ABSENT: Alan Branson

The Board recessed the meeting and entered into closed session at 8:06PM.

The Board reconvened from closed session at 8:52PM.

V. ADJOURN

There being no further business, the Board adjourned the meeting by unanimous consent at 8:52PM.

Melvin "Skip" Alston
Chairman

Robin Keller
Clerk to Board