City of High Point

Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260

Meeting Agenda

Thursday, November 3, 2022

4:00 PM

City Lake Park Meeting & Event Center, 602 W. Main Street, Jamestown, NC 27282

Finance Committee

Britt Moore, Chair
Committee Members:
Monica Peters, Mayor Pro Tem
Michael Holmes
Victor Jones

Jay Wagner, Mayor (Alternate)

FINANCE COMMITTEE - Britt W. Moore, Chair

CALL TO ORDER

PRESENTATION OF ITEMS

2022-514 Resolution - Designation of Applicant's Agent - Hurricane Ian - HPFD Tim Layton Emergency Management

City Council is requested to approve a resolution to designate Amy Hughes, Grants Accountant II with the Financial Services Department and Tim Layton, Emergency Manager with the High Point Fire Department as the City's agents to apply for assistance and request reimbursement for costs related to Hurricane Ian.

Attachments: 1. Resolution - Designation of Applicant's Agent – Hurricane Ian – HPFD Tim La

2022-515 Resolution - New Public Utility Regulatory Policy Act of 1978(PURPA) Standards - Infrastructure Investment and Jobs Act of 2021

City Council is requested to adopt a resolution for the following:

1. Direct the City Manager to formally commence consideration of the two regulatory standards added to Section 111(d) of PURPA by 40104(a)(2)(A) and 40431(b)(1) of the (IIJA) Infrastructure Investment and Jobs Act of 2021.
2. Direct and authorize the City Manager to appoint a panel to conduct the public hearing required by Public Utility Regulatory Policy Act of 1978(PURPA) for consideration of these standards, including adopting administrative procedures that would comply with the due process requirements of PURPA. These administrative procedures include holding the hearing in High Point, North Carolina; providing public notice of the hearing in newspapers and/or the City's website; and arranging for the preparation of a verbatim transcript of the testimony given at the hearing.
3. Direct that a copy of the hearing be furnished to each Council member, through the City Manager, together with a summary thereof prepared by the panel which conducted such a hearing and the recommendations of such panel.

Attachments: 2. Resolution – New Public Utility Regulatory Policy Act of 1978(PURPA) Standa

2022-516 Contract - Kemp Inc. - Ward Water Treatment Plant - Vacuum Tank Replacement

City Council is requested to award a contract to Kemp, Inc. in the amount of $139,105.00 to replace the vacuum tank for the Green Leaf Filters (filters 5-8) at the Ward Water Plant.

Attachments: 3. Contract – Kemp Inc. – Ward Water Treatment Plant – Vacuum Tank Replace

2022-517 Contract -Sole Source- Brown & Morrison, Ltd. - Gear Box Replacement Eastside Wastewater Treatment Plant (WWTP)

City Council is requested to award a sole source contract to Brown & Morrison, Ltd. In the amount of $207,150 for the purchase of ten (10) refurbished Chemineer gear boxes to replace the existing gear boxes that have failed and to serve as spare equipment.

Attachments: 4. Contract -Sole Source– Brown & Morrison, Ltd. – Gear Box Replacement Eas

ADJOURNMENT

RESOLUTION OF HIGH POINT CITY COUNCIL
ELECTRIC UTILITIES PURPA REGULATIONS
CONSIDERATION OF PROPOSED FEDERAL REGULATORY STANDARDS ADDED TO PURPA BY THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021

WHEREAS, On November 15, 2021, President Biden signed into law the Infrastructure Investment and Job Act of 2021 ("IIJA"); and

WHEREAS, Section 40104(a)(1) of the IIJA amended the Public Utility Regulatory Policy Act of 1978 (PURPA) to add a new Section 111(d)(20), a proposed regulatory standard on demand-response practices; and

WHEREAS, Section 40431(a) of the IIJA amended PURPA to add a new Section 111(d)(21), a proposed regulatory standard on electric vehicle charging programs; and

WHEREAS, Under Section 112(b) of PURPA, as amended by Sections 40104(a)(2) and 40431(b)(1) of IIJA, each state regulatory authority and each "nonregulated electric utility" has one year from the date of enactment of the IIJA (November 15, 2022) to commence consideration of these two proposed regulatory standards and two years from the date of enactment of the IIJA (November 15, 2023) to make a determination with respect to these standards; and

WHEREAS, The Authority is a "nonregulated electric utility" as defined in PURPA.

NOW, THEREFORE, BE IT RESOLVED, That the City of High Point City Council and City Manager of the Authority is hereby directed to commence consideration of the two regulatory standards added by Sections 111(d)(20), and 111(d)(21) of PURPA; and

BE IT FURTHER RESOLVED, That in complying with the aforementioned sections of PURPA, the City of High Point City Council and City Manager of the Authority is authorized and directed to appoint a panel to conduct the public hearing required by PURPA for consideration of these standards, and that the following administrative procedure be adhered to:

a. The hearing shall be conducted in a county in which the Authority has direct service customers;

b. Public notice of this hearing shall be given of the hearing in newspapers and/or the City's website;

c. A record of such hearing shall be prepared, which record shall consist of a verbatim transcript of the testimony given at such hearing and all documentary evidence received thereat;

d. A copy of the record of each such hearing be furnished to each Council member, through the City Manager, together with a summary thereof prepared by the panel which conducted such a hearing and the recommendations of such panel.

Adopted this the 7th day of November, 2022.

Mayor Jay W. Wagner

Mary S. Brooks,
Interim City Clerk

City of High Point North Carolina

CITY OF HIGH POINT
AGENDA ITEM

Title: **Eastside WWTP Gear Box Replacement**
Brown and Morrison, Ltd

From: Robby Stone – Public Services Director
Derrick Boone – Asst. Director Public Services

Meeting Date: November 7, 2022

Public Hearing: No

Advertising Date: N/A
Advertised By: N/A

Attachments: Attachment A – Quote
Attachment B- Sole Source Letter

PURPOSE:
To purchase ten (10) refurbished Chemineer gear boxes at the Eastside Wastewater Treatment Plant (WWTP).

BACKGROUND:
The anaerobic/anoxic/aeration (AAA) tanks at the Eastside WWTP perform biological nutrient removal as part of the wastewater treatment process. There are a total of 53 gearboxes that are utilized for mixing within the AAA tanks at the Eastside WWTP. The Public Services Department is requesting approval to purchase ten (10) refurbished Chemineer gear boxes that will be utilized to replace the existing gear boxes that have failed and to serve as spare equipment as future failures occur.

BUDGET IMPACT:
Funds for this project are available in the FY 2022-2023 budget.

RECOMMENDATION / ACTION REQUESTED:
Public Services is recommending that Brown and Morrison, Ltd be approved as a sole source vendor for the purchase of the refurbished Chemineer gear boxes for the amount of $207,150.

Example of a Gear Box at the Eastside WWTP

Gear Boxes on top of the AAA tanks at the Eastside WWTP

BROWN & MORRISON, LTD
PROCESS EQUIPMENT SPECIALISTS

Quote

Date: 10/12/2022
Quote #: BAM30302

Name/Address:

High Point, City of
High Point, NC USA

Ship to:
High Point, City of
High Point, NC USA

Terms	Salesperson	RFQ Reference	Quote Valid Until	Shipping Terms
Non Tax	00-CE:Christopher English		11/18/2022	

Line #	Item #	Description	Qty	U/M	Unit Price	Total
1	Z23049-981RF	CHEMINEER 4HT GEAR DRIVE ASSY-WITH CHANGE GEARS-REFURBISH	10.00	EACH	$ 20,715.00	$ 207,150.00
2		Each old gearbox is worth $3,719 credit to your account when shipped back to Chemineer.			$	$
3		trade in gearboxes must have all parts included but do not have to be built and put together.			$	$
					Total	$ 207,150.00

Remit To Address:
Brown & Morrison, Ltd.
P.O. Box 240827
Charlotte, NC 28224

NOTES: All pricing is firm and valid for acceptance for the next 30 days. Payment Terms are 100% net 30 days from date of invoice. Brown & Morrison, Ltd. Standard Terms and Conditions of Sale shall apply. For the use of credit cards for payment, a 3.0% convenience fee (Minimum $6.00) will be assessed. Unless specified, all pricing excludes sales tax and freight charges.

PO Box 240827 | Charlotte, NC 28224 | (P) 704.554.8570 | (F) 704.552.9448 | sales@brownandmorrison.com
www.brownandmorrison.com | Offices throughout North Carolina, South Carolina & Virginia

Sole Authorization Letter

Chemineer ™ Moyno™ - Industrial Technologies

October 20, 2022

Customer Name: Peter LaVigne
City of High Point
121 N. Pendleton St
High Point, NC 27260

Subject: Authorized Manufacture/Sole Source Letter

Mr. Peter LaVigne,

This letter is to confirm that Brown and Morrison of 14201-D South Lakes Dr, Charlotte, NC 28224 is the only authenticated authorized distributor for Chemineer and Moyno products hereby known as and referred to as NOV (National Oilwell Varco) in the states of Virginia, North Carolina, and South Carolina.

Please be advised that NOV is the only OEM manufacture of Chemineer and Moyno parts worldwide. All other named parts are considered replicated and do not meet Chemineer or Moyno's standards for materials or fitment.

Chemineer and Moyno (a division of NOV) has contracted Brown and Morrison as the Sole Authorized Representative in your area for Moyno™ products

Should you need any further assistance, please contact me.

Best Regards,

Shawn Brightman | *Chemineer and Moyno Regional Sales Manager*

NOV

Industrial – Pumps & Mixers
5870 Poe Avenue | Dayton, OH 45414
M 937.371.6895
E shawn.brightman@nov.com

Mono™ | Moyno™ | Chemineer™ | Kenics™ | Greerco™ | Prochem™

CITY OF HIGH POINT
AGENDA ITEM

Title: Ward Water Plant- Vacuum Tank Replacement

Kemp Inc.

From: Robby Stone – Public Services Director
Derrick Boone – Asst. Public Services Director

Meeting Date: November 7, 2022

Advertising Date:

Advertised By:

Public Hearing: No

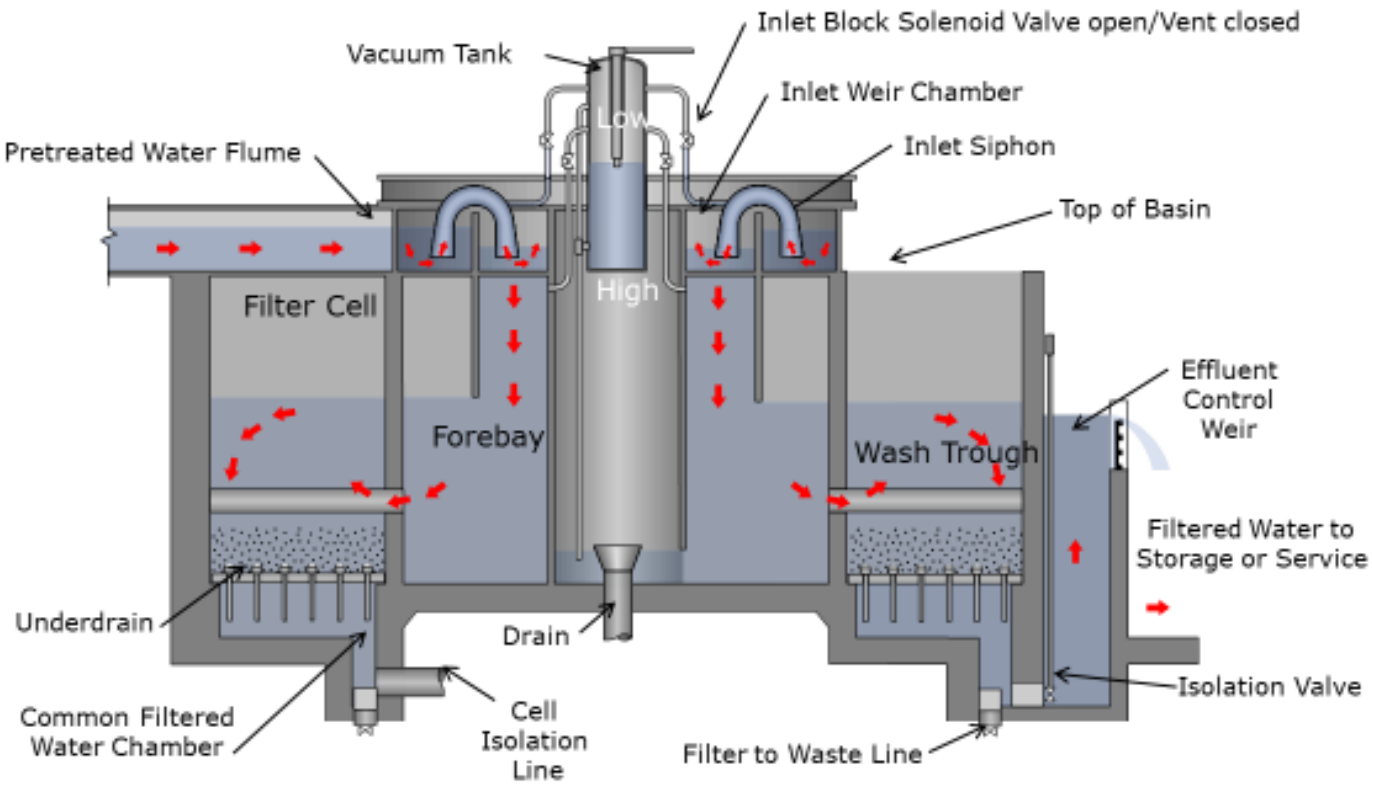
Attachments: Bid Tabulation

PURPOSE:
To hire a contractor to replace the vacuum tank for the Green Leaf Filters (filters 5-8) at the Ward Water Plant.

BACKGROUND:
The Green Leaf Filters at the Ward Water plant are crucial in filtering half (12 MGD) of the 24 MGD plant capacity that serves the citizens and customers for the City of High Point. The vacuum tank uses solenoids and vacuum pressure to siphon water through the filters as part of the water treatment process. The current tank is 26 years old and is near the end of its useful life.

BUDGET IMPACT:
Funds for this are available in the FY 2022-2023 budget.

RECOMMENDATION / ACTION REQUESTED:
The Public Services Department recommends awarding the contract to Kemp Inc.in the amount of $139,105.00.



Schematic of the Green Leaf Filters at the Ward Water Treatment Plant.

DEPARTMENT RECOMMENDATION

Informal Bid(s)

DEPARTMENT: COUNCIL DATE:

BID #: DATE OPENED:

DESCRIPTION:

PURPOSE:

COMMENTS:

RECOMMEND AWARD TO: AMOUNT:

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
			TOTAL BUDGETED AMOUNT	

DEPARTMENT HEAD: DATE:

PURCHASING MANAGER: DATE:

FINANCIAL SERVICES DIRECTOR: **($30,000 - $89,999)** DATE:

CITY MANAGER: **($90,000+)** DATE:

Bid Tabulation
City of High Point, North Carolina
Vacuum Tank Replacement
Bid 9004-101822 / October 18, 2022 2:00 PM

Contractor	Bid Bond	Addendum	Total Bid
Kemp Construction Inc	Yes	Yes	$139,105.00
The Harper Corporation	Yes	Yes	$279,000.00

CITY OF HIGH POINT
AGENDA ITEM

Title: **Consideration of New PURPA Standards**
From: Tyler Berrier, PE; Electric Utilities Director **Meeting Date:** August 16th, 2021
Public Hearing: To be held over next year **Advertised By:** N/A
Attachments: Attachment A: Powerpoint: 2021 PURPA Standards for Consideration
Attachment B: PURPA Standards Information

PURPOSE:
The Federal Government has added 2 new regulatory standards pertaining to Public Utility Policy. Each qualifying utility has one year from the enactment of the IIJA (November 15, 2022) to formally commence consideration of each of the two new regulatory standards and has two years from the enactment of the IIJA (November 15, 2023) to decide whether or not to adopt each such standard.

BACKGROUND:
On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act of 2021 (HJA). Embedded within the IIJA are sections 40104(a)(1) and 40431(a), which, in turn, amend Section 111(d) of the Public Utility Regulatory Policy Act of 1978 (PURPA} to add two new regulatory standards that each state regulatory commission and each "nonregulated electric utility," such as The City of High Point Electric Utilities Department, must formally consider and decide on whether or not to adopt. The standards concern Demand Response Practices and Electric Vehicle Recharging Programs.

BUDGET IMPACT: None

RECOMMENDATION / ACTION REQUESTED:
It is the recommendation of the Electric Department Staff that the City Council adopt at its regularly scheduled November 7, 2022 meeting, the attached Resolution, which would do the following:

1. Direct the City Manager to formally commence consideration of the two regulatory standards added to Section 111(d) of PURPA by 40104(a)(2)(A) and 40431(b)(1) of the llJA.
2. Direct and authorize the City Manager to appoint a panel to conduct the public hearing required by PURPA for consideration of these standards, including adopting administrative procedures that would comply with the due process requirements of PURPA. These administrative procedures include holding the hearing in High Point, North Carolina; providing public notice of the hearing in newspapers and/or the City's website; and arranging for the preparation of a verbatim transcript of the testimony given at the hearing.
3. Direct that a copy of the hearing be furnished to each Council member, through the City Manager, together with a summary thereof prepared by the panel which conducted such a hearing and the recommendations of such panel.

CONSIDERATION OF PROPOSED FEDERAL REGULATORY STANDARDS ADDED TO PURPA BY THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021

Adopted ____

Rejected ____

Postponed ____

R E S O L U T I O N

WHEREAS, On November 15, 2021, President Biden signed into law the Infrastructure Investment and Job Act of 2021 ("IIJA"); and

WHEREAS, Section 40104(a)(1) of the IIJA amended the Public Utility Regulatory Policy Act of 1978 (PURPA) to add a new Section 111(d)(20), a proposed regulatory standard on demand-response practices; and

WHEREAS, Section 40431(a) of the IIJA amended PURPA to add a new Section 111(d)(21), a proposed regulatory standard on electric vehicle charging programs; and

WHEREAS, Under Section 112(b) of PURPA, as amended by Sections 40104(a)(2) and 40431(b)(1) of IIJA, each state regulatory authority and each "nonregulated electric utility" has one year from the date of enactment of the IIJA (November 15, 2022) to commence consideration of these two proposed regulatory standards and two years from the date of enactment of the IIJA (November 15, 2023) to make a determination with respect to these standards; and

WHEREAS, The Authority is a "nonregulated electric utility" as defined in PURPA.

NOW, THEREFORE, BE IT RESOLVED, That the City of High Point City Council and City Manager of the Authority is hereby directed to commence consideration of the two regulatory standards added by Sections 111(d)(20), and 111(d)(21) of PURPA; and

BE IT FURTHER RESOLVED, That in complying with the aforementioned sections of PURPA, the City of High Point City Council and City Manager of the Authority is authorized and directed to appoint a panel to conduct the public hearing required by PURPA for consideration of these standards, and that the following administrative procedure be adhered to:

a. The hearing shall be conducted in a county in which the Authority has direct service customers;

b. Public notice of this hearing shall be given of the hearing in newspapers and/or the City's website;

c. A record of such hearing shall be prepared, which record shall consist of a verbatim transcript of the testimony given at such hearing and all documentary evidence received thereat;

d. A copy of the record of each such hearing be furnished to each Council member, through the City Manager, together with a summary thereof prepared by the panel which conducted such a hearing and the recommendations of such panel.

Date: October 26, 2022
To: City Council Members
From: Tyler Berrier, PE
Subject: Consideration of New PURPA Standards

Background

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act of 2021 (IIJA). Embedded within the IIJA are sections 40104(a)(1) and 40431(a), which, in turn, amend Section 111(d) of the Public Utility Regulatory Policy Act of 1978 (PURPA) to add two new regulatory standards that each state regulatory commission and each "nonregulated electric utility," such as the City of High Point's Electric Department, must formally consider and decide on whether or not to adopt. The standards concern Demand Response Practices and Electric Vehicle Recharging Programs.

DEMAND RESPONSE PRACTICES STANDARD

As amended, PURPA Section 111(d)(20) directs state regulatory commissions and non-regulated electric utilities, like the City of High Point's Electric Department, to consider for adoption a very broad regulatory policy to promote demand response. The pertinent portion of the regulatory standard is excerpted verbatim below:

> "(20) Demand-response practices.-
>
> (A) In general.--Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.
>
> (B) Rate recovery.-
>
> * * *
>
> (ii) Nonregulated electric utilities.--A nonregulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A)."

ELECTRIC VEHICLES CHARGING PROGRAMS
STANDARD

As amended, PURPA Section 111(d)(21) directs non-regulated electric utilities, like the City of High Point's Electric Department, to consider for adoption a broad, four-part regulatory policy to promote electric vehicle charging programs in their retail service territories:

> "(21) Electric vehicle charging programs.--Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that-
>
> (A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;
>
> (B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;
>
> (C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and
>
> (D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure."

The City of High Point has one year from the enactment of the IIJA (November 15, 2022) to formally commence consideration of each of the two new regulatory standards and has two years from the enactment of the IIJA (November 15, 2023) to decide whether or not to adopt each such standard.

Recommendation

It is the recommendation of the Electric Department Staff that the City Council adopt at its regularly scheduled November 7, 2022 meeting, the attached Resolution, which would do the following:

1. Direct the City Manager to formally commence consideration of the two regulatory standards added to Section 111(d) of PURPA by 40104(a)(2)(A) and 40431(b)(1) of the IIJA.
2. Direct and authorize the City Manager to appoint a panel to conduct the public hearing required by PURPA for consideration of these standards, including adopting administrative procedures that would comply with the due process requirements of PURPA. These administrative procedures include holding the hearing in High Point, North Carolina; providing public notice of the hearing in newspapers and/or the City's website; and arranging for the preparation of a verbatim transcript of the testimony given at the hearing.
3. Direct that a copy of the hearing be furnished to each Council member, through the City Manager, together with a summary thereof prepared by the panel which conducted such a hearing and the recommendations of such panel.

Thank you for your attention to this matter. Please contact me if you have any questions.

Attachments
PowerPoint: 2021 PURPA Standards for Consideration BOD
Resolution: 2021 PURPA Standards for Consideration

Consideration of New PURPA Standards

New PURPA Standards

- The Infrastructure Investment and Jobs Act of 2021 (IIJA) was enacted on November 15, 2021.

- Sections 40104(a)(1) and 40431(a) of IIJA add two policy standards that state regulatory commissions and non-regulated electric utilities must "consider" for adoption.

Standards for Consideration

- **Demand Response Practices**
  - Policies, including appropriate rate mechanisms, to promote demand response as a means of mitigating stress on the electric system during periods of high electricity demand if they have not already adopted such policies.
- **Electric Vehicle Charging Programs**
  - Policies to promote the availability of electric vehicle charging infrastructure, to improve the customer experience for vehicle charging, and to encourage third-party investments in charging infrastructure.

Statutory Deadlines

Consideration of each proposed PURPA policy standard must:

- Commence no later than November 15, 2022.
- Be completed no later than November 15, 2023.

PURPA Procedural Due Process

Determination of the "appropriateness" of a particular standard must take place, "after public notice and hearing" and must be:

(1) "in writing"

(2) "based upon findings included in such determinations and upon evidence presented at the hearing" and

(3) "available to the public"

Proposed Process

- Council adopts resolution to formally begin 'consideration' of the proposed regulatory standards.

- City Manager appoints a panel to conduct the hearings required by PURPA.
- Schedule public hearings:
  - To be held in direct service territory.
  - Provide public notice.
  - Develop an official record of the hearings, evaluate information gathered, and present recommendations to the board.

- Formal action by Council on the two proposed regulatory standards within statutory deadlines.

CITY OF HIGH POINT
AGENDA ITEM

Title: Designate Agents for Federal and State Assistance Related to Hurricane Ian.

From: Bobby D. Fitzjohn, Financial Services Director

Meeting Date: November 7, 2022

Public Hearing: No

Advertising Date: N/A

Advertised By:

Attachments: Resolution

PURPOSE:
FEMA and the NC Department of Emergency Management require that City Council adopt a resolution to designate primary and secondary agents for the purpose of applying for assistance and requesting reimbursement of eligible costs related to the Hurricane Ian.

BACKGROUND:
The City of High Point qualifies for assistance for expenses incurred as a result of Hurricane Ian, which was declared a Major Disaster on October 1, 2022. This designation will enable staff to move forward with processing the reimbursement.

BUDGET IMPACT:
The City will receive reimbursement for eligible expenses related to the disaster.

RECOMMENDATION / ACTIONS REQUESTED:
City Council is requested to approve a resolution to designate Amy Hughes, Grants Accountant II with the Financial Services Department and Tim Layton, Emergency Manager with the Fire Department as the City's agents to apply for assistance and request reimbursement for costs related to Hurricane Ian.

RESOLUTION
DESIGNATION OF APPLICANT'S AGENT
North Carolina Division of Emergency Management

Organization Name (hereafter named Organization): City of High Point	Disaster Number: FEMA -3586EM-NC
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start: Month: July Day: 01	
Applicant's Federal Employer's Identification Number: 56 - 6000231	
Applicant's Federal Information Processing Standards (FIPS) Number: - -	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name: Amy Hughes	Agent's Name: Tim Layton
Organization: City of High Point	Organization: City of High Point
Official Position: Accountant II	Official Position: Emergency Manager
Mailing Address: PO Box 230	Mailing Address: 434 S Elm St.
City ,State, Zip: High Point, NC 27261	City ,State, Zip: High Point, NC 27260
Daytime Telephone: (336) 883-3246	Daytime Telephone: (336) 888-3541
Facsimile Number: (336) 883-8572	Facsimile Number:
Pager or Cellular Number:	Pager or Cellular Number:

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof.** BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 7th day of _____, 20 .

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title: See attached	Name: Mary Brooks
Name and Title:	Official Position: City Clerk
Name and Title: November 7, 2022	Daytime Telephone: (336) 883-3690

CERTIFICATION

I, Mary Brooks, (Name) duly appointed and City Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of City of High Point (Organization) on the 7th day of November, 2022.

Date: November 7, 2022 **Signature:** _____

Rev. 06/02

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.

3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.

4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.

5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.

6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.

7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.

10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.

11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.

15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.

16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.

17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.

18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.

19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.

20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.

21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.

23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.

24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

RESOLUTION
DESIGNATION OF APPLICANT'S AGENT
North Carolina Division of Emergency Management

Organization Name (hereafter named Organization): City of High Point	Disaster Number: FEMA -3586EM-NC
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start: Month: July Day: 01	
Applicant's Federal Employer's Identification Number: 56 - 6000231	
Applicant's Federal Information Processing Standards (FIPS) Number: - -	

PRIMARY AGENT	SECONDARY AGENT
Agent's Name: Amy Hughes	Agent's Name: Tim Layton
Organization: City of High Point	Organization: City of High Point
Official Position: Accountant II	Official Position: Emergency Manager
Mailing Address: PO Box 230	Mailing Address: 434 S Elm St.
City ,State, Zip: High Point, NC 27261	City ,State, Zip: High Point, NC 27260
Daytime Telephone: (336) 883-3246	Daytime Telephone: (336) 888-3541
Facsimile Number: (336) 883-8572	Facsimile Number:
Pager or Cellular Number:	Pager or Cellular Number:

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and **the assurances printed on the reverse side hereof.** BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 7th day of , 20 .

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title: See attached	Name: Mary Brooks
Name and Title:	Official Position: City Clerk
Name and Title: November 7, 2022	Daytime Telephone: (336) 883-3690

CERTIFICATION

I, Mary Brooks, (Name) duly appointed and City Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of City of High Point (Organization) on the 7th day of November, 2022.

Date: November 7, 2022 **Signature:** Mary S Brooks

Rev. 06/02

City of High Point North Carolina