



## Legislation Details (With Text)

<b>File #:</b>	ID 19-0112	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>		Passed	
<b>File created:</b>	1/31/2019	<b>In control:</b>		City Council	
<b>On agenda:</b>	2/19/2019	<b>Final action:</b>		2/19/2019	
<b>Title:</b>	Resolution Delegating to the City Manager or His Designee the City Council's Authority Under N.C.G.S. 143-64.32 to Exempt Specific Projects from the Mini-Brooks Act, on a Project-By-Project Basis, Where the Estimated Professional Fee is Less Than Fifty Thousand Dollars (\$50,000)				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 19-0112 Res Exempt/Mini-Brooks Act.pdf				

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council	adopt	Pass

Resolution Delegating to the City Manager or His Designee the City Council's Authority Under N.C.G.S. 143-64.32 to Exempt Specific Projects from the Mini-Brooks Act, on a Project-By-Project Basis, Where the Estimated Professional Fee is Less Than Fifty Thousand Dollars (\$50,000)

Department: Executive  
Council District: All

Public Hearing:  
Advertising Date/By:

Contact 1 and Phone: David Parrish, Ext 2002  
Contact 2 and Phone: Jim Hoffman, Ext 4628

**PURPOSE:** This Resolution delegates to the City Manager or his Designee City Council's authority under the Mini-Brooks Act, Article 3D of Chapter 143 of the North Carolina General Statutes, to exempt specific projects from the Mini-Brooks Act, on a project-by-project basis, where the estimated professional fee is less than \$50,000.

**BACKGROUND:** The Mini-Brooks Act, Article 3D of Chapter 143 of the North Carolina General Statutes, N.C.G.S. §143-64.31 et. seq., requires local governments to hire all architects, engineers, and surveyors by their qualifications. Price is considered only after the most qualified firm is selected. The Mini-Brooks Act, in Section 143-64.32, allows units of local government to exempt in writing particular projects from the Act where the estimated professional fee is less than (\$50,000). The North Carolina School of Government, in an article written by Norma Houston entitled, "Mini-Brooks Act FAQ's", stated that since "governing board approval is not statutorily required, the board could authorize a staff member such as the manager to grant exemptions (in writing, of course) for certain projects so long as the contracts entered into under the exemption are less than

\$50,000.” Norma Houston, Mini-Brooks FAQ’s, Coates’ Cannons: NC Local Government Law (September 28, 2011, updated 2014), <https://canons.sog.unc.edu/mini-brooks-act-faqs/>. Ms. Houston also stated that “[t]o avoid an inadvertent violation of the statute (by any party), the safer course is to assume that blanket exemptions are not authorized and that the exemption must be adopted on a project-by-project basis. *See, id.*

**BUDGET IMPACT:** None

**RECOMMENDATION / ACTION REQUESTED:** The City Manager requests City Council delegate to the City Manager or His Designee the authority under N.C.G.S. 143-64.32 to exempt specific projects from the Mini-Brooks Act, on a project-by-project basis, where the estimated professional fee is less than Fifty Thousand Dollars (\$50,000).