

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
THURSDAY, APRIL 14, 2022 – 1:00 PM
117 DICK STREET, 5TH FLOOR, ROOM 564
AGENDA SESSION REGULAR MEETING MINUTES

PRESENT: Commissioner Glenn Adams, Chairman
Commissioner Toni Stewart, Vice Chairwoman
Commissioner Jeannette Council
Commissioner Michael Boose (arrived at 1:15 p.m./departed 2:15 p.m.)
Commissioner Charles Evans (departed at 1:50 p.m.)
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Rawls Howard, Planning and Inspections Director
Jermaine Walker, Engineering and Infrastructure Director
Amanda Bader, Solid Waste Director
Deborah Shaw, Budget and Performance Manager
Tye Vaught, Management Analyst
Julie Crawford, Benefits Coordinator
Robert Van Geons, Fayetteville Cumberland Economic Development Corporation President/CEO
Kevin Quinn, USI
Candice H. White, Clerk to the Board

ABSENT: Commissioner Jimmy Keefe
Commissioner Larry Lancaster

Chairman Adams called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Evans provided the invocation followed by the Pledge of Allegiance to the American flag.

1. APPROVAL OF AGENDA

MOTION: Commissioner Evans moved to approve the agenda.
SECOND: Commissioner Council
VOTE: UNANIMOUS (4-0)

2. APPROVAL OF MINUTES

A. March 10, 2022 Agenda Session Regular Meeting

MOTION: Commissioner Stewart moved to approve the March 10, 2022 Agenda Session regular meeting minutes.
SECOND: Commissioner Council
VOTE: UNANIMOUS (4-0)

3. PRESENTATIONS

A. Downtown Museum

BACKGROUND

Chairman Adams asked that the board of commissioners receive a presentation on the downtown museum at the April 14 Agenda Session meeting.

RECOMMENDATION / PROPOSED ACTION

For information only.

Robert Van Geons, Fayetteville Cumberland Economic Development Corporation President/CEO, introduced the proposal to bring a Black History Museum to downtown Fayetteville and stated it would be supported by public and private funding. Dr. Davu Evans, Associate Director for the Black History Museum project, presented information about the concept of bringing a Black History Museum to downtown Fayetteville. Dr. Evans stated Architect Sir David Adjaye, an award-winning architect and one of the leading architects of his generation, would design the building. Pascale Sablan, architect with Adjaye Associates, spoke to global strategies leveraged within the project and proposed community engagement and the planning process. Dr. Evans stated the proposed museum would connect with the repurposed downtown Market House, the historic downtown, existing memorial projects, and corridor projects such as that planned for the Murchison Road district. Dr. Evans also stated the museum would incorporate history with an African American voice, authors, theater, and music and spoken word, and would tell the story of Fayetteville's Black Community which has not been done before. Dr. Evans highlighted partners waiting to engage and be engaged in the project and outlined the \$895,000 budget it would take to move forward with Phase One. Mr. Van Geons, Dr. Evans and Bill Cassel, Project Coordinator for the Learning Together Company, responded to questions and comments that followed the presentation.

MOTION: Commissioner Evans moved to set aside \$450,000 for the proposed African American Museum in Cumberland County.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (4-1) (Commissioners Stewart, Adams, Evans, and Boose voted in favor; Commissioner Council voted in opposition.

Commissioner Council stated she was not opposed to the project but felt more information was needed.

B. Introduction to FSU's Innovation and Entrepreneurship Hub and the Community Development Foundation's Equity Venture Capital Fund Projects

BACKGROUND

Chairman Glenn Adams has invited Fayetteville State University Chancellor Darrell Allison to give the Board of Commissioners a brief overview of the university's Innovation & Entrepreneurship Hub project. In conjunction with that presentation, Chairman Adams invited Robert Van Geons, President and CEO of the Fayetteville Cumberland Economic Development Corporation, to provide information on the Community Development Foundation's Equity Venture Capital Fund, which received \$2.5 million from the state and is being administered by FCEDC.

RECOMMENDATION / PROPOSED ACTION

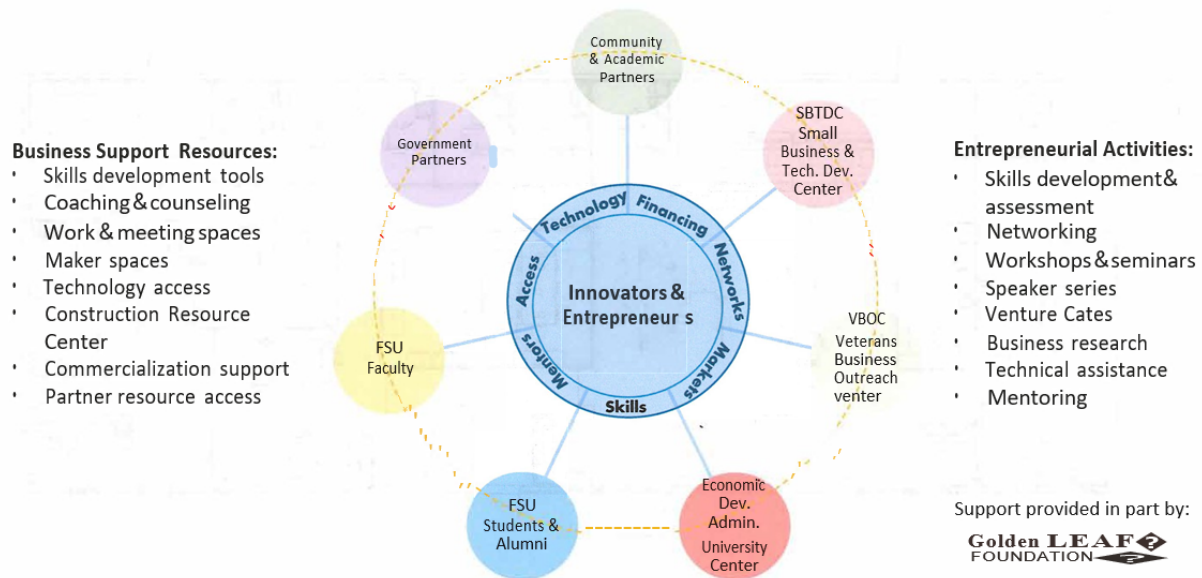
For information purposes.

Chairman Adams recognized Fayetteville State University Chancellor Darrell Allison who provided an overview of the Entrepreneurship Hub and how this effort would support small businesses and emerging entrepreneurs in Cumberland County. Dr. Allison stated FSU is working to become a national hub for minority entrepreneurship and to be a leader in entrepreneurship and innovation training. Dr. Allison stated the current bookstore will be moved so the space can be transformed to create a 6,000 square foot innovative hub to help small businesses and entrepreneurs recognize and achieve their potential.

Mr. Van Geons provided information on the Community Development Foundation's Equity Venture Capital Fund during Dr. Allison's presentation and reviewed the PowerPoint slide below.



Fayetteville State University Innovation & Entrepreneurship Hub Supporting Small Businesses and Emerging Entrepreneurs



Mr. Van Geons also provided a rendering of the how the space would be utilized with a flexible, tech-supported configuration for individual workspaces, conference rooms, group meetings, and casual coffee conversations. Questions and comments followed.

C. Health Insurance Plan Update for Fiscal Year 2023

BACKGROUND

During the March 21, 2022 Board of Commissioners meeting, Commissioners took the following action regarding the FY2023 Health Insurance Plan:

- Keep the \$1,000 deductible Health Reimbursement Account
- The General Fund will absorb \$2,000,000 of the FY2023 budgeted cost risk through a fund balance transfer and the remainder will be absorbed through a per position budgeted increase.
- Incorporate into the FY2023 budget process

In addition, staff were directed to conduct an employee survey to aid in determining whether employees would prefer to pay a higher health insurance monthly premium in exchange for a lower annual deductible. After that meeting, staff and brokers with USI worked with BCBS to obtain projected cost scenarios at various levels of premium/deductible to be able to create a realistic option to provide within an employee survey. The county's Public Information Office created the survey which will be available to county employees from Tuesday, April 5th through Monday, April 11th.

Kevin Quinn of USI will be onsite to provide a presentation based on feedback received from employees through the county-wide employee survey, and to answer questions regarding impact of potential plan changes that may be considered for fiscal year 2023. Mr. Quinn will also be providing an update on plan members who have reached the stop loss amount this fiscal year.

The slide presentation is expected to be available by the end of day on Tuesday, April 12, 2022. If the Board of Commissioners chooses to take an action that will result in a BCBS Plan change to be effective for the FY2023 Plan year, it is requested that the official action be made during the

April 14, 2022 meeting to allow for BCBS to have a few additional days to implement plan changes.

RECOMMENDATION / PROPOSED ACTION

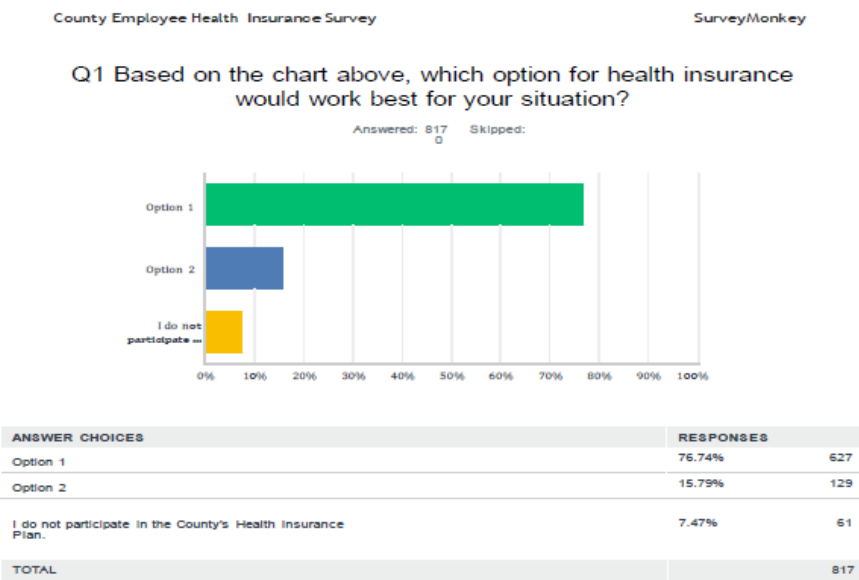
Consider the responses to the Employee Health Insurance Survey.

Vicki Evans, Finance Director, presented the background information recorded above.

Commissioner Evans departed at 1:50 p.m.

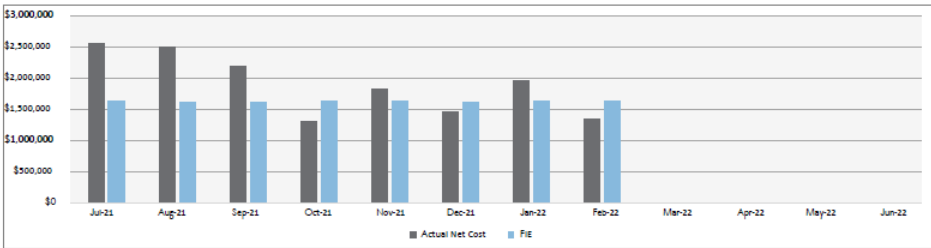
Ms. Evans stated there was a 45% response rate to the Employee Health Insurance Survey, the results of which are shown below. Ms. Evans stated the survey was based on two different options and there was also an option for employees to select who do not participate in the health insurance. Ms. Evans stated 76.74% of those responding to the survey selected the option to stay with the current plan and keep premium levels as they currently exist and 15.79% of those responding to the survey selected the option with a \$500 deductible and a premium amount to offset the cost to implement the \$500 deductible.

Employee Survey Results



Kevin Quinn, USI, displayed the slide below and stated the good news is that when it is averaged out, it is pretty much where it was projected. Mr. Quinn stated USI is watching this carefully and he is cautiously optimistic.

Current Plan Year Cost Summary July 2021 to June 2022



- Notes
- 1. Specific Stop Loss is \$200,000.
 - 2. The above total claims include supplemental claims. These claims are unidentified by plan due to migration to Facets platform.

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

Mr. Quinn displayed the slide below and stated the stop loss has not yet been finalized. Mr. Quinn stated BCBS wanted a \$600,000 deferral towards Cumberland County and after negotiations back and forth, USI agreed to an aggregating deductible of \$200,000 as additional claims liability because it kept premium costs at the same level.

Financial
Summary

-Aggregating Specific Stop
Loss- additional liability of
\$200,000.

				USI Projected	
Stop Loss Outline				Renewal	USI Projected \$500 Ded
		Current			
TPA/Network		BCBSNC		BCBSNC	BCBSNC
Stop Loss Carrier		BCBSNC		BCBSNC	BCBSNC
Specific Stop Loss		\$200,000		\$200,000	\$200,000
Aggregating Specific				\$200,000	\$200,000
Fixed Costs					
Administration	Employee	1872	\$33.00	\$33.66	\$33.66
Annual Total			\$741,312	\$756,138	\$756,138
Percentage Change				2%	2%
Specific SL Premium	Employee	1872	\$62.68	\$73.46	\$73.46
Annual Total			\$1,408,044	\$1,650,205	\$1,650,205
Percentage Change				17%	17%
Annual Total Fixed Costs			\$2,149,356	\$2,406,344	\$2,406,344
Percentage Change					
Claims Liability					
Expected Projection	Employee	1872	\$829.13	\$1,012.88	\$1,036.26
Annual Total			\$18,625,576	\$22,953,224	\$23,478,482
				23%	26%
Agg-Spec- Additional Claims Liability				\$200,000	\$200,000
Total Cost					
Annual Projected Costs			\$20,774,932	\$25,359,568	\$25,884,826
Annual Dollar Difference				\$4,584,636	\$5,109,894
Change from Current				22%	25%
Percentage Change					

Mr. Quinn concluded his presentation by providing the following considerations for FY2024 and stated he plans to be present in January 2023 rather than March 2023 for strategic planning purposes.

Considerations for FY2024

- Market medical and pharmacy lines of coverage to maintain competitive costs.
- Explore pharmacy carve out options- compare pricing and contract terms.
- Review Population Health Program- help address chronic conditions and high-cost claim activity.
- Model alternative plan design dual options including introducing a HDHP in addition to the PPO to give employees the opportunity to choose. Suggest beginning this discussion January 2023.

Ms. Cannon confirmed at the March 21, 2022 the Board unanimously voted to keep the \$1,000 deductible Health Reimbursement Account and that the General Fund absorb \$2,000,000 of the FY2023 budgeted cost risk through a fund balance transfer with the remainder to be absorbed through a per position budgeted increase so it could be incorporated into the FY2023 budget process.

4. CONSIDERATION OF AGENDA ITEMS

- A. Request from the Town of Hope Mills for Cost Sharing of a Sewer Line Serving the Hope Mills Library

BACKGROUND

The Town of Hope Mills began a project last Spring to construct a new Public Safety Center on its current Town Administration campus. While capping an old sewer line to the existing fire

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station, it was discovered that the line was also connected to the Hope Mills Library Branch. This line is obsolete, experiences frequent maintenance issues, and needs to be replaced.

Attached to this memo is a letter from the Town of Hope Mills requesting that the County participate in a cost share for the replacement of the sewer line. The total estimated cost for the line is \$61,321. The Town is proposing a 50/50 split with the County's portion being \$30,660.50.

County staff has explored other alternatives. The only other viable option is to run a separate sewer line under Golfview Road and connect to the PWC sewer on that side of the Town's campus. This option is more expensive since it requires the additional cost of installing a sewer lift station.

Also attached is an aerial map showing the proposed placement of the sewer line on the Town's campus.

RECOMMENDATION / PROPOSED ACTION

Staff requests guidance regarding the cost share request. If there is consensus to move forward with the cost share, staff recommends placing this on the April 18, 2022 Board of Commissioners Meeting as a consent agenda item.

Ms. Cannon introduced Hope Mills Town Manager Scott Meszaros and Finance Director Drew Holland and presented the background information recorded above. Ms. Cannon stated the sewer line dates back to the 1990s and replacing the sewer line is less expensive because it utilizes gravity rather than a new pump station. Ms. Cannon requested guidance from the Board as it relates to the request from the Town of Hope Mills.

MOTION: Commissioner Stewart moved to approve \$30,660.50 to share in the cost to replace a sewer line serving the Hope Mills Library.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0) (Commissioner Evans left the meeting without having been excused.

B. Adjustment to the ABC General Manager's Salary

BACKGROUND

At the June 10, 2021 Agenda Session meeting, the board of commissioners considered a request from the Cumberland County ABC Board to increase the salary of its General Manager, David Horne. Action on the request at the Agenda Session meeting failed by a vote of 3 to 3 and according to the Rules of Procedure adopted by the board of commissioners, it did not move forward.

Chairman Adams requested that the board of commissioners consider an adjustment to the ABC Manager's salary at the April 14, 2020 Agenda Session meeting.

RECOMMENDATION / PROPOSED ACTION

Consider an adjustment to the ABC Manager's salary.

Ms. Cannon presented the background information recorded above. Chairman Adams stated he was not present at the June 10, 2021 Agenda Session meeting. Commissioner Boose stated after having served as the ABC Board liaison, he has a much better understanding of what they do, how well they do what they do, and the overall operation. Chairman Adams stated the ABC Board request was to do a range of \$150,000 to \$180,000 so they do not have to keep coming back to the Board of Commissioners. Chairman Adams stated he would also like to increase the stipend for all members of the ABC Board by an additional \$100. Commissioner Council stated she would like for it to be retroactive to June 2021. Rick Moorefield, County Attorney, advised by statute, the salary increase cannot be retroactive but can only go forward.

MOTION: Commissioner Boose moved to approve a salary range of \$150,000 to \$170,000 for the Cumberland County ABC General Manager and increase the current stipend of the ABC Board by an additional \$100.

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0) (Commissioner Evans left the meeting without having been excused.

C. Resolution for Funding Assistance for Cumberland County Solid Waste Projects

BACKGROUND

Cumberland County Solid Waste has identified three projects that may be eligible for funding through the North Carolina Department of Environmental Quality's Division of Water Infrastructure (DWI) funding programs. These programs provide funding for a variety of wastewater treatment facilities, stormwater treatment, and projects associated with estuary and nonpoint source programs. There are two funding rounds, one in the spring and one in the fall of each year. This program will be the vehicle for applying for American Rescue Plan Act (ARPA) and Infrastructure Investment and Jobs Act (IIJA) funds in the state. There may be opportunities for ARPA funded grants and principal forgiveness. The three potential projects that are eligible for these programs include:

Stormwater Ponds No. 2 and No. 3 Improvements
Landfill Leachate PFAS Removal
Landfill Gas Collection and Treatment Improvements

Applications are due on May 2, 2022 for the spring funding round. A resolution by the local government is required as part of the application for funding assistance through DWI.

RECOMMENDATION / PROPOSED ACTION

The Solid Waste Director and County Management recommend that the proposed action be placed on the April 19, 2022 Board of Commissioners' agenda as a consent item:

1. Adopt the attached resolution for funding under the Clean Water State Revolving Fund.

RESOLUTION BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of landfill wastewater (leachate) treatment works, stormwater treatment, and a “green” project, and

WHEREAS, Cumberland County has need for and intends to construct or conduct a study on three separate projects for landfill wastewater (leachate) treatment, stormwater treatment, and a “green” project described as

- Removal of PFAS compounds from landfill leachate through froth flotation,
- Implement improvements to landfill stormwater ponds to reduce the concentrations of total suspended solids, ammonia and TKN in the discharge, and
- Construct improvements to the landfill gas collection and treatment system to improve its efficiency in processing and transmitting the gas for beneficial use as a source of fuel, and

WHEREAS, Cumberland County intends to request State loan and/or grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS:

That Cumberland County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Cumberland County to make scheduled repayment of the loan, to withhold from Cumberland County any State funds that would otherwise be distributed to Cumberland County in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Amy Cannon, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the ____ day of ____, 2022 at Fayetteville, North Carolina.

Amanda Bader, Solid Waste Director, presented the background information recorded above and referenced the resolution for funding under the Clean Water State Revolving Fund. Ms. Bader introduced Kim Colson, Regulatory and Funding Strategy Lead with HDR Engineering, who provided information about the availability of infrastructure funding and stated programs are traditionally geared towards water plants, water lines, wastewater treatment plants and sewer lines. Mr. Colson stated these three potential projects do not necessarily fit the mold but with the amount of funding currently available, an application is still going to be submitted for funding through the North Carolina Department of Environmental Quality's Division of Water Infrastructure (DWI) funding programs.

MOTION: Commissioner Council moved to adopt the resolution recorded above for funding under the Clean Water State Revolving Fund.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (5-0) (Commissioner Evans left the meeting without having been excused.

D. Resolution for The Northern Cumberland Regional Sanitary Water and Sewer District (NORCRESS) Grant Application

BACKGROUND

The Cumberland County Engineering and Infrastructure and Public Utilities Departments are applying for the Viable Utility Reserve Grant. This Grant is for water and wastewater systems that have been designated as distressed by the State Water Infrastructure Authority and the Local Government Commission, for the purposes set forth in subdivisions (1) through (5) of G.S. 159G-32(d).

In order to apply for the grant, the County must adopt a resolution authorizing the water sewer project and the filing of the grant application with the State of North Carolina.

The maximum single award is up to \$15M and the date to apply is May 2, 2022.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of Commissioners forward the following action to the April 18, 2022 Board of Commissioner's Meeting as a Consent Agenda Item:

Adopt the attached resolution allowing the department to move forward with the application for funding.

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

**AUTHORIZING RESOLUTION
WATER AND WASTE WATER
PROJECTS**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater system improvements, and

WHEREAS, The NORCRESS Water & Sewer District has need for and intends to make improvements to its wastewater system project described as:

This project is to provide needed repairs to the sewer system and lift stations based off the comprehensive sewer evaluation conducted on the system. The repairs needed are to get the system operating at the original design standards and to prevent the operational issues of a long, low flow force main that has gas binding and sludge accumulation, which is causing inefficiencies with the pumps at the lift stations.

WHEREAS, The NORCRESS Water & Sewer District intends to request state loan and/or grant assistance for the projects,

**NOW THEREFORE BE IT RESOLVED, BY THE GOVERNING BOARD OF THE
NORCRESS WATER AND SEWER DISTRICT:**

That the NORCRESS Water & Sewer District, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the NORCRESS Water & Sewer District to make scheduled repayment of the loan, to withhold from the NORCRESS Water & Sewer District any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide, or contract for, the efficient operation and maintenance of the project upon completion of construction thereof.

That Amy H. Cannon, County Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the construction of the projects described above.

That the Authorized **Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted at a meeting of the Governing Board of the NORCRESS Water and Sewer District held on the 18th day of April 2022 in the Commissioners Meeting Room, Room 118, Judge E. Maurice Braswell Cumberland County Courthouse, 117 Dick Street, in Fayetteville, North Carolina.

Jermaine Walker, Engineering and Infrastructure Director , presented the background information recorded above and referenced the resolution that would allow the department to move forward with an application for funding.

MOTION: Commissioner Council moved to adopt the resolution recorded above allowing the department to move forward with the application for funding.
SECOND: Commissioner Stewart
VOTE: UNANIMOUS (5-0) (Commissioner Evans left the meeting without having been excused.

Commissioner Boose left the meeting without having been excused at 2:15 p.m.

E. Resolution for Gray's Creek Water Sewer District Grant Application

BACKGROUND

The Cumberland County Engineering and Infrastructure and Public Utilities Departments are applying for the

\$15M Drinking Water Reserve and Wastewater Reserve (State Reserves) Grant. This Grant is for:

1. Project construction grants for public water systems and wastewater systems NC DEQ categorizes as at-risk of becoming distressed.
2. Project construction grants for public water systems and wastewater systems not designated as distressed or categorized as at-risk.
3. Grants for asset inventory and assessments, rate studies, merger/regionalization feasibility, training, and planning grants to conduct project engineering, design, or other preconstruction activities.

In order to apply for the grant, the County must adopt a resolution authorizing the water sewer project and the filing of the grant application with the State of North Carolina.

The dates to apply are May 2 and September 2, 2022.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of Commissioners forward the following action to the April 18, 2022 Board of Commissioner's Meeting as a Consent Agenda Item:

Adopt the attached resolution allowing the department to move forward with the application for funding.

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

**AUTHORIZING RESOLUTION
WATER AND WASTE WATER
PROJECTS**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater system improvements, and

WHEREAS, The Gray's Creek Water & Sewer District has need for and intends to construct a drinking water system project described as:

This project is for the construction of a new central water distribution system to serve an area in Cumberland County that have private wells contaminated above the State's provisional health goal for drinking water.

WHEREAS, The Gray's Creek Water & Sewer District intends to request state loan and/or grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE GOVERNING BOARD OF THE GRAY'S CREEK WATER AND SEWER DISTRICT:

That the Gray's Creek Water & Sewer District, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Gray's Creek Water & Sewer District to make scheduled repayment of the loan, to withhold from the Gray's Creek Water & Sewer District any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide, or contract for, the efficient operation and maintenance of the project upon completion of construction thereof.

That **Amy H. Cannon**, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the construction of the projects described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted at a meeting of the Governing Board of the Gray's Creek Water and Sewer District held on the 18th day of April 2022 in the Commissioners Meeting Room, Room 118, Judge E. Maurice Braswell Cumberland County Courthouse, 117 Dick Street, in Fayetteville, North Carolina.

Mr. Walker presented the background information recorded above and referenced the resolution that would allow the department to move forward and an application for funding.

MOTION: Commissioner Council moved to adopt the resolution recorded above allowing the department to move forward with the application for funding.

SECOND: Commissioner Stewart
VOTE: UNANIMOUS (5-0) (Commissioners Evans and Boose left the meeting without having been excused.

F. Formal Bid for Cumberland County Detention Center Boiler Replacement

BACKGROUND

On December 20, 2021, the Board of Commissioners approved an amendment to the FY 2022 Capital Improvement Projects shifting three projects from Fiscal Year 2022 to Fiscal Year 2023 in order to fund the replacement of the secondary boiler at the Cumberland County Detention Center.

The project was advertised through the formal bid process in which the bidding period opened on February 11, 2022 and closed on March 11, 2022. There were two addendums to the original solicitation. Haire Plumbing and Mechanical Company Incorporated had the lowest responsive bid at \$357K. Funds are budgeted for this replacement project.

Both boilers are over 20 years-old and it would be catastrophic to lose a heating boiler for a facility that operates on a continuous basis.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the following:

1. The Board of Commissioners accept Haire Plumbing and Mechanical Company Incorporated as the lowest responsive bid through the formal bid process.
2. This item be moved forward to the April 18, 2022 Board of Commissioners Regular Meeting as a Consent Item.
3. Approve contract execution by the Chairman once the contract completes pre-audit and is deemed legally sufficient.

Mr. Walker presented the background information and recommendation/proposed action recorded above.

MOTION: Commissioner Stewart moved to accept Haire Plumbing and Mechanical Company Incorporated as the lowest responsive bid through the formal bid process, to move this item forward to the April 18, 2022 Board of Commissioners regular meeting as a consent item, and to approve contract execution by the Chairman once the contract completes pre-audit and is deemed legally sufficient

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0) (Commissioners Evans and Boose left the meeting without having been excused.

G. Adoption of Revised Code of Ethics to Incorporate Statutory Changes

BACKGROUND

The Legislature mandated that all local elected boards adopt a code of ethics by the end of 2010. The board of commissioners did so on November 15, 2010. The attached Code of Ethics is a revision incorporating statutory changes that occurred in 2021. The changes are at the end of the document in the section entitled, "Additional Legal Restrictions Applicable to Certain Conduct."

The change in the criminal provisions is most significant. G.S. 234.2 is a new statute that makes it a felony for an elected county official to solicit or receive personal financial gain from the county by means of intimidation, undue influence, or misuse of employees. G.S. 234.3 is another new statute that prohibits an elected or appointed commissioner from participating in making or administering any contract with any nonprofit for which he or she also serves as a director, officer, or governing board member of the nonprofit. This does not apply to nonprofits created by the

county. The penalty for violating this statute is a misdemeanor and the contract is also void. If any commissioner is serving in any capacity for a nonprofit seeking funding from the county, the county attorney advises that commissioner should make a disclosure so that appropriate measures can be taken for the board to approve the contract.

There is one significant change in the section entitled, "Statutory Obligations without Criminal Penalties." G.S. 153A-28(b) is a new statute which requires the finance officer to garnish the compensation of any commissioner with unpaid debt for county services. The most common way this can occur is when a commissioner does not use all a travel advance for the purposes for which it was received. The other changes made to this section were to correct the statutory cites resulting from Chapter 160 becoming law.

RECOMMENDATION / PROPOSED ACTION

County attorney advises the board to adopt the amended Code of Ethics by adopting the following resolution:

RESOLUTION ADOPTING A REVISED CODE OF ETHICS

Whereas, the Board of Commissioners adopted a Code of Ethics November, 15, 2010; and

Whereas, statutory changes in 2021 require revisions to the Code of Ethics adopted in 2010.

Be it hereby resolved that the Board of Commissioners adopts the Code of Ethics attached hereto in its entirety for the purpose of bringing the Code of Ethics current with the General Statutes of North Carolina.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS CODE OF ETHICS ADOPTED PURSUANT TO N.C.G.S. § 160A-86 *April 18, 2022*

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty;" and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires boards of county commissioners to adopt a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board; and

WHEREAS, as elected local government officials we are charged with upholding the trust of the citizens of Cumberland County, North Carolina, and with obeying relevant laws.

NOW THEREFORE, BE IT RESOLVED in recognition. of our blessings and obligations as citizens of the State of North Carolina and as elected county commissioners representing the citizens of Cumberland County and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the Cumberland County Board of Commissioners does hereby adopt the following general principles and code of ethics to guide the board and its individual members in lawful decision-making. (Hereinafter the terms "elected local government official(s) or elected official(s), the board, board member(s) or elected member(s)," shall be used interchangeably when referring to the members of or to the Cumberland County Board of Commissioners.)

GENERAL PRINCIPLES UNDERLYING THIS CODE OF ETHICS

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Elected local government officials must be able act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.

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- Elected local government officials must always remain aware that at various times they play different roles:
 - (i) as advocates, who strive to advance the legitimate needs of their citizens;
 - (ii) as legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions; and
 - (iii) as fair and impartial decision-makers, when making quasi-judicial and administrative determinations.
- Elected local government officials must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Elected local government officials must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must be guided by his or her own conscience to determine what conduct is appropriate.

CODE OF ETHICS

Purpose. The purpose of this code of ethics is to establish guidelines for ethical standards of conduct for board members and to provide guidance in determining what conduct is appropriate under the circumstances. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should take care to obey all laws that apply to their official actions as board members. Board members should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. No board member should assert that a fellow board member is behaving unethically based upon a disagreement with that board member on a question of policy rather than on the board member's ethical behavior. The board and its members shall endeavor to keep it and themselves up to date on new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

Section 2. Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Board members should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. At the same time, however, board members should recognize that they are part of the board and should act accordingly. They should respect their office and the board and not behave in ways that reflect badly on either. They should treat other board members and the public with respect and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, since the board must take official action as a body.

Section 3.

(a) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. A board member shall be considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstances surrounding the board member's action would conclude that it was more likely than not that the behavior did not befit someone in the board member's position.

(b) If a board member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the board's attorney. He or she may also state on the record the facts of the situation and the steps taken to resolve it.

Section 4. Board members should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. In furtherance of their obligation, board members should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them. As a group of citizens to whom much has been entrusted, the board should demand full accountability from

those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This recognition includes sensitivity to those matters or documents recognized by law as non-public, confidential, or protected. Board members should be always aware that when meeting they are conducting the public's business. Board members should always be aware that their individual written and electronic communications to each other, staff, constituents, and others about matters within the purview of the board should also be regarded as the conduct of the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees. They should make clear that a climate of openness is always to be maintained in the conduct of the public's business. To ensure strict compliance with the laws governing openness, board members should strive to be open. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps before they go into closed session for any reason to ensure that the closed session will be conducted solely for lawful purposes.

ADDITIONAL LEGAL RESTRICTIONS APPLICABLE TO CERTAIN CONDUCT

Criminal Violations. The governing board has no authority to bring criminal charges against its members or to otherwise control its members' behaviors; however, board members should always be vigilant to avoid conduct and conflicts for which they might be subject to criminal prosecution, well beyond the scope of this code of ethics. There are seven very broad criminal statutes which prohibit certain conduct as follows:

N.C.G.S. § 14-234(a)(1) prohibits all public officers and employees from obtaining any direct benefit from any contract in which they are involved in making or administering on behalf of their government agency.

N.C.G.S. § 14-234(a)(2) prohibits all public officers and employees who are not involved in making or administering a contract, but who are deriving a direct benefit from the contract, from attempting to influence any other person who is involved in making or administering the contract.

N.C.G.S. § 14-234(a)(3) prohibits all public officers and employees from soliciting or receiving any gift, reward, or promise of reward, including a promise of future employment, in exchange for recommending or influencing the award of a contract by the public agency he or she serves.

It is important to remember that under any of the above statutes, a person directly benefits from a contract if he or she, or his or her spouse, owns more than a ten percent (10%) interest in the company which is the contractor; derives any income or commission from the contract; or acquires any property under the contract.

N.C.G.S. § 14-234.1 prohibits any public officer or employee from misusing any information made known to the public officer or employee in his or her official capacity before it is made public by acquiring an interest in any property, transaction, or enterprise, or gain any pecuniary benefit which may be affected by such information or official action; or to intentionally aid anyone else in doing any of these acts.

N.C.G.S. § 14-234.2 prohibits any elected officer of a county from soliciting or receiving personal financial gain from the county which the elected officer serves by means of intimidation, undue influence, or misuse of the employees of the county. It is important to note that a violation of this statute constitutes a Class H felony.

N.C.G.S. § 14-234.3 prohibits county commissioners from participating in making or administering a contract, including the award of money in the form of grants, loans, or other appropriation, with any nonprofit for which the county commissioner serves as a director, officer, or governing board member. Participation in making or administering a contract includes deliberating or voting on the contract; attempting to influence any person who is deliberating or voting on the contract; or soliciting or receiving any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of

a contract by the county with the nonprofit.

N.C.G.S. § 133-32 prohibits all public officers and employees with the duties of preparing plans, specifications, or estimates for public contracts; awarding or administering public contracts; or inspecting or supervising construction from accepting any gift or favor from any current, past or potential contractor with the governmental agency.

Statutory Obligations without Criminal Penalties. In addition to the statutes with criminal penalties, there are several statutes that prescribe obligations or limit the actions of board members without specific consequences to the individual board members. These statutes are as follows:

N.C.G.S. § 153A-28(b) requires the finance office to garnish compensation paid to any board member to collect any unpaid monies due to the county for county services until such debt is paid in full.

N.C.G.S. § 153A-44 requires a board member to avoid voting only on matters that involve his or her own financial interest or official conduct. Otherwise, this statute implies that board members are obligated to vote.

N.C.G.S. § 160A-87 requires each board member to receive two clock hours of ethics education within 12 months of his or her each election or appointment to a term on the board with the clerk to the board to maintain a record verifying compliance of this requirement by each board member.

N.C.G.S. § 160D-109(a) prohibits a governing board member from voting on any legislative decision regarding a development regulation adopted pursuant Chapter 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

N.C.G.S. § 160D-109(d) prohibits a governing board member exercising quasi-judicial functions pursuant to Chapter 160D from participating in or voting on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

N.C.G.S. § 160D-109(e) provides that if an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter being considered pursuant to Chapter 160D and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

Mr. Moorefield presented the background information recorded above and reviewed 2021 statutory changes incorporated into the amended Code of Ethics.

MOTION: Commissioner Stewart moved to adopt the amended Code of Ethics by adopting the resolution recorded above.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0) (Commissioners Evans and Boose left the meeting without having been excused.

Because Commissioner Keefe was unable to attend the meeting and requested the revision to the Minimum Bid Policy, Chairman Adams asked to have Item 4.H. forwarded to the May 12, 2022 Agenda Session meeting.

H. Minimum Bid Policy

BACKGROUND

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

On April 4, 2022, the board took action to table a bid offer on a 12.44-acre parcel until the board could confirm the policy on considering minimum bids for surplus property. The most recent revision of the minimum bid policy was approved by the board May 17, 2021. The minimum bid policy is attached. If the board wishes to direct surplus property sales to be advertised on the county's website, the following revision to Section 3 of the policy will suffice:

3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c), **with additional notice of the intent to accept an offer to be posted on the county's website by a link appearing prominently on the county's homepage.**

RECOMMENDATION / PROPOSED ACTION

This was provided as information only. No action is needed unless the board wants to adopt the revision for giving additional notice on the county's website.

Cumberland County

Section I – Board Approved Policies

Subsection 9: General / Miscellaneous

Policy No. 9-3: Policy Establishing the Minimum Offer to be Considered for the Sale of Surplus Real Property

1. The Board of Commissioners requests the tax office to review all surplus real property annually and adjust the tax value through the informal appeal process as determined by the review.
2. For foreclosures commenced after the February 18, 2019, in which the county becomes the purchaser, the Board of Commissioners elects, pursuant to N.C.G.S. § 105-376(b), to pay only that part of the purchase price that would not be distributed to it and other taxing units on account of taxes, penalties, interest, and such costs as accrued prior to the initiation of the foreclosure action; and the county shall hold the property for the benefit of all taxing units that have an interest in it.
3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c).
4. For the first five years after a property acquired by the county through a tax foreclosure is designated as surplus property, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the amount of the foreclosure judgment or the tax value, whichever is less.
5. After five years on the surplus list, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the estimated cost of advertising for the upset bid process, but not less than \$300.
6. All bids shall be made in the name of the person or entity intended to be the grantee in the deed for the property and bids shall not be assigned except with the consent of the Board of Commissioners.
7. No bid shall be accepted from any bidder who owes delinquent property taxes to the Cumberland County Tax Collector.

8. No sale shall be approved for any bidder who shall become delinquent in property taxes due to the Cumberland County Tax Collector after the bidder's bid has been accepted by the Board of Commissioners.

9. The County Attorney shall implement a procedure to determine whether any bidder has delinquent property taxes.

(Agenda Session 2-7-19; Adopted 2-18-19)(Agenda Session 5-13-21; Adopted 5-17-21)

Revisions to the Minimum Bid Policy to be forwarded to the May 12, 2022 Agenda Session.

5. OTHER ITEMS

There were no other items of business.

6. MONTHLY REPORTS

A. Health Insurance Update

BACKGROUND

As of July 1, 2019, retirees who are 65 and older became covered by a County funded fully insured plan through AmWINS. All other covered members remained insured by the County's self-funded plan through BCBS. The information provided below and within the graphs has been updated to include the monthly premium amount paid to fund the fully insured plan and the actual monthly claims amounts for all other covered members. Combining these amounts for FY20 and beyond is necessary to ensure a complete picture when comparing the claims results to prior years.

Total health insurance claims plus the fully insured premium amount for FY22 are down 3.81% for the month of February as compared to the same month in FY21. To provide some perspective, below is the eight-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for fiscal years 20, 21 and 22. Additionally, graphs are provided in the attachment to aid in the analysis. Staff are continuing to closely monitor claims costs against budget and will bring forth a budget ordinance amendment to appropriate health insurance fund balance in the spring.

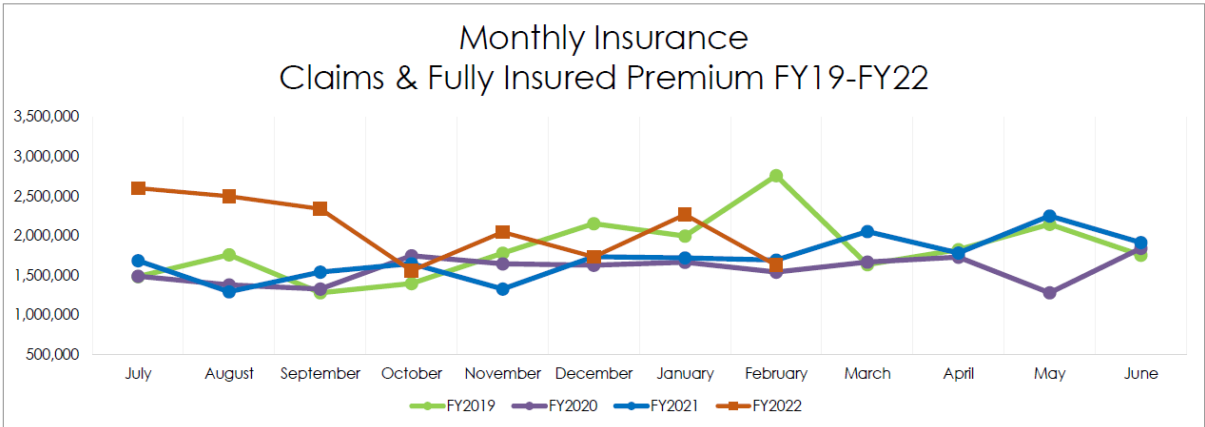
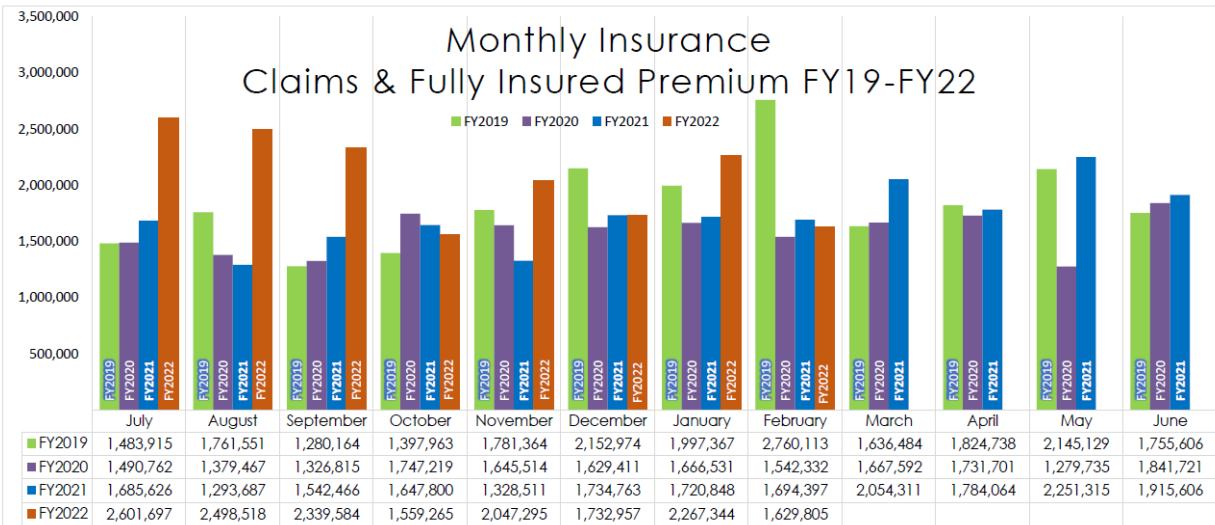
Year to date claims and premium payment through February	\$16,821,188
Less year to date stop loss credits	(\$ 1,771,005)
Net year to date claims and premium payment through February	\$15,050,183

Average monthly claims and fully insured premium (before stop loss) per fiscal year through February:

FY18	\$1,467,496
FY19	\$1,826,926
FY20	\$1,553,506
FY21	\$1,581,012
FY22	\$2,102,649

RECOMMENDATION / PROPOSED ACTION

For information only – no action needed



B. Financial Report

BACKGROUND

The attached financial report shows results of the general fund for fiscal year 2022, February year-to-date. Additional detail has been provided on a separate page explaining percentages that may appear inconsistent with year-to-date budget expectations.

RECOMMENDATION / PROPOSED ACTION

No action needed. For information and discussion purposes only.

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County of Cumberland General Fund Revenues						
REVENUES	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF February 28, 2022	PERCENT OF BUDGET TO DATE	*
Ad Valorem Taxes						
Current Year	\$ 169,200,461	\$ 168,721,614	\$ 168,721,614	\$ 165,040,300	97.8% (1)	
Prior Years	1,629,364	828,000	828,000	1,179,011	142.4%	
Motor Vehicles	23,101,696	22,348,691	22,348,691	13,209,206	59.1% (2)	
Penalties and Interest	788,466	578,000	578,000	483,536	83.7%	
Other	926,779	894,959	894,959	777,685	86.9%	
Total Ad Valorem Taxes	195,646,766	193,371,264	193,371,264	180,689,739	93.4%	
Other Taxes						
Sales	55,084,708	53,023,227	53,023,227	23,995,435	45.3% (3)	
Real Estate Transfer	2,215,078	1,600,000	1,600,000	2,181,241	136.3%	
Other	847,834	873,000	873,000	217,444	24.9%	
Total Other Taxes	58,147,620	55,496,227	55,496,227	26,394,120	47.6%	
Unrestricted & Restricted Intergovernmental Revenues	70,904,219	65,581,449	76,944,801	28,053,507	36.5% (4)	
Charges for Services	14,618,559	13,422,090	13,432,090	7,870,057	58.6% (5)	
Other Sources (includes Transfers In)	1,658,932	1,184,882	1,361,489	795,481	58.4%	
Lease Land CFVMC	4,313,522	4,313,522	4,313,522	4,205,080	97.5%	
Total Other	5,972,454	5,498,404	5,675,011	5,000,562	88.1%	
Total Revenue	\$ 345,289,628	\$ 333,369,434	\$ 344,919,393	\$ 248,007,984	71.9%	
Fund Balance Appropriation		9,159,873	20,684,276	-	0.0%	
Total Funding Sources	\$ 345,289,628	\$ 342,529,307	\$ 365,603,669	\$ 248,007,984	67.8%	

County of Cumberland General Fund Expenditures						
DEPARTMENTS	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF February 28, 2022	PERCENT OF BUDGET TO DATE	**
Governing Body	\$ 612,166	\$ 682,250	\$ 682,250	\$ 430,662	63.1%	
Administration	1,678,886	1,992,345	2,062,103	871,910	42.3%	
Public Affairs/Education	755,572	916,658	846,900	508,988	60.1%	
Human Resources	948,963	1,071,556	1,071,556	429,624	40.1%	
Print, Mail, and Design	732,642	780,535	780,535	380,419	48.7%	
Court Facilities	111,108	144,920	144,920	91,332	63.0%	
Facilities Maintenance	1,209,766	1,158,465	1,177,712	556,008	47.2%	
Landscaping & Grounds	703,267	800,763	800,763	434,866	54.3%	
Carpentry	218,864	217,753	217,753	122,589	56.3%	
Facilities Management	1,471,010	1,556,056	1,556,056	884,328	56.8%	
Public Buildings Janitorial	878,654	965,301	965,301	566,401	58.7%	
Central Maintenance	704,021	675,219	678,830	409,012	60.3%	
Information Services	4,941,563	6,507,246	7,175,248	3,574,460	49.8%	
Board of Elections	1,924,356	1,556,013	1,556,013	464,941	29.9% (1)	
Finance	1,366,775	1,378,438	1,406,949	855,134	60.8%	
Legal	738,493	1,087,181	1,087,181	514,401	47.3%	
Register of Deeds	2,366,080	2,616,316	3,297,413	1,367,984	41.5%	
Tax	5,768,829	6,387,092	6,551,767	3,657,928	55.8%	
General Government Other	7,508,484	4,622,876	8,852,555	6,189,729	69.9%	
Sheriff	46,770,661	58,503,564	60,514,678	28,658,746	47.4%	
Emergency Services	3,979,701	4,190,026	4,304,115	2,459,802	57.1%	
Criminal Justice Pretrial	537,701	691,215	691,215	311,832	45.1%	
Youth Diversion	30,438	36,687	36,687	19,556	53.3%	
Animal Services	3,296,041	3,509,785	3,844,426	1,980,877	51.5%	
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,303,113	1,369,155	1,617,155	861,960	53.3%	
Health	23,030,559	25,020,602	31,127,146	13,947,280	44.8%	
Mental Health	5,429,603	5,694,167	5,694,167	3,993,090	70.1%	
Social Services	55,098,629	64,644,188	68,964,722	32,089,662	46.5%	
Veteran Services	437,822	547,167	547,167	297,108	54.3%	

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County of Cumberland General Fund Expenditures						
DEPARTMENTS	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF February 28, 2022	PERCENT OF BUDGET TO DATE	**
Child Support	5,110,079	5,693,462	5,693,462	2,870,390	50.4%	
Spring Lake Resource Administration	28,155	39,074	39,074	17,036	43.6%	
Library	9,538,364	10,495,183	10,845,000	6,126,135	56.5%	
Culture Recreation Other (Some of the Community Funding)	260,569	260,569	260,569	163,823	62.9%	
Planning	2,968,616	3,489,338	3,564,370	1,982,473	55.6%	
Engineering	409,892	607,937	610,207	370,435	60.7%	
<u>Cooperative Extension</u>	622,080	839,559	842,559	356,102	42.3%	
Location Services	204,386	275,533	202,162	93,156	46.1%	
Soil Conservation	208,202	2,288,939	2,669,781	103,195	3.9% (2)	
Public Utilities	91,456	96,900	96,900	59,619	61.5%	
Economic Physical Development Other	20,000	20,000	20,000	20,000	100.0%	
Industrial Park	17,535	4,332	4,332	3,768	87.0%	
Economic Incentive	632,132	767,447	767,447	28,749	3.7% (3)	
Water and Sewer	179,456	250,000	268,570	53,090	19.8% (4)	
Education	94,876,432	98,053,453	98,053,453	61,995,275	63.2%	
Other Uses:						
Transfers Out	20,391,447	20,024,042	23,412,500	445,069	1.9% (5)	
TOTAL	\$ 310,112,568	\$ 342,529,307	\$ 365,603,669	\$ 181,618,944	49.7%	

Expenditures by Category	FY20-21 UNAUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF February 28, 2022	PERCENT OF BUDGET TO DATE	
<u>Personnel Expenditures</u>	\$ 134,059,243	\$ 154,487,473	\$ 158,635,313	\$ 84,599,575	53.3%	
<u>Operating Expenditures</u>	153,904,488	164,954,413	179,382,853	96,317,666	53.7%	
Capital Outlay	1,757,391	3,063,379	4,173,003	256,634	6.1% (6)	
Transfers To Other Funds	20,391,446	20,024,042	23,412,500	445,069	1.9% (5)	
TOTAL	\$ 310,112,568	\$ 342,529,307	\$ 365,603,669	\$ 181,618,944	49.7%	

General Fund Expenditures ~ Page 3 of 4

COUNTY OF CUMBERLAND	
Fiscal Year 2022 - February Year-to-Date Actuals (Report Run Date: March 28, 2022)	
Additional Detail	
General Fund Revenues	
*	
(1)	Current Year Ad Valorem 97.8% of budget (96.43% = Total Collection Rate as of 2/28/22)
(2)	Motor Vehicles 59.1% - YTD Actual reflects 7 months of collections.
(3)	Sales Tax 45.3% - YTD actual reflects 5 months of collections. Collections for the fiscal year are first recorded in October.
(4)	Unrestricted/Restricted Intergovernmental 36.5% - There is typically a <u>one to two month</u> lag in receipt of this funding.
(5)	Charges for Services 58.6% - The largest component of charges for services is revenue from the Board of Ed for security at 22% of budget. 48% of that revenue has been billed/collected to date.
General Fund Expenditures	
**	
(1)	Board of Elections 29.9% - Municipal election expenses came in lower than anticipated as compared to budget.
(2)	Soil Conservation 3.9% - Approximately \$2.1M in USDA Grant funds were budgeted and are unexpended.
(3)	Economic Incentive 3.7% - Economic incentives are paid when the company complies.
(4)	Water and Sewer 19.8% - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
(5)	Transfers Out 1.9% - Transfers are often prepared toward the end of the fiscal year.
(6)	Capital Outlay 6.1% - Capital items are typically purchased in the second and third quarters of the fiscal year.

General Fund Revenues and Expenditures ~ Additional Detail

C. Community Development Update

BACKGROUND

This report provides a quarterly update on projects and activities being implemented through the Community Development Department for the Program Year period beginning July 1, 2021 and ending June 30, 2022. The funding sources used to carry out the projects and activities include the Community Development Block Grant (CDBG), Community Development Block Grant - Disaster

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

Recovery (CDBG-DR), Home Investment Partnerships Program (HOME), Continuum of Care (CoC) Program, CDBG-CV, Emergency Rental Assistance Program, and general funds.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for information purposes only

**COMMUNITY DEVELOPMENT UPDATE
AS OF MARCH 31, 2022**

FUNDING SOURCES

- U.S. Department of Housing and Urban Development (HUD)
 - Community Development Block Grant (CDBG): \$903,724
 - Home Investment Partnerships Program (HOME): \$396,328
 - Home Investment Partnerships Program – American Rescue Plan (HOME-ARP): \$1,435,021
 - Continuum of Care (CoC) Program: \$168,049
- Community Development Block Grant – Disaster Recovery -\$3,090,000
- U.S. Department of Treasury
 - Emergency Rental Assistance Program: ERA1 - \$3,735,545.10 / ERA2 (40%) - \$1,182,304.80 / ERA2 (60%) – \$1,773,457.20
- North Carolina Pandemic Recovery Office (NCPRO): ERA1 - \$17,452,503.07 (To be administered by CCDSS)
- Local Funds
 - County General Funds (Admin): \$226,793
 - PATH / CoC Program Match: \$111,939
 - Homeless Initiative (City/County): \$200,000

PROJECTS / ACTIVITIES

Three-Year Homelessness Strategic Plan

On January 19, 2021, Cumberland County issued a Request for Proposal to seek a consultant to analyze the provision of the homeless services delivery system in Cumberland County and develop a three-year actionable homelessness strategic plan. The scope of analyzation includes but is not limited to, reviewing existing services, identifying gaps and duplications across programs and services, and recommending improvements to the community's homeless service delivery system. Proposals were due February 19, 2021. The selection committee recommended OrgCode Consulting, Inc. The Consultant has completed the final Homelessness Strategic Plan to include the Gap Analysis Report. OrgCode presented the plan and report before the stakeholders and conducted a presentation before the County Board of Commissioners at the August 2, 2021 meeting. County Management recommended hiring OrgCode to assist the County with developing an implementation plan. OrgCode is offering this service for a fee of \$30,500. OrgCode met with stakeholders during the month of March 2022 to obtain input. OrgCode is planning to visit again in June.

Treasury - Emergency Rental Assistance Program

In January 2021, the U.S. Department of Treasury allocated \$3,735,545 to Cumberland County and \$6,383,863 to the City of Fayetteville to implement the Emergency Rental Assistance Program established by section 501 of Division N of the consolidated Appropriations Act, 2021, Pub. L. No 116-260 (December 27, 2020). Cumberland County and the City of Fayetteville issued a joint Request for Proposal (RFP) on February 10, 2021, to seek a qualified firm to administer the Emergency Rental Assistance Program (ERAP). Five proposals were received in response to the RFP. The selection committee has made its recommendation for a consultant. The agreement with Innovative Emergency Management (IEM), Inc. was approved by the Board of Commissioners. IEM launched the application for the Rental Assistance Program on June 1, 2021, for both City and County residents.

As of March 24, 2022, IEM has disbursed all of the City's funds. The County has a contract with IEM for a total amount of \$6,691,306 which includes both ERA 1 and ERA2 funds. So far IEM has disbursed \$5,285,944 of County ERAP funds towards assistance.

NCPRO – Emergency Rental Assistance Program (ERA 1)

The State's contract was presented at the December 20, 2021, Board of Commissioners meeting and approved. The County is expected to receive the first installment of Emergency Rental Assistance (ERA 1) funds in the amount of \$17,452,503.07. Funds will be used to provide rental assistance and other housing related services to eligible renters who were economically impacted by the COVID-19 pandemic. Cumberland County Department of Social Services will be administering the State Emergency Rental Assistance Program.

PROJECTS AND ACTIVITIES FOR JULY 1, 2021 – JUNE 30, 2022 FUNDING CYCLE

Public Services Projects and Activities:

- Better Health of Cumberland County / \$35,637 in CDBG funds: to provide prescription medication, eye exams, eyeglasses, dental extractions, and transportation assistance to low to moderate income persons.
- Cape Fear Valley Hospital - Cumberland County Medication Access Program / \$15,000 in CDBG (pending): For prescription medication and supplies. Will serve low to moderate income persons.
- Cumberland HealthNET / \$82,000 in CDBG / CDBG-CV: To use for coordinated entry positions and other operating expenses.
- The Salvation Army / \$15,000 in CDBG: For shelter operating costs. Will serve homeless individuals and families.
- Pending CDBG-CV awards: To provide additional rental assistance support low to moderate income households.

Affordable Housing Development / Investor Owner Rehabilitation Projects

- Action Pathways / \$89,000 in CDBG funds: For acquisition and rehabilitation housing units. This project will benefit low to moderate income residents.
- Hillside – FMHA LLC / \$422,604 in CDBG funds (Pending Agreement Approval): Full rehabilitation of the 32-unit senior complex.
- Kingdom Community Development Corporation / \$500,000 in HOME funds: For acquisition and construction of affordable housing units located in Spring Lake.

Public Facilities / Infrastructure Projects:

- Myrover-Reese Fellowship Homes – Expansion Project / \$269,000 in CDBG funds (Pending environmental review clearance from HUD): Funds will be used to renovate the admin building, fellowship hall, and housing units.
- **Potential Public Facilities** – Pending award and environmental review clearance.

Housing Rehabilitation Projects (Owner-occupied)

- Currently have seventeen (17) projects (minor and full rehabs) that have been completed or pending completion.

CDBG-CV Funds

Cumberland County received a second allocation of CDBG-CV funding from HUD in the amount of \$435,210, bringing the total allocation for CDBG-CV funds to \$944,404. An amendment to the Program Year 2019 Annual

Action Plan was submitted to HUD to outline how funds will be allocated. The Community Development Department has allocated funding for public services (\$500,404), economic development (\$344,000), and administration activities (\$100,000).

Update on expenditures:

- **Small Business Resiliency Program** – Application process was reopened and will remain open until funds are no longer available. Awards have been provided to 22 businesses totaling approximately \$203,082. Applications are still being accepted until funding is no longer available.
- **Public Services** – CDBG-CV funds will also be used to fund agencies providing public services. The Department of Public Health was awarded \$226,000 to expand health services related to COVID-19.
- Community Development is partnering with nonprofit agencies to use funds towards public services to assist any unmet needs and administration (not to exceed 20% of the total).

CDBG - Disaster Recovery

Currently have a contract with The Wooten Company for construction documents, bidding, and construction administration in the amount not to exceed \$90,573. The Wooten Company presented the Robin's Meadow design before the Board of Commissioners on June 11, 2020. The contract was approved by the Board on June 15, 2020. The Wooten Company has finalized documents and plans with the Fayetteville Technical Review Committee. An Invitation for Bid (IFB) for the construction of Robin's Meadow was posted with a deadline of June 17, 2021. No bids were received. The IFB was reissued with a deadline of July 27, 2021, but eventually was cancelled. We will repost the IFB once the construction prices have stabilized.

Fayetteville / Cumberland County Continuum of Care (CoC) on Homelessness

The CoC Board meeting is held the fourth Monday of every month at 4:00 p.m.

Robin's Meadow Transitional Housing (Grant Cycle: July 1, 2021 – June 30, 2022) - \$80,517

County-owned property (12 apartment style units) is provided as transitional housing for homeless families with children. Cumberland County Community Development currently serves as grantee but will eventually transfer grantee responsibilities to an eligible nonprofit agency, pending CoC and HUD approval.

Safe Homes for New Beginnings (Grant Cycle: December 1, 2021 – November 30, 2022) - \$59,957

Community Development currently partners with Family Promise (formerly Cumberland Interfaith Hospitality Network) for the provision of housing units and case management. Community Development is planning to transfer grantee responsibilities to an eligible nonprofit, pending CoC and HUD approval.

Continuum of Care (CoC) Planning: \$21,324

Used to fund one FTE position (CoC Coordinator) to assist the local Continuum of Care group with planning, submission of grant applications, project monitoring, and other CoC related activities.

Emergency Solutions Grant – CV

Cumberland County Community Development serves as the Collaborative Applicant / Lead Agency on behalf of the CoC in the submission of grant applications to the State for Emergency Solutions Grant. The State allocated approximately \$130K to the Fayetteville / Cumberland County community. A local Request for Proposal was issued, and three agencies applied and were recommended for funding. These projects consist of two homeless shelters and one homeless prevention program.

Homeless Initiative (City and County) – The Homeless Committee last met on March 8, 2022, at the Cumberland County Department of Social Services site. The main topics of discussions were:

- Homeless Strategic Plan update
- HMIS Overview
- Nonprofit Capacity Building Workshop
- Updates on Continuum of Care activities, City's Day Resource Center, and the County's Homeless Shelter

D. Project Updates

BACKGROUND

Please find attached the monthly project report update for your review.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

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MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
500 Executive Place - Cumberland County Emergency Services Center	\$16.8M	80% Complete. Completed: concrete pads for new equipment and mechanical yard, tin parapet caps. Over the next two weeks: complete application of primer on drywall; installation of ceiling grid; construction of CMU wall for mechanical yard; complete electrical wiring; complete lightning protection; install wire racks under raised floor areas; repair existing walls for new windows; and installing inspecting vapor barrier; Awaiting manufacturer final pull-test of roof membrane for CAT-3 Hurricane Standards and delivery of critical items (UPS and Backup Generator). Estimated completion date is June 30, 2022.	3/8/2021	360 days
DSS Elevators	\$1,000,000.00	Expected start date is May 2, 2022.	N/A	N/A
Headquarters Library Parking Lot	\$37,200.00	Completed boring on February 16, 2022. Results should be available mid-March 2022. Will revise design based upon boring results. Revising design based upon boring results. Design will be completed by EOM May 2022. Will solicit on July 1, 2022.	5/13/2021	1/19/2022
Doorway for Register of Deeds	\$115,000.00	Construction start date is April 8, 2022.	N/A	N/A
DSS Camera Replacement and Security System Upgrades	\$219K	90% complete. Awaiting arrival of new access cards. Estimated completion date is now April 22, 2022.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Access Management and Security Camera System	\$452K	Expected start date is May 2, 2022. Estimated completion date is mid-June, 2022.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Bathroom Updates	Pending	Intent is to do LL bathrooms first. Finalized scope and awaiting permitting. Bids closed on March 30, 2022. Kennedy Construction was only responsive bid. Preparing contract documents.	N/A	N/A
DSS roof replacement	\$1.5M	Conducted pre-construction meeting on January 25, 2022. Construction will start on April 25, 2022. Estimate July 11, 2022.	N/A	N/A
Judge Maurice E. Braswell Courthouse roof replacement	\$400K	Construction started March 21, 2022. Estimated completion date is June 3, 2022.	N/A	N/A

7. CLOSED SESSION:

A. Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4)

MOTION: Commissioner Council moved to go into closed session for Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4)

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (5-0) (Commissioners Evans and Boose left the meeting without having been excused.

MOTION: Commissioner Council moved to come out of closed session.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (5-0) (Commissioners Evans and Boose left the meeting without having been excused.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (5-0) (Commissioners Evans and Boose left the meeting without having been excused.

There being no further business, the meeting adjourned at 2:36 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board