

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 16, 2022 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Glenn Adams, Chairman
Commissioner Toni Stewart, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Brian Haney, Assistant County manager
Rob Hasty, Assistant County Attorney
Vicki Evans, Finance Director
Gene Booth, Emergency Services Director
Rawls Howard, Planning and Inspections Director
Andrea Tebbe, Deputy Clerk

Chairman Adams called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Keefe provided the invocation followed by the Pledge of Allegiance to the American flag led by BSA Venturing Crew 32.

Fayetteville-Cumberland Youth Council Members

Laiya Davis
Jaedyn Daniels

The Fayetteville-Cumberland Youth Council members were not in attendance.

Recognition of 2022 Governor's Volunteer Service Awards

Chairman Adams offered the following remarks and recognized the recipients of the 2022 Governor's Volunteer Service Awards.

I'm sure I speak for my fellow commissioners when I tell you one of our great joys is recognizing citizens who volunteer their time, energy and talent to make our community a better place. Tonight, we have a large number of people who have made a positive difference in our community, and it is truly an honor to recognize each of them who have gone above and beyond to make our great County of Cumberland ...and our state, a better place. Twenty people will receive the prestigious Governor's Volunteer Service Awards from "The office of the North Carolina Governor Roy Cooper". The Governor's Volunteer Service Award honors the true spirit of volunteerism by recognizing individuals, groups and businesses that make a significant contribution to their community through volunteer service. Any person, group, or entity – from the public, nonprofit and private sector – may be nominated for an award to their county award coordinator. We are so proud of these individuals who bring honor and recognition to this county we all love so much...it truly shows that volunteerism is alive and well in Cumberland County. It should not surprise anyone in this room that the conditions are right for volunteerism in Cumberland County. We have Active-Duty military – our retired population – our faith and humanitarian organizations – and the many other groups making up a web of selfless individuals working for the benefit of our citizens. Cumberland County is exactly the kind of community where people are quick to volunteer and to serve others above themselves. These are our family, friends, neighbors...and maybe even strangers to some. But these are members of local

organizations all pitching together for a greater good for our community. These are Cumberland County Volunteers. We thank you from the bottom of our hearts.

Recipients of the 2022 Governor's Volunteer Service Awards:

Individuals Recipients

Wilma Hernandez – Fayetteville Urban Ministry Adult Literacy Education Center
Duncan Harling – BSA Venturing Crew 32, AL Post 32 SAL Squadron 32
Stacey Buckner – Medallion Winner – Veterans Affairs Hospital/ ServiceSource Employee
Jerel D. McGeachy, Jr. – East Freedom Council #33 Knights of Pythagoras
Casey Ferris – Hope Mills Area Chamber of Commerce
Jacqueline Crawford – Army Community Service
Patricia Ann Archie Jackson – Fayetteville-Cumberland County Senior Citizens Advisory Commission

Recipients from Organizations/Groups

Duncan Harling, Jacob Dahman, Julia Dahman, Philip Ryan, Sean Ryan, Luke Frassel, Owen Walkinshaw, Patrick Cook, Liam Creasey and Logan Williamson - BSA Venturing Crew 32, AL Post 32
Bertha Council, John McCauley and Carol Ivey - U.S. Army Airborne & Special Operations Museum

PUBLIC COMMENT PERIOD

Amy Cannon, County Manager, read the public comment policy. Chairman Adams recognized the deputy clerk to the board who called the following speakers:

Ilana Sheppard – Ms. Sheppard did not appear when her name was called.

Brianna Scott – Ms. Scott did not appear when her name was called.

1. APPROVAL OF AGENDA

Commissioner Keefe stated there is an item on this meeting's agenda that was voted on at the May 12, 2022 Agenda Session meeting that was not on the agenda of the Agenda Session meeting, nor was there a request at the Agenda Session meeting to have the item added to the agenda. Commissioner Keefe asked Rob Hasty, Assistant County Attorney, whether it was appropriate for the item to be on this meeting's agenda. Mr. Hasty stated action should not be taken on Items of Business that are not on the agenda for the Agenda Session meeting, but he is not sure action was taken on this particular topic if Commissioner Keefe is referring to Item 4.E. Commissioner Keefe stated it was Item 4.E. and asked to have Item 4.E. Consideration of Policy to Name Rooms Within County Facilities removed from the agenda. Chairman Adams stated there was a vote of 5 to 2 at the Agenda Session meeting to refer to staff for a policy. Commissioner Keefe stated his point is the item was not on the agenda of the Agenda Session meeting, nor was it added to the agenda of the Agenda Session meeting. Chairman Adams stated Item 4.E. can be removed and taken to another Agenda Session meeting.

MOTION: Commissioner Keefe moved to approve the agenda with the removal of Item 4.E. Consideration of Policy to Name Rooms Within County Facilities.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

2. CONSENT AGENDA

A. Approval of Proclamation Recognizing May 15-21, 2022 as National Public Works Week in Cumberland County

BACKGROUND

National Public Works Week (NPWW) is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as

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public works. Instituted as a public education campaign by the American Public Works Association (APWA) in 1960, NPWW calls attention to the importance of public works in community life. The Week seeks to enhance the prestige of the often-unsung heroes of our society.

National Public Works Week is observed each year during the third full week of May. Through NPWW and other efforts, APWA seeks to raise the public's awareness of public works issues and to increase confidence in public works employees who are dedicated to improving the quality of life for present and future generations.

RECOMMENDATION / PROPOSED ACTION

The Internal Services Department of Cumberland County respectfully request the approval of the 2022 National Public Works Week Proclamation beginning May 15th through May 21st.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Cumberland County; and

WHEREAS, the infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment, sewer collection systems, solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Cumberland County to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, WE, the Cumberland County Board of Commissioners, do hereby proclaim the week of May 15-21, 2022, as

“NATIONAL PUBLIC WORKS WEEK”

and call upon all Cumberland County citizens and organizations to acquaint themselves with the issues involved in providing the County's public work services and programs, and to recognize the contributions the county's public works officials make every day to the county's health, safety, comfort, and quality of life.

Proclaimed this 16th day of May 2022.

- B. Approval of Formal Bid Award for the Custom Two-Tone Paging System, DTMF and Monitoring, Contract Award, and Approval of Budget Ordinance Amendment B221150 for Emergency Services Department

BACKGROUND

A formal bid process was conducted for a Custom Two-Tone Paging System, Dual-Tone Multi-Frequency (DTMF) Signaling and Monitoring software/equipment for the Emergency Services department. This equipment is utilized for dispatching fire departments. The equipment will be installed at both the new 911 Communications Center located at 500 Executive Place and the broadcast tower located at Cliffdale Road. This equipment will also include remote monitoring for equipment failure at the Cliffdale tower. Monitoring for failure will assist in increasing the credit Fire Departments receive from the Communications system during the Department of Insurance (DOI) rating process.

During the FY2022 budget process, the Custom Two-Tone Paging System, DTMF and Monitoring was not included as part of the budget. The expenditure is a one-time non-recurring expense. Funds

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in the amount of \$111,000.00 have been identified in the Emergency Telephone Fund. Fund balance will need to be used. The 911 Board has given their approval to use fund balance for this approved expenditure.

Formal bids for a Custom Two-Tone Paging System, DTMF and Monitoring were sent out twice. No responses were received the first time. The second time a total of one bid was received. Radio Communications Company was the only responsive bidder and met all specifications with a proposed cost of \$110,940.00.

RECOMMENDATION / PROPOSED ACTION

Purchasing staff and management recommends that the Board of Commissioners:

1. Emergency Telephone Fund 260 – The Board is requested to approve Budget Ordinance Amendment B221150 and appropriate Emergency Telephone fund Balance totaling \$111,000. These funds will be used to purchase a Custom Two-Tone Paging system, DTMF signaling and Monitoring software/equipment for the Emergency Services department. The 911 Board has given their approval to use fund balance for this approved one-time expenditure.

Please note this amendment requires no additional county funds.

2. Award Bid Number 22-21-EMS to Radio Communications Company (\$110,940.00) for the Custom Two- Tone Paging System, DTMF and Monitoring based on lowest, responsive, responsible bidder standard of award.

3. Delegate authority to the County Manager to approve the contract with Radio Communications Company.

C. Approval of Budget Ordinance Amendments for the May 16, 2022 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

1) Emergency Services – Budget Ordinance Amendment B221044 to recognize Emergency Management Performance Grant funds in the amount of \$23,553

The Board is requested to accept the grant award and approve Budget Ordinance Amendment B221044 to recognize Emergency Management Performance Grant funds in the amount of \$23,553. These funds will be used for closing, building or sustaining capabilities as identified in state or local Threat and Hazard Identification and Risk Assessments (THIRA). Examples of eligible projects include training and exercises, plan development and purchasing of equipment. This grant award ends on September 20, 2023.

Please note this amendment requires no additional county funds.

2) Public Safety Other – Budget Ordinance Amendment B220146 to appropriate fund balance in the amount of \$216,552 for youth detention subsidies

The Board is requested to approve Budget Ordinance Amendment B220146 to appropriate fund balance in the amount of \$216,552 for youth detention subsidies. The North Carolina Youth Detention Subsidy is based on the length of time a Judge remands a juvenile at their discretion. This amount includes projected expenses over the budgeted amount for the remainder of Fiscal Year 2022.

Please note this amendment requires appropriation of general fund balance.

Capital Investment Fund 107

3) Capital Investment Fund – Vehicles - Budget Ordinance Amendment B220178 to recognize insurance reimbursement funds in the amount of \$4,673

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The Board is requested to approve Budget Ordinance Amendment B220178 to recognize insurance settlement funds in the amount of \$4,673. These funds represent a total loss vehicle incident which occurred on February 1, 2022.

Please note this amendment requires no additional county funds.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

D. Approval of Cumberland County Board of Commissioners Agenda Session Items

1. Fayetteville State University Innovation and Entrepreneurship Hub

BACKGROUND

This item was originally presented at the April 14, 2022 Agenda Session Meeting by Chancellor Allison. The University is seeking support from the Board of Commissioners for their Innovation and Entrepreneurship Hub scheduled to be launched in August 2022. The goal of this project is to empower entrepreneurs and small businesses to achieve their full potential for economic success. The center will provide advisory and consulting services, educational and entrepreneurial summits. The University is seeking \$250,000 from the County to assist with expenses related to assisting small businesses.

RECOMMENDATION / PROPOSED ACTION

At May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

Approve \$250,000 for the FSU Innovation and Entrepreneurship Hub and determine if American Rescue Plan funds can be utilized for these services.

2. Opioid Settlement Fund Grant Project Budget Ordinance #B220136

BACKGROUND

This item was presented during the May 12, 2022 Agenda Session meeting. Grant project budget ordinance #B220136 specific to Cumberland County's allocation of Opioid Settlement funds is attached in draft form for consideration. Approval of the budget ordinance now will ensure a budget is in place prior to the anticipated arrival of two 2022 funding distributions that are broadly scheduled to arrive in the "spring" and "summer". A special revenue fund has been established to budget, account for, and report on fund usage.

Language has been added in italics within Section 2 of the ordinance as a placeholder for the strategies and dollar amounts to be approved by the Board of Commissioners at a later date.

RECOMMENDATION / PROPOSED ACTION

A the May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

Approve Grant Project Budget Ordinance #B220136 appropriating Opioid Settlement Funds and the estimated amount of interest earnings to be utilized on authorized opioid abatement or remediation strategies covering fiscal years 2022 and 2023 in a total amount of \$3,224,285.

GRANT PROJECT BUDGET ORDINANCE #B220136 NORTH CAROLINA OPIOID SETTLEMENT FUNDS

The Cumberland County Board of Commissioners hereby adopt the following Grant Project Ordinance in accordance with North Carolina General Statutes 159-13.2:

Section 1. This ordinance is to establish a budget for the funds being distributed to Cumberland County through the North Carolina Opioid Settlement. The state

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of North Carolina is expected to receive a total of \$757,666,411 in funding distributions scheduled to occur between 2022 – 2038. Of those funds, Cumberland County is expected to receive a total of \$16,984,643 in funding distributions scheduled to occur between 2022 – 2038. The amount distributed by year will vary. Opioid settlement funds and any interest earnings revenue shall only be utilized on authorized opioid abatement or remediation activities.

Section 2. Cumberland County hereby adopts the following expenditure amounts for opioid abatement or remediation activities:

Opioid Abatement or Remediation Activities:
\$3,224,285

After community meetings are held and before any expenditures are obligated, the expenditure amounts will further be divided into strategy specific designated amounts. Funds will be appropriated for each spending strategy option and authorized for expenditure from the date the ordinance is approved through June 30, 2023 as follows: [TBD]

Strategy: Option [A or B]	Allocated Amount
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
Strategy Specific [Numeric or Alpha Character]	[\$]
(add or remove rows as needed)	
Total shall not exceed:	\$3,224,285

Section 3. The following revenues are anticipated to be available for expenditures and strategies identified in Section 2 from the date the ordinance is approved through June 30, 2023:

Opioid Settlement Funds: \$3,223,285
Interest Earnings: 1,000

Section 4. The Finance Director is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the settlement award and to request Board of County Commissioners approval of an amended grant project ordinance as additional funds are distributed each fiscal year, prior to obligating those funds. A special revenue fund (246) has been established to account for and report on these funds.

Section 5. The Finance Director is hereby directed to report the financial status of the grant project to the governing board at the end of each fiscal year. The Public Health Director is hereby directed to file an annual impact report at the end of each fiscal year.

Section 6. Within five days after adoption, copies of this ordinance shall be filed with the Finance Officer, Budget Officer, and Clerk to the Board, to be kept on file by them for their direction in the disbursement of County funds for this project.

Section 7. This grant project ordinance shall expire on June 30, 2039, or when all the Opioid Settlement funds have been obligated and expended by the County, whichever occurs sooner.

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Adopted this _____ day of _____, 2022.

3. Set Legislative Hearing to Consider Moratorium or Ordinance Amendments

BACKGROUND

At its May 12, 2022, Agenda Session, the board voted unanimously to implement a moratorium on zero lot line subdivision and directed staff to prepare the necessary ordinance amendments to remove zero lot line subdivision and bring back to the board within ninety days. The board must conduct a legislative hearing to impose a moratorium on any development approval. The earliest that can be done will be the June 6, 2022, meeting. The board may also consider the amendment of the subdivision ordinance at that same hearing.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that board approve the following resolution to move each of the matters forward:

Be it resolved, the board of commissioners intends to conduct a legislative hearing at its Regular Meeting on June 6, 2022, to consider the implementation of a ninety-day moratorium on zero lot line subdivision or to consider the amendment of the Cumberland County Subdivision Ordinance to remove zero lot line subdivision and request the Joint Planning Board to review the Cumberland County Zoning Ordinance for the same purpose.

4. Request to Apply for the U.S. Department of Transportation Multimodal Project Discretionary Grant

BACKGROUND

USDOT has announced \$2.9 billion in competitive funding for major infrastructure projects, including on-demand mobility services in rural areas through the combined Multimodal Projects Discretionary Grant (MPDG) opportunity. On-demand service (micro transit) is eligible under the Rural Surface Transportation Grant within MPDG. Micro transit is defined as a technology-enabled transit service that typically uses shuttles or vans to provide pooled, on-demand transportation with dynamic routing.

The NCDOT Integrated Mobility Division (IMD) is surveying transit partners across the state to understand local mobility needs and gauge interest in applying for this grant opportunity. IMD would prepare a combined grant application on behalf of participating transit systems. If awarded, the grant would fund upfront costs to initiate micro transit service as well as ongoing operating expenses for 3-5 years for up to 10 transit systems serving rural areas in North Carolina. There is no local match required for the County. Applications are due May 23, 2022.

RECOMMENDATION / PROPOSED ACTION

At the May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a consent item on the May 16, 2022 Board of Commissioners Meeting:

Approval to Apply for the U.S. Department of Transportation Multimodal Project Discretionary Grant

5. FY23 Community Transportation Program Bid Tab for Proposed Services

BACKGROUND

An evaluation committee consisting of five members of the Transportation Advisory Board (TAB), met Thursday, April 21, 2022 to review Cumberland County Community Transportation Program provider proposals. The Transportation Advisory Board then met on Thursday, April 26, 2022 to review and approve the recommendations from the evaluation committee for the following proposals: Section 5310 Transportation (5310) Employment Transportation (EMPL) Rural General Public Transportation (RGP) Area Agency on Aging Medical Transportation (AAA Medical) Area Agency on Aging General Transportation (AAA Gen) Elderly and Disabled Medical Transportation (EDTAP) The proposals were rated on proposal response, qualifications and experience, references, Disadvantaged Business Enterprise (DBE) efforts, and value for cost.

After review, B&W Transportation was recommended for the following contracts: 5310, EMPL, RGP, AAA Gen, and AAA Medical at a rate of \$30.00 per unit of service.

FAMIKS Transportation was recommended for the following contracts: 5310, RGP, AAA Medical, and EDTAP at a rate of \$34.00 per unit of service.

Chapman Management Company was recommended for the following contracts: 5310, EMPL, RGP, AAA Gen, and AAA Medical at a rate of \$30.00 per unit of service.

These three companies were recommended out of a total of four transportation providers that submitted proposals. Each was rated by the evaluation committee using the aforementioned criteria. A copy of the Bid Tab is attached with this memo.

The Transportation Advisory Board would like to request your approval to enter into contracts with the above selected transportation providers at the stated rates of service.

RECOMMENDATION / PROPOSED ACTION

At their May 12, 2022 Agenda Session, the Board of County Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

Approve the contract bids and authorize the Chairman to sign the contracts when pre-audited by Finance and approved for legal sufficiency

6. Contract for Recycling Center Fire Protection Improvements

BACKGROUND

This item was presented at the June 17, 2021 Board of Commissioners' Agenda Session meeting. The Board approved the bid for the Recycling Center Fire Improvements project and awarded a contract to Crawford Sprinkler Company of Raleigh, Inc. at the June 21, 2021 Board of Commissioners' Regular meeting.

The existing dry pipe sprinkler system protecting the Recycling Center (formerly baling plant) at Ann Street has exceeded its useful life and is now experiencing water leaks and nuisance alarms resulting from pipe corrosion. The project will consist of removing the existing sprinkler system and replacing it with a new dry sprinkler system equipped with a nitrogen generator to prevent future pipe corrosion.

The contract has undergone pre-audit and has been deemed legally sufficient by the County Legal Department. This item was presented at the May 12, 2022 Agenda Session.

RECOMMENDATION / PROPOSED ACTION

At the May 12, 2022 Agenda Session Meeting, the Board of Commissioners approved placing the actions below on the May 16, 2022 meeting as a consent agenda item:

1. Approve the contract with Crawford Sprinkler Company of Raleigh, Inc.
2. Allow the Chairman to execute the contract on behalf of the County.

7. Resolution of Intent to Lease Real Property to Service Source Employment Services, Inc.

BACKGROUND

This item was presented at the May 12, 2022 Board of Commissioners' Agenda Session and was moved forward as a Consent Agenda item to the May 16, 2022 Regular Board of Commissioners' Meeting. Service Source Employment Services, Inc. (DBA, Service Source) is a charitable non-profit organization that provides the operation of services and contracts to foster and promote employment of persons with disabilities. "Service Source" operates in 6 states and Washington, DC.

Service Source currently leases real property from the County which is located at 600 and 620 Ames Street in Fayetteville. The property consists of 12.96 acres and 7 buildings circa 1987 or later totaling 44,022 square feet of conditioned office and unconditioned warehouse space. Service Source is requesting to renew a lease agreement with the County for \$1.00 per year for a term of

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fifteen (15) years and decrease the total leased square footage to 23,622 SF. They offer to continue providing all maintenance for facilities and grounds, utilities, and janitorial service.

The consensus of the Board was to entertain a lease option with Service Source for a term of ten (10) years at an annual lease rate of \$1.00 per year for 23,622 SF of space with Service Source maintaining all the utilities, custodial services, buildings and grounds for the aforementioned property.

A notice of intent to enter into a proposed lease must be advertised thirty (30) days in advance of the lease approval.

RECOMMENDATION / PROPOSED ACTION

Adopt the following resolution and advertise the public notice at least thirty (30) days in advance of the lease approval.

BE IT RESOLVED the Cumberland County Board of Commissioners finds that the real property located at 600 and 620 Ames Street in Fayetteville, will not be needed for government purposes for the ten (10) year term, at a lease rate of ONE DOLLAR (\$1.00) per year, proposed for the lease of the property to Service Source Employment Services, Inc. (DBA, Service Source), and this Board intends to adopt a resolution at its June 20, 2022 regular meeting, approving the lease pursuant to terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272
TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on June 20, 2022, approving the lease of approximately 23,622 square feet of space located at 600 and 620 Ames Street in Fayetteville, NC, to Service Source Employment Services, Inc. (DBA, Service Source), for a term of ten (10) years commencing on July 1, 2022, at a rental rate of ONE DOLLAR (\$1.00) per year.

8. Amendments to the Overhills Park Water and Sewer District Rate Structure

BACKGROUND

After reviewing the operational costs of the Overhills Park sewer system, it has been determined that the present rate structure for sewer service does not meet the operation and maintenance costs incurred by the system nor generate adequate revenue for future capital costs. The present rate structure needs to be revised and updated to generate sufficient revenue to set aside in a capital reserve fund for future operation and maintenance of the system.

The current rates were approved in 2018, when the installation of the sewer system was completed. The attached rate structure is proposed for the Overhills Park Water and Sewer District. This proposed rate structure must be mailed to all the customers on the system no later than June 1st and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

	<u>Existing Rate Connected Customer</u>	<u>Existing Rate Nonconnected Customer</u>	<u>Proposed Rate Connected Customer</u>	<u>Proposed Rate Nonconnected Customer</u>
Flat Rate Sewer Usage	\$24.50	-	\$25.50	-
Operation and Maintenance	\$10.50	\$10.50	\$11.50	\$11.50
Availability	\$17.00	\$17.00	\$17.00	\$17.00
Administration	\$2.00	\$2.00	\$2.00	\$2.00
Total	\$54.00	\$29.50	\$56.00	\$30.50

The attached rate structure also includes a suggested rate increase of 5% per year for the next three years. Research by the UNC School of Government indicates that many other utilities have taken this approach to addressing long term operations & maintenance needs. The benefit of setting the

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rates this way allows the customers to know exactly how much the rates will be increased yearly as opposed to different rates being applied randomly over time.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the Overhills Park Governing Board approve the amendments to the rate structure.

9. Amendments to the NORCRESS Water and Sewer District Rate Structure

BACKGROUND

A review of the operational costs of the NORCRESS sewer system, has revealed the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and maintenance. There have been increases by the sewer service provider, chemical provider, and electrical providers. At the present rate we are not generating any revenue to set aside as a capital reserve fund to pay for replacement equipment or needed repairs.

The rates were last increased in 2018, in which the increase raised the rate on residential sewer service to \$7.50 per 1,000 gallons, commercial sewer service to \$8.00 per 1,000 gallons and flat rate services to \$33.42 per month. The attached rate structure is proposed for the NORCRESS Water and Sewer District. This proposed rate structure must be mailed to all the customers on the system no later than June 1st and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

The NORCRESS Advisory Board, consisting of Mayors from Wade, Falcon, and Godwin, met to discuss the proposed rate increases and changes on May 9th. The Advisory Board suggested to increase the deposit to \$150.00 from the current \$100.00.

<u>Rate Description</u>	<u>Current Rate</u>	<u>Proposed Rate</u>
Residential Sewer Customers	\$7.50/thousand gallons	\$9.50/thousand gallons
Commercial Sewer Customers	\$8.00/thousand gallons	\$10.00/thousand gallons
Industrial Sewer Customers	-	\$11.00/thousand gallons
Flat Rate Sewer Customers	\$33.42 per month	\$45.00 per month
Operation & Maintenance Fee Residential	\$3.00 per month	\$6.50 per month
Operation & Maintenance Fee Commercial	\$2.00/thousand gallons	\$7.50 per month
Operation & Maintenance Fee Industrial	-	\$3.00/thousand gallons
Administration Fee	\$2.00 per month	\$2.00 per month
Local Town Fee	\$1.75 per month	\$2.00 per month

The attached rate structure also includes a suggested rate increase of 5% per year for the next three years. Research by the UNC School of Government indicates that many other utilities have taken this approach to addressing long term operations and maintenance needs. The benefit of setting the rates this way allows the customers to know exactly how much the rates will be increased yearly as opposed to something different each year.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the NORCRESS Governing Board approve the amendments to the rate structure.

10. Refund of Excise Tax to the Law Offices of K. D. White

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BACKGROUND

The Law Offices of K. D. White has requested a refund of the county's one-half of the excise tax paid for the following recording:

Deed recorded in Book 11126 at page 802 with the excise tax incorrectly shown as \$900 instead of \$90; one-half of tax is \$450

The register of deeds has recommended that this refund be granted in the total amount of \$450. The county attorney has reviewed the recorded documents and confirmed that the stated excise tax is \$900 which reflects a sales price of \$450,000. The county attorney reviewed the sales history and determined the property was sold in 2007 for \$70,000 and has a current tax value of \$40,000. The county attorney recommends the refund based on the sales history and tax value.

G.S. § 105-228.37 governs this refund process. The board of commissioners must conduct a hearing on the request after at least 10 days' notice of the hearing to the taxpayer. Notice of the hearing was provided to the taxpayer by email sent by the county attorney to the taxpayer on May 2, 2022. This is not a public hearing. The county may only refund one-half of the total tax because the county only received one-half of the tax and the state received the other half. The refund cannot be granted until the taxpayer records a new instrument reflecting the correct amount of the tax due in accordance with G.S. § 105-228.37(e). The register of deeds must notify the finance officer and the secretary of revenue when the corrective instrument has been recorded. The refund will bear interest pursuant to the statute.

At its May 12, 2022, Agenda Session, the board recommended moving this item to the May 16, 2022, Regular Meeting as a consent item, subject to a hearing if requested by the taxpayer.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that the board set a hearing on this matter at its May 16, 2022, meeting at 6:45 p.m. and grant the taxpayer's request for this refund by adopting the following resolution:

Whereas, this matter was heard by the Board of Commissioners May 16, 2022; and

Whereas, the Law Offices of K. D. White requested a refund of the county's one-half of the excise tax paid for the following recording:

Deed recorded in Book 11126 at page 802 with the excise tax incorrectly shown as \$900 instead of \$90; one-half of tax is \$450; and

Whereas, the county attorney reported that the sales history of the property conveyed by the referenced deed shows that the property was sold in 2007 for \$70,000 and has a current tax value of \$40,000.

Be it resolved, that the Cumberland County Board of Commissioners finds that the facts stated above warrant the refund of the excise tax as requested by the taxpayer.

Be it further resolved, that upon the taxpayer recording a new instrument reflecting the correct amount of the tax due in accordance with G.S. § 105-228.37(e), the register of deeds shall notify the finance officer and the secretary of revenue of the board's action in this matter and the county finance officer shall refund the taxpayer one-half of the excise tax in the amount of \$450 with interest as provided by G.S. § 105-228.37.

11. Refund of Excise Tax to Single Source Real Estate Services, Inc.

BACKGROUND

Single Source Real Estate Services, Inc., has requested a refund of the county's one-half of the excise tax paid for the following recordings:

- (1) Duplicate recording of deed in Book 10714 at pages 52 and 85; one-half of tax is \$351.50
- (2) Recording deed in Book 10782 at page 427 which should have been recorded in Hoke County; one-half of tax is \$179.50

- (3) Recording deed in Book 11431 at page 153 which should have been recorded in Harnett County; one- half of tax is \$320

The register of deeds has recommended that these refunds be granted in the total amount of \$851. The county attorney has reviewed the recorded documents and confirmed that the reasons stated by the taxpayer for each is correct and is a sufficient basis for granting the refunds.

G.S. § 105-228.37 governs this refund process. The board of commissioners must conduct a hearing on the request after at least 10 days' notice of the hearing to the taxpayer. Notice of the hearing was provided to the taxpayer by email sent by the county attorney to the taxpayer on May 2, 2022. This is not a public hearing. The county may only refund one-half of the total tax because the county only received one-half of the tax and the state received the other half. The refund cannot be granted until the taxpayer records a corrective document for each of the recordings that complies with G.S. § 105-228.37(e). The register of deeds must notify the finance officer and the secretary of revenue when the corrective instrument has been recorded. The refund will bear interest pursuant to the statute.

At its May 12, 2022, Agenda Session, the board recommended moving this item to the May 16, 2022, Regular Meeting as a consent item, subject to a hearing if requested by the taxpayer.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that the board set a hearing on this matter at its May 16, 2022, meeting at 6:45 p.m. and grant the taxpayer's request for these refunds by adopting the following resolution:

Whereas, this matter was heard by the Board of Commissioners May 16, 2022; and

Whereas, Real Estate Services, Inc., has requested a refund of the county's one-half of the excise tax paid for the following recordings:

- (1) Duplicate recording of deed in Book 10714 at pages 52 and 85; one-half of tax is \$351.50
- (2) Recording deed in Book 10782 at page 427 which should have been recorded in Hoke County; one- half of tax is \$179.50
- (3) Recording deed in Book 11431 at page 153 which should have been recorded in Harnett County; one- half of tax is \$320; and

Whereas, the county attorney reported that he had reviewed the recorded documents and confirmed that the reasons stated by the taxpayer for each is correct and is a sufficient basis for granting the refunds.

Be it resolved, that the Cumberland County Board of Commissioners finds that the facts stated above warrant the refund of the excise tax as requested by the taxpayer.

Be it further resolved, that upon the taxpayer recording a recording a corrective document for each of the recordings that complies with G.S. § 105-228.37(e), the register of deeds shall notify the finance officer and the secretary of revenue of the board's action in this matter and the county finance officer shall refund the taxpayer one-half of the excise taxes in the total amount of \$851 with interest as provided by G.S. § 105- 228.37.

12. ARP Committee Recommendations: ARP Policies and Grant Project Ordinance

BACKGROUND

The American Rescue Plan Committee met on May 2, 2022. The committee recommended the following items be placed on the May 12, 2022 agenda for consideration:

- Non-Discrimination Policy
- Conflict of Interest Policy
- Conflict of Interest Disclosure Form
- Eligibility Determination Policy
- Project Funding Eligibility Determination Form

- Aid to Non-Profit Organizations Policy Revision
- Aid to Non-Profit Organizations Responsive Proposal Review Guidelines
- ARPA Grant Project Ordinance Proposed Revisions

RECOMMENDATION / PROPOSED ACTION

At the May 12, 2022 Agenda Session meeting, the Board of Commissioners approved placing the proposed actions below on the consent agenda at the May 16, 2022 Board of Commissioners meeting: Approve the ARP Policies Approve Grant Project Ordinance.

MOTION: Commissioner Evans voted to approve consent agenda Items 2.A. – 2.D.12.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

Chairman Adams recognized in attendance Representative John Szoka.

3. PUBLIC HEARINGS

Ms. Cannon explained the Board of Commissioners' procedures for public hearings.

- A. Public Hearing and Approval of Resolution for the Issuance of Tax-Exempt Bonds not Exceed \$267,250,000 by the Public Finance Authority to Finance and Refinance Certain Costs of Various Projects on Behalf of Cumberland County Hospital System, Inc. D/B/A Cape Fear Valley Health System and Harnett Health System, Inc.

BACKGROUND

The Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc. has asked the public finance Authority to issue tax exempt bonds for (1) construction of new health care facilities and the acquisition and installation of new equipment at Cape Fear Valley Medical Center and Central Harnett Hospital and (2) the refunding of certain bonds and existing debt of the corporation and Harnett Health System, Inc. which financed facilities and equipment in Cumberland County, NC, Harnett County, NC, and Hoke County, NC. The Authority will lend the proceeds of the refunding bonds to the Corporation, who will use the proceeds to retire the previously issued bonds.

Because the Corporation is a 501(c)(3) organization, federal income tax law requires that the tax-exempt bonds issued for the benefit of the Corporation be approved by each government unit having jurisdiction over the area in which any facility to be financed with the proceeds of the bond is located.

The attached resolution approves the issuance of tax-exempt bonds not to exceed \$267,250,000 to be issued by the Public Finance Authority to finance and refinance certain costs of various projects on behalf of Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc. The resolution states that in no event shall the County of Cumberland, the State of North Carolina or any political subdivision thereof be liable for such bonds nor shall the bonds constitute a debt of the County of Cumberland, the State of North Carolina or any political subdivision thereof.

RECOMMENDATION / PROPOSED ACTION

Hold the May 16, 2022 public hearing and approve the attached resolution approving the issuance of tax-exempt bonds, not to exceed \$267,250,000 by the Public Finance Authority to finance and refinance certain costs of various projects on behalf of Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc.

RESOLUTION APPROVING THE PLAN OF FINANCING OF HEALTH CARE FACILITIES WITH PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY FOR THE BENEFIT OF CUMBERLAND COUNTY HOSPITAL SYSTEM, INC. D/B/A CAPE FEAR VALLEY HEALTH SYSTEM AND HARNETT HEALTH SYSTEM, INC.

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

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>

Section 1. For the purpose of qualifying the interest on the Bonds for exclusion from the gross income of the owners thereof for federal income tax purposes pursuant to the applicable provisions of the Code and to satisfy the public approval requirement of Section 147(f) of the Code, the Board hereby approves the plan of financing of the health care facilities described herein to be financed and refinanced with the issuance of the Bonds and the issuance of the Bonds by the Authority pursuant to the plan of financing described herein in an amount not to exceed \$267,250,000, provided that in no event shall the County or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the County or any political subdivision thereof. Additionally, it is the purpose and intent of the Board that this resolution also constitute approval by the Board of the financing of the portion of the 2022 Projects that is located in the County in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement. The Board is the governing body of the political jurisdiction within whose boundaries a portion of the 2022 Projects is located.

Section 2. This resolution shall take effect immediately upon its passage.

Amy Cannon presented the background information and referenced the resolution recorded above. Ms. Cannon emphasized that the resolution states, “in no event shall the County of Cumberland, the State of North Carolina, or any political subdivision be liable for the bond, nor shall the bond constitute a debt of the County or State of North Carolina”. Ms. Cannon stated James Duke, Cape Fear Valley Health System Corporate Director of Accounting, was present to respond to questions.

Chairman Adams opened the public hearing.

The deputy clerk to the board advised there were no speakers

Chairman Adams closed the public hearing.

MOTION: Commissioner Lancaster moved to approve the resolution approving the issuance of tax-exempt bonds, not to exceed \$267,250,000 by the Public Finance Authority to finance and refinance certain costs of various projects on behalf of Cumberland County Hospital System, Inc. d/b/a Cape Fear Valley Health System and Harnett Health System, Inc.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

B. Public Hearing and Consideration of Renaming a Portion of Old Plank Road and Naming a Newly Constructed Section of The Road – Case No. SN-0490

BACKGROUND

Due to a North Carolina Department of Transportation project (I-295), Old Plank Road was severed into two sections. With the implementation of the Next Gen E911 standards you cannot have two streets with the same name within the County. It has been requested by the Stoney Point Fire Department that we continue the Glenn Road name from Robeson County over I-295 through to Black Bridge Road (see attached map). This change will engulf the 6400-6800 blocks of what is currently Old Plank Road and the newly constructed section that goes over I-295 to Black Bridge Road.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of County Commissioners hold a public hearing at their May 16th, 2022 Regular Meeting and approve the name assignment as presented.

Cumberland County Board of Commissioners

Ordinance Renaming a Portion of Old Plank Road and Naming a Newly Constructed Section of the Road by the North Carolina Department of Transportation to Glenn Road

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>

This Ordinance renaming a portion of Old Plank Road and a newly constructed section by the North Carolina Department of Transportation that goes over the bridge to Black Bridge Road is authorized by G.S. § 153A-239.1 and is enacted pursuant to Sec. 4-172 of the Cumberland County Code.

Whereas, Old Plank Road (4,187.33 feet) has been realigned from the Robeson County Line to a newly constructed section (5,723.36 feet) and will intersect with SR1115, Black Bridge Road.

Whereas, the proposed road will continue from the Robeson County line and cross over I-295 to SR1115, Black Bridge Road.

Whereas, a duly advertised public hearing was conducted on this matter at the May 16, 2022 Regular Meeting of the Cumberland County Board of Commissioners.

Now therefore be it ordained as follows:

(1) A portion of Old Plank Road and a newly constructed section is hereby named Glenn Road.

(2) Planning staff is directed to cause notice of this action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.

Adopted May 16, 2022.

Rawls Howard, Planning and Inspections Director, stated this case is a street renaming because the N.C. Department of Transportation's construction of I-295 severed Old Plank Road into two sections. Mr. Howard displayed a map depicting the location of the road realignment and a map depicting a portion of Old Plank Road and the newly constructed section. Mr. Howard provided the following overview of the road renaming:

- North Carolina Department of Transportation Project I-295.
- Next Gen E911 Standards, you can't have two streets with the same name within the County.
- Stoney Point Fire Department requested that we continue Glenn Road from Robeson County over I-295 through to Black Bridge Road.
- Staff contacted parcel owners that abutted Old Plank Road and the newly constructed section.
- Forty-one property owners were contacted, nine were for proposed name change and six were against.

Mr. Howard stated conversations were held with the Fire Chief of the Stoney Point Fire Department and the county's E911 address coordinator and both supported the request. Commissioner Boose asked whether the six respondents who were opposed to the renaming provided any reasons for their opposition. Mr. Howard stated they essentially wanted to keep the name Old Plank Road.

Chairman Adams opened the public hearing.

The deputy clerk to the board called the following speakers:

Freddy Johnson, Jr. – Mr. Johnson appeared as a proponent and as the Assistant Fire Chief of the Stoney Point Fire Department and stated the county's 911 emergency communications system cannot function properly when two roads have the same name. Assistant Fire Chief Johnson stated the renaming is for the greater good so there is no public safety issue for emergency responders.

John Pavlikianidis – Mr. Pavlikianidis appeared as a proponent and stated his family operates Carolina Stables on about 40 acres adjacent to the road and

changing the name would be an undue hardship because it would require the family to change the address on legal documents associated with the property. Mr. Pavlikianidis also stated the Old Plank Road name has a historical context related to Fayetteville.

Chairman Adams closed the public hearing.

MOTION: Commissioner Lancaster moved to rename a portion of Old Plank Road and name a newly constructed section of the road by the N. C. Department of Transportation to Glenn Road.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (7-0)

C. Public Hearing and Consideration of Naming an Unnamed Street to Gaddy Lane – Case No. SN-0491

BACKGROUND

Planning and Inspections staff received a request from Mr. Craven Gaddy about naming a private street. The said street will be available for REID #'s 0420807390000 (address: 4880) and 0420808439000 (address: 4878) which are two land-locked parcels off of Chicken Foot Road (see attached map). The owner has an easement for access to both parcels. The reason for naming the private street is people are having a difficult time finding his home from Chicken Foot Road. The proposed street name will be Gaddy Lane.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of County Commissioners hold a public hearing at their May 16, 2022 Regular Meeting and approve the name assignment as presented.

Cumberland County Board of Commissioners

Ordinance Naming an Unnamed Road to Gaddy Lane

This Ordinance Naming an Unnamed Road to Gaddy Lane authorized by G.S. § 153A-239.1 and is enacted pursuant to Sec. 4-172 of the Cumberland County Code.

Whereas, an unnamed road was created by Craven Gaddy off of SR 2252, Chicken Foot Road. There are two parcels that access the same access easement.

Whereas, the proposed road Gaddy Lane will extend from the center line of Chicken Foot Road, west 421 feet along said easement.

Whereas, a duly advertised public hearing was conducted on this matter at the May 16, 2022, regular meeting of the Board of Commissioners.

Now therefore be it ordained as follows:

(1) A road created off SR 2252 Chicken Foot Road, is hereby named Gaddy Lane.

(2) Planning staff is directed to cause notice of this action to be given to the local postmaster with jurisdiction over the road, to the Board of Transportation, and to any city within five miles of the road.

Adopted May 16, 2022.

Mr. Howard stated this case is a street renaming that involves an unnamed private street off Chicken Foot Road. Mr. Howard stated the private property owner, Craven Gaddy, said people have problems finding his home off Chicken Foot Road, so he requested the private street be named Gaddy Lane. Mr. Howard stated two property owners were contacted and they favored the renaming. Mr. Howard displayed a map depicting the location of the proposed naming of the private street off of Chicken Foot Road.

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>

Chairman Adams opened the public hearing.

The deputy clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

MOTION: Commissioner Stewart moved to approve the naming of a road created off Chicken Foot Road to Gaddy Lane.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

Commissioner Evans inquired about standards involved with name changes for individuals, whether it be road, facilities, rooms or whatever. Commissioner Keefe stated the Board of Commissioners has a policy for naming facilities. Mr. Howard stated the county has an ordinance for renaming roads. Chairman Adams stated there is no policy for renaming rooms. Commissioner Evans asked that this be discussed at the next Agenda Session meeting so there will be no issues when requests are received to name something after an individual.

Commissioner Boose referenced Case No. SN-0490 and asked whether the county could do anything to soften the blow on people who have to make all of the changes that result from roads being renamed. Chairman Adams stated should he so choose, Commissioner Boose could place this on the agenda for an Agenda Session meeting.

Rezoning Cases

D. Case ZON-22-0036: Rezoning from O&I(P)/CZ Planned Office and Institutional District/Conditional Zoning and R6A Residential District to C1(P) Planned Local Business District or to a more restrictive zoning district for two parcels on 1.11 +/- combined acres; located at 4799 & 4807 South Main Street; submitted by Clear Blue & 22 LLC/Tina Dawson Tina Dawson (owner/applicant). **The Applicant Requested the Hearing Be Moved to June 20, 2022 **

Chairman Adams stated the applicant for Case ZON-22-0036 asked that the public hearing be moved to the June 20, 2022 meeting. Chairman Adams stated the case will be re-advertised.

E. Case ZON-22-0038: Rezoning from RR Rural Residential District to R7.5 Residential District or to more restrictive zoning district for eight parcels on 5.4 +/- acres, located at the northwest corner of Muscat Road and Advance Drive; submitted by George Rose (applicant) on behalf of EK International LLC (owners). **This Case Has Been Withdrawn by Applicant**

Chairman Adams stated Case ZON-22-0038 has been withdrawn by the applicant.

4. ITEMS OF BUSINESS

A. Consideration of Request for Approval of Formal Bid for Judge E. Maurice Braswell Courthouse Boiler Replacement

BACKGROUND

This project was advertised through the formal bid process in which the bidding period opened on March 17, 2022 and closed on April 1, 2022. There were no addendums to the original solicitation. Haire Plumbing and Mechanical Company Incorporated had the only responsive bid at \$284K. Funds are budgeted for this replacement project.

This boiler was installed during initial occupancy in 1978 and industry recommended lifecycle replacement is 20- 25 years.

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. Approve contract execution by the Chairman once the contract completes pre-audit and is deemed legally sufficient.

Jermaine Walker, Engineering and Infrastructure Director, presented the background information and recommendation/proposed action recorded above. Commissioner Keefe stated he was seeing a pattern of low responses on requests for bids and the county does not know whether it is getting a fair price when only one bid is received. Mr. Walker stated he has noticed the same pattern and it is usually because certain contractors do not think they will be able to get the materials on time to execute the job. In response to another question posed by Commissioner Keefe, Mr. Walker the county analyses its original projections for boiler replacements from one year to the next, and this boiler replacement was projected to cost more than the bid submitted by Haire Plumbing and Mechanical Company, Inc. Mr. Walker stated if the county does not get this contract executed quickly, the price will go up \$10,000.

MOTION: Commissioner Keefe moved to accept Haire Plumbing and Mechanical Company, Inc. as the lowest responsive bid through the formal bid process and approve contract execution by the Chairman once the contract completes pre-audit and is deemed legally sufficient.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

B. Consideration of Parking Lot Lease Renewal with First Presbyterian Church of Fayetteville

BACKGROUND

Cumberland County last renewed a lease for parking lot space from the First Presbyterian Church of Fayetteville in June of 2017. The current lease is set to expire on June 30, 2022. The following proposed terms for renewal have been put forth and are agreeable to the church:

1. Five-year term starting July 1, 2022 and ending June 30, 2027
2. Annual lease rate of TWENTY-ONE THOUSAND DOLLARS (\$21,000.00) per year payable in monthly installments of ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$1,750.00); this amount is unchanged from the current lease rate
3. County agrees to maintain property as specified in the current agreement (attached)

RECOMMENDATION / PROPOSED ACTION

This item was presented at the May 12, 2022 Board of Commissioners Agenda Session and was forwarded to the Board of Commissioners May 16, 2022 Regular Meeting Consent Agenda. Staff recommends this item for approval and requests the County Manager be authorized to execute the lease agreement.

Tracy Jackson, Assistant County Manager, presented the background information and recommendation/proposed action recorded above. Mr. Jackson stated questions were raised during the Agenda Session meeting about the need for the parking lot space and observation does find there are days when people double-park in front of the courthouse and around the side of the courthouse. Mr. Jackson stated he thinks it would be worthwhile for the county to put out notices about parking locations around the courthouse; notices could be included in jury summons along with a map.

Chairman Adams stated many cities require paid parking and it does not make sense to him for the county to pay someone for parking space for others to use. Commissioner Keefe stated he is not supportive of the lease renewal because the county is not sure whether it needs the parking lot space. Commissioner Keefe stated there was no survey done other than a “drive by”.

Commissioner Keefe stated the county has the only non-paid parking in downtown, and now it has two non-paid parking lots.

MOTION: Commissioner Council moved to approve the parking lot lease renewal with First Presbyterian Church of Fayetteville at \$21,000 per year in monthly installments for five years.

SECOND: Chairman Adams

VOTE: PASSED (5-2) (Commissioners Lancaster, Council, Stewart, Adams and Boose voted in favor; Commissioners Evans and Keefe voted in opposition)

C. Consideration of Resolution of Intent to Lease Real Property to the Vision Resource Center, Inc.

BACKGROUND

This item was presented at the May 12, 2022 Board of Commissioners' Agenda Session and was moved forward as a Consent Agenda item to the May 16, 2022 Regular Board of Commissioners' Meeting. The Vision Resource Center, Inc. (VRC) currently has a lease with Cumberland County for the real property located at 2736 Cedar Creek Road known as the "Alphin House," and the lease will expire June 30, 2022. The VRC is a charitable non-profit that provides services to the visually impaired. The VRC is requesting to renew the lease at the same terms of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) per year for three (3) years.

There was consensus among the Board of Commissioners to renew the lease at the same terms of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) per year for three (3) years.

A notice of intent to enter into a proposed lease must be advertised thirty (30) days in advance of the lease approval.

RECOMMENDATION / PROPOSED ACTION

Adopt the following resolution, with specific terms, and advertise the public notice at least thirty (30) days in advance of the lease approval.

BE IT RESOLVED the Cumberland County Board of Commissioners finds that the real property located at 2736 Cedar Creek Road in Fayetteville, will not be needed for government purposes for the three (3) year term proposed for the lease of the property to the Vision Resource Center, and this Board intends to adopt a resolution at its June 20, 2022 regular meeting, approving the lease pursuant to terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on June 20, 2022, approving the lease of approximately 2,752 square feet of space located at 2736 Cedar Creek Road, Fayetteville, NC, to the Vision Resource Center, Inc., for a term of three (3) years commencing on July 1, 2022, at an annual rental rate of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00).

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

Commissioner Keefe stated when this location was first considered for the VRC, there was concern that it was too far away, the lease was \$200 per month which included landscaping and utilities but more importantly, the building is now the gateway to a fully occupied industrial park. Commissioner Keefe stated he would be supportive of leasing a building to the VRC if it were closer to town and on a bus route. Commissioner Keefe stated the current location is not the best use of property and the county is losing money on the rent. Commissioner Keefe stated he supports the VRC but would advocate for another location.

Commissioner Stewart stated she has an issue with moving the VRC because it is already established at the current location. Commissioner Stewart stated the VRC does not have a problem with the location so she does not know why the Board should have a problem with the location, Commissioner Council stated the VRC has a van for transportation and does not consider the current location to be too far. Commissioner Council stated concerns relative to the distant came from the Board, not the VRC. Commissioner Council stated the director of the VRC stated there are children ages 11 and 12 who do not receive services in the school system, and she would like the Board to start its legislative program next year with a request that they receive services.

Chairman Glenn Adams stated the VRC has enhanced the building and recently had a ribbon cutting ceremony for a new reading service program for the visually impaired. Commissioner Evans stated he is concerned about transportation and stated this is a good time to have county-wide transportation put on the agenda of an Agenda Session meeting. Commissioner Stewart stated if the issue is transportation, then deal with the transportation issue but she does not understand why the Board would uproot the VRC when the Board initially allowed them to the lease the current location.

MOTION: Commissioner Council moved to adopt the resolution of intent to lease 2736 Cedar Creek Road to the Vision Resource Center and advertise the public notice at least thirty (30) days in advance of the lease approval.

SECOND: Commissioner Stewart

VOTE: PASSED (6-1) (Commissioners Lancaster, Council, Stewart, Adams, Evans and Boose voted in favor; Commissioner Keefe voted in opposition)

D. Consideration of Emergency Operations Center Capital Project Budget Ordinance Revision #B220053 and the Emergency Telephone System 911 Fund Budget Ordinance Amendment #B220052

BACKGROUND

Staff presented a budgetary update to the Emergency Operations Center Committee on Friday, May 6, 2022. The Committee recommended this information be moved forward to the Agenda Session meeting on Thursday, May 12, 2022. During that meeting, the action was not approved unanimously.

Emergency Operations Center (EOC) Capital Project Fund (404)

The EOC Capital Project Budget Ordinance Amendment number B220053 will remove the 911 Grant Award totaling \$2,251,387 as well as the \$1,000,000 Emergency Telephone System (ETS) fund balance transfer as sources of revenue. Instead, these revenues and offsetting expenditures will be budgeted and accounted for within the county's ETS 911 fund as required by the 911 Board.

In addition, the budgeted amount of debt proceeds revenue is being increased to the actual amount received, a budgeted increase of \$1,371,941. The construction and technology expenditure lines of the capital project ordinance have been decreased accordingly by the net amount of \$1,879,446.

Emergency Telephone System Fund for 911 (260)

Budget Ordinance Amendment number B220052 for the ETS 911 Fund is being amended to add the \$2,251,387 911 Grant Award and the \$1,000,000 ETS 911 fund balance appropriation as revenue sources with corresponding offsetting expenditure amounts to the construction and technology lines. The total increase in budget to this fund is \$3,351,387.

RECOMMENDATION / PROPOSED ACTION

The Board is requested to approve the EOC Capital Project Budget Ordinance Amendment B220053 which removes the 911 Grant Award amount of \$2,251,387 and the ETS 911 Fund Balance amount of \$1,000,000; increases the debt proceeds revenue by \$1,371,941; and decreases construction and technology expenditures by a net total of \$1,879,446.

The Board is requested to approve Budget Ordinance Amendment number B220052 for the ETS 911 Fund. This amendment adds the \$2,251,387 911 Grant Award and the \$1,000,000 ETS 911 fund balance appropriation as revenue sources with corresponding offsetting expenditure amounts to the construction and technology lines. The total increase in budget to this fund is \$3,351,387.

Vicki Evans, Finance Director, presented the background information and recommendation/proposed action recorded above.

MOTION: Commissioner Lancaster moved to approve the EOC Capital Project Budget Ordinance Amendment B220053 and Budget Ordinance Amendment number B220052 for the ETS 911 Fund.

SECOND: Commissioner Council

VOTE: PASSED (5-2) (Commissioners Lancaster, Council, Stewart, Adams and Evans voted in favor; Commissioners Boose and Keefe voted in opposition.

E. REMOVED FROM AGENDA

5. NOMINATIONS

A. Workforce Development Board

Commissioner Stewart nominated Jonette Quenum for the category of Representative of Labor and Dr. Mark Sorrells for the category of Representative of Education.

6. APPOINTMENTS

A. Alliance Health Board of Directors

MOTION: Commissioner Stewart moved to appoint Vicki Evans to the Alliance Health Board of Directors.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Chairman Adams recessed the Board of Commissioners' meeting.

Chairman Adams convened the meeting of the Overhills Park Water and Sewer District Governing Board.

7. OVERHILLS PARK WATER AND SEWER CONSENT AGENDA

A. Amendments to the Overhills Park Water and Sewer District Rate Structure

BACKGROUND

After reviewing the operational costs of the Overhills Park sewer system, it has been determined that the present rate structure for sewer service does not meet the operation and maintenance costs incurred by the system nor generate adequate revenue for future capital costs. The present rate structure needs to be revised and updated to generate sufficient revenue to set aside in a capital reserve fund for future operation and maintenance of the system.

The current rates were approved in 2018, when the installation of the sewer system was completed. The attached rate structure is proposed for the Overhills Park Water and Sewer District. This proposed rate structure must be mailed to all the customers on the system no later than June 1st and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

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	<u>Existing Rate Connected Customer</u>	<u>Existing Rate Nonconnected Customer</u>	<u>Proposed Rate Connected Customer</u>	<u>Proposed Rate Nonconnected Customer</u>
Flat Rate Sewer Usage	\$24.50	-	\$25.50	-
Operation and Maintenance	\$10.50	\$10.50	\$11.50	\$11.50
Availability	\$17.00	\$17.00	\$17.00	\$17.00
Administration	\$2.00	\$2.00	\$2.00	\$2.00
Total	\$54.00	\$29.50	\$56.00	\$30.50

The attached rate structure also includes a suggested rate increase of 5% per year for the next three years. Research by the UNC School of Government indicates that many other utilities have taken this approach to addressing long term operations & maintenance needs. The benefit of setting the rates this way allows the customers to know exactly how much the rates will be increased yearly as opposed to different rates being applied randomly over time.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the Overhills Park Governing Board approve the amendments to the rate structure.

MOTION: Commissioner Boose moved to approve the amendments to the rate structure.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

Chairman Adams adjourned the meeting of the Overhills Park Water and Sewer District Governing Board.

Chairman Adams convened the meeting of the NORCRESS Water and Sewer District Governing Board.

8. NORCRESS WATER AND SEWER CONSENT AGENDA

A. Amendments to the NORCRESS Water and Sewer District Rate Structure

BACKGROUND

A review of the operational costs of the NORCRESS sewer system, has revealed the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and maintenance. There have been increases by the sewer service provider, chemical provider, and electrical providers. At the present rate we are not generating any revenue to set aside as a capital reserve fund to pay for replacement equipment or needed repairs.

The rates were last increased in 2018, in which the increase raised the rate on residential sewer service to \$7.50 per 1,000 gallons, commercial sewer service to \$8.00 per 1,000 gallons and flat rate services to \$33.42 per month. The attached rate structure is proposed for the NORCRESS Water and Sewer District. This proposed rate structure must be mailed to all the customers on the system no later than June 1st and will go into effect on July 1, 2022. The existing rate structure and proposed rate structure are provided in the chart below.

The NORCRESS Advisory Board, consisting of Mayors from Wade, Falcon, and Godwin, met to discuss the proposed rate increases and changes on May 9th. The Advisory Board suggested to increase the deposit to \$150.00 from the current \$100.00.

<u>Rate Description</u>	<u>Current Rate</u>	<u>Proposed Rate</u>
Residential Sewer Customers	\$7.50/thousand gallons	\$9.50/thousand gallons

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>

Commercial Sewer Customers	\$8.00/thousand gallons	\$10.00/thousand gallons
Industrial Sewer Customers	-	\$11.00/thousand gallons
Flat Rate Sewer Customers	\$33.42 per month	\$45.00 per month
Operation & Maintenance Fee Residential	\$3.00 per month	\$6.50 per month
Operation & Maintenance Fee Commercial	\$2.00/thousand gallons	\$7.50 per month
Operation & Maintenance Fee Industrial	-	\$3.00/thousand gallons
Administration Fee	\$2.00 per month	\$2.00 per month
Local Town Fee	\$1.75 per month	\$2.00 per month

The attached rate structure also includes a suggested rate increase of 5% per year for the next three years. Research by the UNC School of Government indicates that many other utilities have taken this approach to addressing long term operations and maintenance needs. The benefit of setting the rates this way allows the customers to know exactly how much the rates will be increased yearly as opposed to something different each year.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the May 12, 2022, Board of Commissioners' Agenda Session and brought forward as a Consent Agenda Item.

Staff recommends the Board of Commissioners and the NORCRESS Governing Board approve the amendments to the rate structure.

MOTION: Commissioner Boose moved to approve the amendments to the rate structure.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

Chairman Adams adjourned the meeting of the NORCRESS Water and Sewer District Governing Board.

Chairman Adams reconvened the meeting of the Board of Commissioners.

9. CLOSED SESSION

There was no closed session.

MOTION: Commissioner Evans moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:15 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
(ARPA/CLSFRRF)

1.0 PURPOSE

Cumberland County has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CLSFRRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARPA/CLSFRRF award”). These funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

2.0 SCOPE

As a condition of receiving CLSFRRF funds, Cumberland County agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CLSFRRF under the terms and conditions of the ARPA/CLSFRRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

3.0 STATEMENT OF THE POLICY

It is the policy of Cumberland County to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by Cumberland County, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
(ARPA/CLSFRF)

("CLSFRF"), which Cumberland County received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CLSFRF award").

GOVERNING STATUTORY & REGULATORY AUTHORITIES

As required by the CLSFRF award terms and conditions, Cumberland County shall ensure that each "activity," "facility," or "program"¹ that is funded in whole, or in part, with CLSFRF and administered under the ARP/CLSFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

DISCRIMINATION PRACTICES PROHIBITED IN THE ADMINISTRATION OF ARP/CLSFRF AWARD

¹ 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
(ARPA/CLSFRR)

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, Cumberland County shall prohibit, at a minimum, the following practices in its administration of CLSFRR pursuant to the ARP/CLSFRR award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. **Unlawfully** discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
(ARPA/CLSFRR)

REPORTING & ENFORCEMENT

1. Cumberland County shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. Cumberland County shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. Cumberland County shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. Cumberland County shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by Cumberland County in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Primary Contact: Chief Diversity Officer
Office of the County Manager
Cumberland County Courthouse, 5th Floor
117 Dick Street
Fayetteville, NC 28302-1829
(910) 678-7723

Secondary Contact: Employee Relations Manager
Cumberland County Human Resources Department
County Courthouse, 117 Dick Street, Room 25
Fayetteville, NC 28301
(910)-678-7653

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
CONFLICT OF INTEREST POLICY
APPLICABLE TO CONTRACTS AND SUBAWARDS OF CUMBERLAND COUNTY
SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE

Adopted May _____, 2022

I. Scope of Policy

- a. Purpose of Policy. This Conflict of Interest Policy ("*Policy*") establishes conflict of interest standards that (1) apply when Cumberland County ("*Unit*") enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).
- b. Application of Policy. This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II. Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. "*COI Point of Contact*" means any individual identified in Section III of this Policy.
- b. "*Contract*" means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a federal award.
- c. "*Contractor*" means an entity or individual that receives a Contract.
- d. "*Covered Individual*" means a Public Officer, employee, or agent of the Unit.
- e. "*Covered Nonprofit Organization*" means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or the Unit.

- f. *“Direct Benefit”* means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
- g. *“Federal Financial Assistance”* means federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. *“Governing Board”* means the Board of County Commissioners of the Unit.
- i. *“Immediate Family Member”* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
- j. *“Involved in Making or Administering”* means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. *“Pass-Through Entity”* means a non-federal entity that provides a Subaward to a Subrecipient to carry out part of a federal program.
- l. *“Public Officer”* means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.
- m. *“Recipient”* means an entity, usually but not limited to non-federal entities, that receives a federal award directly from a federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. *“Related Party”* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a federal program.
- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to non-Federal entities, that receives a subaward from a Pass-Through Entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

III. **COI Point of Contact.**

The county manager may appoint an employee of the Unit to have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy on a grant-by-grant or project basis. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III shall be known as the “*COI Point of Contact*.”

IV. **Conflict of Interest Standards in Contracts and Subawards**

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section IV.
 - i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive 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 or Subaward by the Unit.
 - iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt

to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.

- iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

- 1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

- 2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

ii. Identification and Management of Conflicts of Interest.

1. Duty to Disclose.

Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact, or the county manager if a COI Point of Contact has not been designated, potential real or apparent conflicts of interest arising under this Policy.

2. Notice of Disclosure.

Upon the county manager's receipt of notice of a potential conflict of interest under this Section IV, the county manager shall consult with the county attorney to determine the appropriate action to be taken to address it and report such proposed action to the Governing Board.

V. Oversight of Subrecipient's Conflict of Interest Standards

- a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the county manager shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.
- b. Obligation to Disclose Subrecipient Conflicts of Interest. The county manager shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact designated in the agreement any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the county manager shall disclose such information to the federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. Gift Standards

- a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact or the county manager if a COI Point of Contact has not been designated. If required by regulation of a federal awarding agency, the COI Point of Contact or county manager shall report such gifts to the federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee’s termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent’s contract with the Unit.
- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.
- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

Adopted this the _____ day of April, 2022.

EXHIBIT A

Examples

<i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i>	<i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i>
Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include: <ul style="list-style-type: none">- Stock in a corporation.- Membership interest in a limited liability company.- Partnership interest in a general or limited partnership.- Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract.- Option to purchase any equity interest in a firm or organization.	Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract. A position as a director or officer of the firm or organization, even if uncompensated.
Holder of any debt owed by a firm considered for a Contract or Subaward, which may include: <ul style="list-style-type: none">- Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment))- Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan).<ul style="list-style-type: none">o Holder of a judgment against the firm.	A referral of business from a firm considered for a Contract or Subaward.
Supplier or contractor to a firm or organization considered for a Contract or Subaward.	Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).



ARP CONFLICT OF INTEREST DISCLOSURE FORM
FOR
CONTRACTS AND SUBAWARDS

Name:	
County Department or Employer:	
Position/Job Title:	
Date of Completion:	

Background: Cumberland County has received an allocation of funds from the "Coronavirus State Fiscal Recovery Fund" or "Coronavirus Local Fiscal Recovery Fund" (together "CSLFRF funds"), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the "ARP/CSLFRF award"). These funds are subject to the U.S. Department of Treasury ("Treasury") regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

Purpose: Compliance with conflict of interest standards when Cumberland County enters into a Contract or Subaward using federal financial assistance such as ARP/CSLFRF funding. The purpose of disclosure of financial and personal interests (business, professional, or political) related to covered individuals is to avoid real or apparent conflicts of interest as it relates to contracts or subawards supported by federal financial assistance. Covered individuals include Public Officers such as the Board of Commissioners, employees or anyone involved in the selection, decision-making, award, or administrative process of the contract or subaward.

Covered Individuals have an affirmative duty to disclose any real or apparent conflicts of interest between their public and private interests. Also, personal relationships that may inappropriately influence (bias) or appear to influence actions must be disclosed.

Please answer the following questions:

I acknowledge that I have reviewed and understand Cumberland County's Conflict of Interest Policy.

Yes _____ No _____

If no, do not proceed to complete this form until you have reviewed the County's Conflict of Interest Policy.

1. Do you or your spouse or someone that you reside with serve as a director, officer, or governing board member of the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

2. Do you or your spouse or someone that you reside with have a ten percent (10%) ownership interest or other interest in the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

3. Do you or your spouse or someone that you reside with have any financial interest in the firm that is under consideration for the Contract or Subaward?
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:
4. Do you or your spouse or someone that you reside with derive any income or commission directly from the firm that is under consideration for the Contract or Subaward?
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:
5. Will you or your spouse or someone that you reside with acquire any property as a result of the firm under consideration being awarded the Contract or Subaward?
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:
6. Will you or your spouse or someone that you reside receive any tangible personal benefit as a result of the firm under consideration being awarded the Contract or Subaward? See Exhibit A attached hereto for a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:
7. Do you or your spouse or someone that you reside with have any financial interest in any property, transaction, employer (other than the county), business or enterprise which may be affected by the approval of the Contract or Subaward to the firm under consideration?
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:
8. Will you or your spouse or someone that you reside with gain any financial benefits (regardless of the amount) by the approval of the Contract or Subaward to the firm under consideration?
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:

9. Will you or your spouse or someone that you reside with derive any type of benefit (financial or otherwise) from the approval of the Contract or Subaward to the firm under consideration?
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:

10. Have you or your spouse or someone that you reside with solicited or received 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 the Contract or Subaward to the firm under consideration?
Yes _____ No _____ Unsure _____
If the answer is Yes or Unsure, please explain:

For purposes of the following questions your "Immediate Family Members" include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

11. Do you have an Immediate Family Member with any financial interest in the firm under consideration for the Contract or subaward?
Yes _____ No _____ Unsure: _____
If the answer is Yes or Unsure, please explain:

12. Do you have an Immediate Family Member that will receive a tangible personal benefit from the firm under consideration for the Contract or subaward?
Yes _____ No _____ Unsure: _____
If the answer is Yes or Unsure, please explain:

13. Do you have an Immediate Family Member who has any type of interest (financial or otherwise) in the firm under consideration for the Contract or subaward?
Yes _____ No _____ Unsure: _____
If the answer is Yes or Unsure, please explain:

14. Does a current or potential employer of any of your Immediate Family Members have a financial or other interest in the firm under consideration for the Contract or subaward?
Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

15. Will a current or potential employer of any of your Immediate Family Members receive a tangible personal benefit should the firm under consideration receive the Contract or subaward?
Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

16. Do you or your spouse or someone that you reside with have any contact with or any kind of relationship with the owners or employees or anyone associated with the firm under consideration for the Contract or Subaward?
Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

17. Does any existing personal or business situation or personal or business relationship create the appearance that you have a financial or other interest in the firm under consideration for the Contract or Subaward?
Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

18. Does any existing personal or business situation or personal or business relationship create the appearance that you will receive a tangible personal benefit from the firm under consideration for the Contract or Subaward?
Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

19. Does any existing personal or business situation or personal or business relationship of an Immediate Family Member of yours create the appearance that an Immediate Family Member of yours has a financial or other interest in a firm under consideration for the Contract or Subaward?
Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

20. Does any existing personal or business situation or personal or business relationship of an Immediate Family Member of yours create the *appearance* that an Immediate Family Member of yours will receive a tangible benefit from the firm under consideration for the Contract or Subaward?
Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

If replying "Yes" to questions 1 through 20 above, the ARP/CSLFRF County Designee will complete a description of the steps that will be taken to address any conflicts of interest.

Signature:		Date:	
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For County Designee Use Only

Identified Real or Apparent Conflict of Interest	Action Steps
County Designee	
Name:	
County Department:	
Position/Job Title:	
Date of Completion:	

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-9: Policy for Eligibility Determination for Expenditures of American Rescue
Plan Act Coronavirus State and Local Fiscal Recovery Funds
(ARPA/CLSFRRF)

1.0 PURPOSE

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CLSFRRF). A separate ARPA fund has been established through an ARPA Grant Project Ordinance to budget and account for receipt and use of the funds.

2.0 SCOPE

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Provide services to disproportionately impacted communities to include providing housing support, healthy childhood environments, social, emotional and mental health services;
4. Provide premium pay for essential workers offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.
6. Revenue replacement; and,
7. Administrative expenses.

These funds are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing; and the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds which dictate implementation of the ARP/CLSFRRF award terms and compliance requirements. Cumberland County must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

3.0 STATEMENT OF THE POLICY

Cumberland County hereby adopts and enacts the following Eligibility Determination Policy for the expenditure of ARPA/CLSFRRF funds.

PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its **Final Rule** regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Cumberland County must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires Cumberland County to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

Cumberland County and any of its contractors or subrecipients, shall not expend any ARP/CSLFRF funds for these purposes.

PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Cumberland County employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding eligibility determination, must be documented on the Cumberland County ARPA Project Funding Eligibility Determination Form which shall include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule.
 - d. Proposed budget, broken down by cost item, in accordance with Cumberland County's Allowable Cost Policy.
 - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Eligibility Determination forms must be submitted to Cumberland County's ARPA Staff Committee for consideration and preliminary review.
3. If a proposal does not meet the required criteria as documented on the form, the requesting party may be requested to revise and resubmit.
4. All requests being recommended to move forward to the Board of Commissioner's ARP Committee will be reviewed by the County Attorney's Office for ARP/CSLFRF compliance and by the ARPA Finance Accountant for contractor/sub-recipient relationship determination other financial review such as a valid SAM registration (if applicable) and vendor setup information required to establish a formal agreement with Cumberland County.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Any changes in project budgets must be approved in advance and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the ARPA Program Manager immediately.
6. The ARPA Finance Accountant must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. No ARP/CSLFRF project expenditures may be obligated or expended before the Board of County Commissioners approves the use within the grant project budget ordinance.
8. For audit purposes, the ARPA Finance Accountant must maintain a file containing project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

Cumberland County American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Fund Project Funding Eligibility Determination

Reference Cumberland County Policy No. 3-9 – Policy for Eligibility Determination for Expenditure of ARPA/CLSRF

BASIC INFORMATION AND DESCRIPTION

Program/Project Name:	
Program/Project Description:	
Responsible Department/Committee:	
Program/Project Manager Name:	
Total Amount Requested:	
Treasury Expenditure Category Level:	Choose an item.
Treasury Expenditure Category:	Choose an item.

ELIGIBILITY REVIEW

Please select appropriate ARP/CLSRF Category below and complete the required information. Note that each requested project may only be associated with one of the following categories as selected above. Please complete all information in the applicable category and attach any required additional justifications and documentation.

1. Public Health		
A. Enumerated Uses/ Safe Harbors (Must select one) <div><input type="checkbox"/> COVID-19 mitigation & prevention* <input type="checkbox"/> Medical expenses* <input type="checkbox"/> Behavioral health care* <input type="checkbox"/> Preventing & responding to violence* <input type="checkbox"/> Not on Enumerated List (Must complete Box B.)</div>		
*See detailed list of enumerated projects in each of these categories in Attachment A.		
B. Written Justification (Please provide detailed responses to both these questions if checked "Not on Enumerated List" in Box A) (1) What is the specific negative public health impact or harm experienced by an individual or a class? (2) How does proposed project address the negative public health impact or harm?		
C. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
D. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
E. Does proposed project involve a capital expenditure between \$1 million and \$10 million?	<input type="checkbox"/> Yes – Proceed to Box F.	<input type="checkbox"/> No – Proceed to Box G.
F. Is proposed project on enumerated list in Box A? *Written justification must include the following elements: <ul style="list-style-type: none">Describe the harm or need to be addressed;Explain why a capital expenditure is appropriate; andCompare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.	<input type="checkbox"/> Yes – Record written justification* in file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* in file and include in Project & Expenditure Reports

G. Does the proposed project involve a capital expenditure of \$10 million or more?		<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> No – No further action required.
2. Negative Economic Impact			
A. Enumerated Beneficiaries (Must select one) <i>*See detailed list of enumerated beneficiaries and income in Attachment B.</i>			
Beneficiaries Who Experience Negative Economic Impact from the Pandemic		Beneficiaries Who Experienced Disproportionately Negative Economic Impact from the Pandemic	
<input type="checkbox"/> Low-moderate income households or communities		<input type="checkbox"/> Low-income households and communities	
<input type="checkbox"/> Household that experienced unemployment		<input type="checkbox"/> Households residing in a Qualified Census Tract (QCT)	
<input type="checkbox"/> Households that experienced increased food or housing insecurity		<input type="checkbox"/> Households that qualify for Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.	
<input type="checkbox"/> Households that qualify for the Children’s Health Insurance Program, Childcare Subsidies through the Child Care Development Fund Program, or Medicaid		<input type="checkbox"/> Small businesses operating in a Qualified Census Tract (QCT)	
<input type="checkbox"/> When providing affordable housing programs: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program		<input type="checkbox"/> Nonprofits operating in a Qualified Census Tract (QCT)	
<input type="checkbox"/> When providing services to address lost instructional time in K-12 schools: any student that lost access to in-person instruction for a significant period		<input type="checkbox"/> Not on enumerated list (Must complete Box B.)	
<input type="checkbox"/> Small business that experienced decreased revenue or gross receipts, increased costs, financial insecurity, or other financial challenges due to the pandemic			
<input type="checkbox"/> Nonprofit the experienced decreased revenue, increased costs, financial insecurity, or other financial challenges due to the pandemic			
<input type="checkbox"/> Travel, tourism, hospitality industries			
<input type="checkbox"/> Other industry that experienced at least 8% employment loss from pre-pandemic levels or is experiencing comparable or worse economic impacts as national tourism, travel, and hospitality sector			
<input type="checkbox"/> Local government			
B. Written Justification (Provide detailed response to this question if proposed beneficiary not on enumerated list in Box A) Define the group/class/geographical area that experienced a negative economic impact from the COVID-19 pandemic. Be specific in defining group/class/area and in defining the negative economic impact to the group/class/area.			
C. Enumerated / Safe Harbor Projects (Must Select One)			
Projects for Negatively Economically Impacted		Projects for Disproportionately Negatively Economically Impacted	
<u>Households & Communities</u>		<u>Households & Communities</u>	
<input type="checkbox"/> Food assistance & food banks		<input type="checkbox"/> Pay for community health workers to help households access health & social services	
<input type="checkbox"/> Emergency housing assistance: rental assistance, mortgage			

assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness

- ☐ Health insurance coverage expansion
- ☐ Benefits for surviving family members of individuals who have died from COVID-19
- ☐ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly- employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ☐ Financial services for the unbanked and underbanked
- ☐ Burials, home repair & home weatherization
- ☐ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ☐ Cash assistance
- ☐ Paid sick, medical, and family leave programs
- ☐ Assistance in accessing and applying for public benefits or services
- ☐ Childcare and early learning services, home visiting programs, services for child welfare- involved families and foster youth & childcare facilities
- ☐ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ☐ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing

Small Businesses

- ☐ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs
- ☐ Technical assistance, counseling, or other services to support business planning

Nonprofits

- ☐ Loans or grants to mitigate financial hardship
- ☐ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Travel, Tourism, Hospitality Industry

- ☐ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ☐ Technical assistance, counseling, or other services to support business planning
- ☐ COVID-19 mitigation and infection prevention measures (see section Public Health)

- ☐ Remediation of lead paint or other lead hazards
- ☐ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ☐ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ☐ Investments in neighborhoods to promote improved health outcomes
- ☐ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing
- ☐ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ☐ Schools and other educational equipment & facilities

Small Businesses

- ☐ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ☐ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- ☐ Support for microbusinesses, including financial, childcare, and transportation costs

Local Government

☐ Public safety, public health, and human services salaries/benefits, to extent responding to the COVID-19 public health emergency

☐ Restoring pre-pandemic employment levels

☐ Effective service delivery

☐ Not on enumerated list (Must proceed to Box D.)

D. Written Justification (Provide detailed response to this question if proposed project not on enumerated list in Box C.)

(1) What is the specific negative economic impact or harm caused or exacerbated by the pandemic?

(2) How does the proposed project address the impact or harm?

E. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
F. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G. Does proposed project involve a capital expenditure between \$1 million and \$10 million?	<input type="checkbox"/> Yes – Proceed to H.	<input type="checkbox"/> No – Go to Box I.
H. Is proposed project on enumerated list in Box C? <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none">Describe the harm or need to be addressed;Explain why a capital expenditure is appropriate; andCompare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.	<input type="checkbox"/> Yes – Record written justification* for file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* for file and include in Project & Expenditure Reports
I. Does the proposed project involve a capital expenditure of \$10 million or more?	<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> No – No further action needed

3. Premium Pay

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(c). (More details on this expenditure category are available [here](#).)

4. Water, Sewer, Stormwater Infrastructure

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(1).

5. Broadband Infrastructure

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(2).

6. Revenue Loss

This portion of ARP/CSLFRF funds may be used for the provision of government services. Please provide description of project and attach any necessary documentation. Note that water, sewer, stormwater, and broadband projects may be funded in this category, without having to meet all of the criteria specified in the other categories.

Key Project Dates

Due Date	Task Type	Task Description	Status
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.

Proposed Project Budget, delineated by Cost Item for Allowable Cost Review

U.G. Provisions	Cost Items	Estimated Amount	Necessary/ Reasonable	% Allocable	Required Documentation
200.430	Compensation		Choose an item.		
200.431	Fringe Benefits		Choose an item.		
200.475	Travel		Choose an item.		

200.439	Equipment & Other Capital		Choose an item.		
200.453	Materials & Supplies		Choose an item.		
200.318 & 200.92	Contractual Services & Subawards		Choose an item.		
200.459	Consultants / Professional Services		Choose an item.		
200.465	Occupancy (Rent & Utilities)		Choose an item.		
200.471	Telecommunications		Choose an item.		
200.473	Training & Education		Choose an item.		
200.413 (c)	Direct Administrative Costs		Choose an item.		
	Add'l Cost Item		Choose an item.		
	Total Direct Costs		Choose an item.		
200.414	Indirect Costs		Choose an item.		
Total Project Budget					

PROHIBITIONS VERIFICATION:

By checking these boxes, the [REVIEWER NAME HERE] attests that the statements are true.

- ☐ Project does not contravene the statutory purpose of ARP, including program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID-19
- ☐ No Conflict of Interest
- ☐ Complies with all state and federal laws and local ordinance
- ☐ No pension fund deposit
- ☐ No borrowings or debt service
- ☐ No financial reserves

STOP HERE – REVIEW MOVES FORWARD ONLY IF PROJECT IS BEING RECOMMENDED TO THE BOARD OF COMMISSIONERS’ ARP COMMITTEE

Administrative Classification – to determine whether contractor/vendor OR sub-recipient/subaward, complete Attachment C. After completing Attachment C and the determination is Sub-recipient/subaward, complete Attachment D – Risk Assessment. The level of risk will determine the needed monitoring at levels described on Attachment E - Monitoring.

Administration Type	<input type="checkbox"/> In-House	<input type="checkbox"/> Contractor/Vendor	<input type="checkbox"/> Sub-Recipient/Subaward
If Contractor/Vendor or Sub-recipient, has this been verified using the Classification Checklist?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Program Sub-Recipient and/or Contractor List:

Name	Tax ID #	Completion of Classification Checklist?	Contractor or Sub-Recipient	DUNS #/UEI	Date checked SAM.gov
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		

JUSTIFICATION AND LEGAL REVIEW FOR STATE AUTHORITY:

DRAFT 5-2-22 ARP COMMITTEE

ATTACHMENT A (PAGE 1)

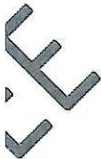
SPECIFIC ENUMERATED PROJECTS FROM THE FINAL RULE

RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans’ health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:
 - ✓ Vaccination programs, including vaccine incentives and vaccine sites
 - ✓ Testing programs, equipment and sites
 - ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
 - ✓ Public communication efforts
 - ✓ Public health data systems
 - ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances
 - ✓ Medical and PPE/protective supplies
 - ✓ Support for isolation or quarantine
 - ✓ Ventilation system installation and improvement
 - ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety
 - ✓ Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
 - ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
 - ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
 - ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity
 - ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
 - ✓ Public telemedicine capabilities for COVID-19 related treatment

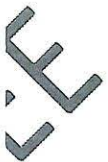
ATTACHMENT A (PAGE 2)



- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
 - ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
 - ✓ Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
 - ✓ Emergency medical response expenses
 - ✓ Treatment of long-term symptoms or effects of COVID-19
- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:
 - ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
 - ✓ Enhanced behavioral health services in schools
 - ✓ Services for pregnant women or infants born with neonatal abstinence syndrome
 - ✓ Support for equitable access to reduce disparities in access to high-quality treatment
 - ✓ Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
 - ✓ Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
 - ✓ Behavioral health facilities & equipment
- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:
 - ✓ Referrals to trauma recovery services for victims of crime
 - ✓ Community violence intervention programs, including:
 - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
 - ✓ In communities experiencing increased gun violence due to the pandemic:
 - Law enforcement officers focused on advancing community policing
 - Enforcement efforts to reduce gun violence, including prosecution
 - Technology & equipment to support law enforcement response

ATTACHMENT B (PAGE 1)

SPECIFIC ENUMERATED BENEFICIARIES AND INCOME FROM THE FINAL RULE



The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

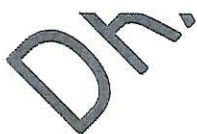
The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as “impacted” households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as “disproportionately impacted” households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were “impacted” and “disproportionately impacted” by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.

However, note that the final rule maintains that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible under this eligible use category, unless the project responded to a specific pandemic public health need or a specific negative economic impact. Similarly, general economic development or workforce development – activities that do not respond to negative economic impacts of the pandemic but rather seek to more generally enhance the jurisdiction’s business climate – would generally not be eligible under this eligible use category.



ATTACHMENT B (PAGE 2)

Assistance to Households

Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- ✓ Low- or moderate income households or communities

✓ Households that experienced unemployment

✓ Households that experienced increased food or housing insecurity

✓ Households that qualify for the Children’s Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ *When providing affordable housing programs:* households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program

✓ *When providing services to address lost instructional time in K-12 schools:* any student that lost access to in-person instruction for a significant period of time

Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area’s median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$65,880 per year.³ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury’s standards.



³ For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$75,780 per year.

ATTACHMENT B (PAGE 3)

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- ✓ Food assistance (e.g., child nutrition programs, including school meals) & food banks
- ✓ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ✓ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly-employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ✓ Financial services for the unbanked and underbanked
- ✓ Burials, home repair & home weatherization
- ✓ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- ✓ Assistance in accessing and applying for public benefits or services
- ✓ Childcare and early learning services, home visiting programs, services for child welfare-involved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ✓ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund⁴

⁴ Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).

ATTACHMENT B (PAGE 4)

Disproportionately Impacted Households and Communities

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low -income households and communities
- ✓ Households residing in Qualified Census Tracts
- ✓ Households that qualify for certain federal benefits⁵
- ✓ Households receiving services provided by Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from these governments

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$40,626 per year.⁶ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

⁵ These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

⁶ For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$46,731 per year

ATTACHMENT B (PAGE 5)

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- ✓ Remediation of lead paint or other lead hazards
- ✓ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ✓ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes
- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing⁷
- ✓ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ✓ Schools and other educational equipment & facilities
- ✓ Responses available to respond to impacts of the pandemic on households and communities

⁷ Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury’s presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.

DRAFT 5-2-22

Attachment C (Page 1)**Cumberland County Checklist to Determine if Partner Entity is a Subrecipient or Contractor Classification for Purposes of the Uniform Guidance****DEFINITIONS FROM UNIFORM GUIDANCE (2 CFR 200):**

Subrecipient: *§200.93 Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding*

Contractor: *§200.23 Contractor means an entity that receives a contract as defined in §200.22*

Contract: *§200.22 Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award.*

INSTRUCTIONS: Complete sections one and two of the checklist by marking all characteristics that apply to the outside entity. The section with the greatest number of marked characteristics indicates the likely type of relationship the entity will have with Cumberland County. On occasion there may be exceptions to the type of relationship indicated by the completed checklist. In these situations, the substance of the relationship should be given greater consideration than the form of agreement between Cumberland County and the outside entity. Section 3 should be used to provide documentation on the use of judgment in determining the proper relationship classification.

ATTACHMENT C (PAGE 2)

NAME OF OUTSIDE ENTITY:

SECTION 1 - SUBRECIPIENT. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the contractor:

- ☐ Determines who is eligible to receive what Federal assistance;
- ☐ Has its performance measured in relation to whether objectives of a Federal program were met;
- ☐ Has responsibility for programmatic decision-making;
- ☐ In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

Entities that include these characteristics are responsible for adherence to applicable Federal program requirements specified in the Federal award.

SECTION 2 - CONTRACTOR. A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:

- ☐ Procurement relationship
- ☐ Provides the goods and services within normal business operations;
- ☐ Provides similar goods or services to many different purchasers;
- ☐ Normally operates in a competitive environment;
- ☐ Provides goods or services that are ancillary to the operation of the Federal program.

Entities that include these characteristics are not subject to compliance requirements of the Federal program because of the agreement, though similar requirements may apply for other reasons.

SECTION 3 - USE OF JUDGMENT. (Use only when the determination cannot clearly be made using the above criteria) In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

Explanation of Use of Judgment Determination:

FINAL DETERMINATION:

- ☐ SUBRECIPIENT
- ☐ CONTRACTOR

Signature: _____ Date: _____

ATTACHMENT D

Subrecipient Risk Assessment Tool

Subrecipient Entity Name: _____

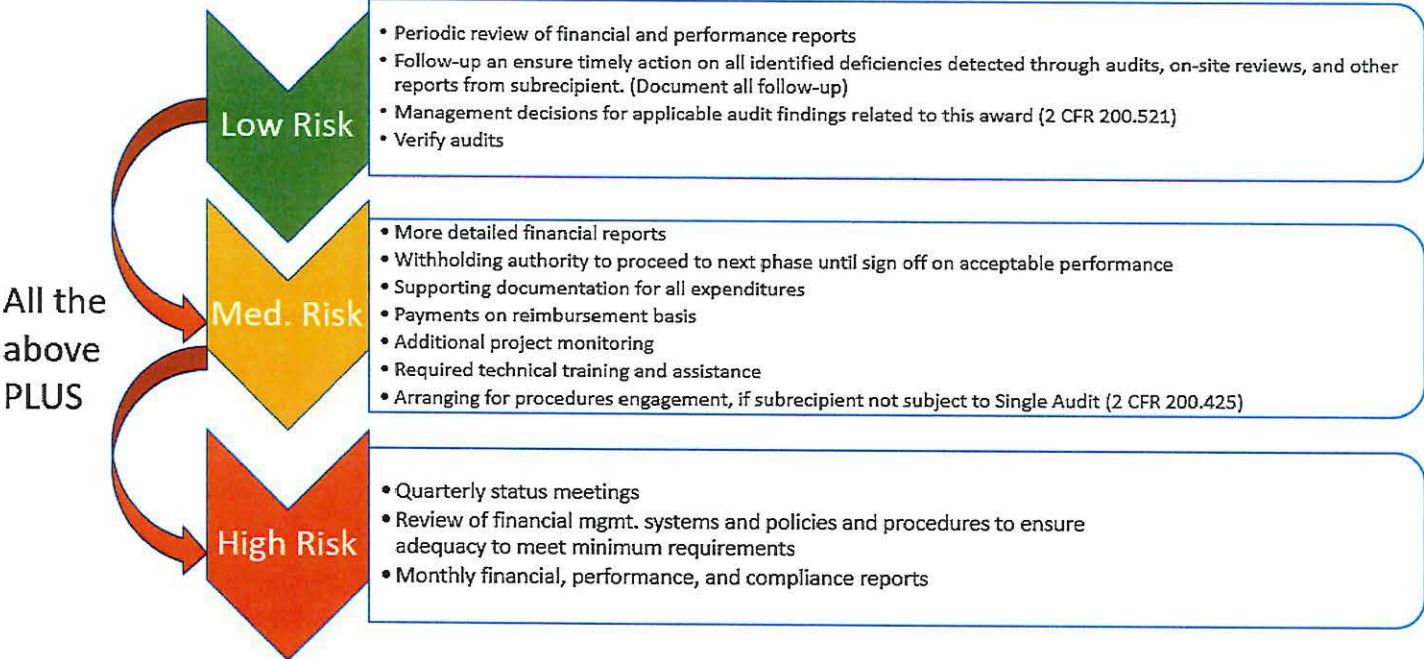
Reviewer Name: _____

Source for risk assessment determination (circle all that apply): most recent audit, org chart, staff resumes, project staff credentials, listing of entity federal awards by year, financial policies review. Place a check mark beside the applicable risk measure below.

LOW RISK	
<input type="checkbox"/>	No audit findings
<input type="checkbox"/>	Minor audit findings & assessed as low risk by auditor
<input type="checkbox"/>	Successful history with federal awards
<input type="checkbox"/>	Seasoned staff and systems
MEDIUM RISK	
<input type="checkbox"/>	Organization without prior experience with federal awards
<input type="checkbox"/>	Newer staff or systems
<input type="checkbox"/>	Limited prior audits
HIGH RISK	
<input type="checkbox"/>	No prior audits
<input type="checkbox"/>	Prior audit findings with major deficiencies/material weakness
<input type="checkbox"/>	Organization without sufficient personnel, accounting systems & internal controls

ATTACHMENT E

Monitoring



The following revised policy was approved at the _____ Board of Commissioner’s meeting.

<p>Cumberland County</p> <p>Section I – Board Approved Policies</p> <p>Subsection 10: American Rescue Plan Act of 2021</p> <p><u>Revised</u> Policy No. 10-2.10: Aid to Nonprofit Organizations Serving Residents Affected by COVID-19 Impacts</p>
--

1.0 PURPOSE

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPACSLFRF). The Board of Commissioners approved allocating ARPA funding to nonprofit organizations that conduct programs and projects that help the community recover from and respond to COVID-19 and its negative impacts and to aid in a strong and equitable recovery.

2.0 SCOPE

The County will seek proposals from nonprofit organizations or will provide direct subawards for projects or programs to help the Cumberland County community respond to and recover from COVID-19. Proposals and subawards should align with the priorities of ARPA funding and further the County Board of Commissioners’ goals. Collaborative proposals are welcome and collaborating nonprofit organizations should select a lead entity for application submission and contracting purposes.

Funded projects must:

- Meet the eligible use of funds for Coronavirus State and Local Fiscal Recovery Funds, per U.S. Treasury guidance
- Meet the eligible use of funds per the Federal Office of Management and Budget Uniform Guidance.
- Meet a public purpose and fall within County authority to fund per NC General Statutes, to be affirmed and reviewed by the Cumberland County legal department prior to execution of a contract or funding agreement.
- Identify and directly address a need or negative impact of the COVID-19 public health emergency
- Support equitable outcomes for most impacted populations
- Leverage and align with other funding sources
- Make best use of this one-time infusion of resources
- Support evidence-based outcomes
- Provide evidence-based performance reporting regarding use of funds and project impact
- Comply with all provisions of the funding contract, including expenditure tracking and federal subrecipient monitoring include costs incurred no earlier than March 3, 2021
- All funds must be obligated by December 31, 2024
- Complete all work and fully expend all funds by December 31, 2026

3.0 STATEMENT OF THE POLICY

Cumberland County will solicit funding requests through a competitive Request for Proposal process. Proposals will be assessed by members of the Cumberland County ARPA Staff Committee using a scoring tool. [The ARPA Staff Committee may designate a Review Panel to assist with the assessment of proposals.](#) Proposals need to clearly demonstrate eligibility under ARPA guidance and must include a budget utilizing the Budget Template for ARPA Projects form.

[Note: The Board of Commissioners has the authority to subaward ARPA/SLFRF funds to nonprofit and/or other governmental entities without conducting a competitive bid process \(Reference April 4, 2022 UNC SOG Training\)](#)

Programs must be reasonably connected to a legitimate aim of government and the ultimate gain must be in the public's interest, not that of the private entity. [Bid award](#) Recommendations will be presented to the commissioners' ARP Committee. The ARP Committee funding recommendations will go to the full Board of Commissioners for approval. Once [grants/funds](#) are awarded, contracts [or subawards](#) will be established in compliance with the Fiscal Recovery Compliance and Reporting Guidance and general federal subrecipient requirements.

The ARPA Staff Committee will review, analyze, and rank [proposed](#) submittals based on their response to the information requested. [The ARPA Staff Committee may designate a Review Panel to assist with reviewing, analyzing, and ranking the proposals submitted.](#) The selection process will include the following criteria in the evaluation of proposals.

- Amount of Funds Requested
- Recovery Fund Eligible Category
- Project Plan
- Statement of Need
- Link to COVID-19
- Population Served
- Results
- Evaluation
- [Evidence-based performance metrics](#)
- Equity Impact
- Project Partners
- Organizational Capacity
- Budget
- Special Considerations
 - Federal, State or Local Assistance Related to COVID-19 previously applied for and/or received

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4.0 IMPLEMENTATION

The Assistance to Nonprofit Organization program will be implemented internally by the County. A Cumberland County ARPA Staff Committee will vet the requests for proposals using a scoring instrument.

Recommendations for funding will be presented to the ARP Committee with final approval

coming from the Board of Commissioners. A contractual [or subaward](#) relationship will be established between the County and the nonprofit to ensure compliance with county, state and federal guidelines.

Draft 5-2-22 ARP Committee

Implementation and enforcement of this policy shall be the responsibility of County Administration, Finance, and Legal.

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Draft 5-2-22 ARP Committee



Aid to Non-Profit Organizations RESPONSIVE PROPOSAL REVIEW GUIDELINES

The following guidelines are based on the American Rescue Plan Act of 2021- Assistance to Non-Profit Organizations Policy No. 10-2.10 as revised during the May 16 2022, Board of County Commissioner's meeting.

NOTE: A Conflict-of-Interest Disclosure Form must be completed before the review process begins IAW the County's Conflict of Interest Policy.

REVIEW GUIDELINES

1. Minimum Requirement Review – Cumberland County Purchasing will conduct an initial screening to ensure the proposal is complete/responsive.
2. Programmatic Review – The ARP Staff Committee may designate a Panel to conduct a review; complete the ARPA Project Funding Eligibility Determination Form, analyze, and rank all proposals by using a scoring tool (Attachment A) based on the below criteria.
 - Amount of Funds Requested
 - Recovery Fund Eligible Category
 - Project Plan
 - Statement of Need
 - Link to COVID-19
 - Population Served
 - Results
 - Evaluation
 - Equity Impact
 - Project Partners
 - Organizational Capacity
 - Budget
 - Special Considerations
 - Federal, State or Local Assistance Related to COVID-19 previously applied for and/or received
3. Rankings along with the proposed funding requests and ARPA Project Funding Eligibility Determination Forms completed through page 6 will be submitted to the ARPA Program

Manager to be prepped for presentation to the BOCC ARPA Committee at the next scheduled meeting.

4. The BOCC ARPA Committee members (who will be subject to completing the Conflict-of-Interest Disclosure Form IAW the County's conflict of interest policy) will take action to make recommendations for bid award based on the rankings provided by the ARPA Program Manager and overall total funding amount desired.
 - In anticipation of the bid award approval by the BOCC, the County Attorney's Office and finance staff will finalize the ARPA Project Funding Eligibility Determination Forms and will prepare contracts and/or subrecipient agreements IAW County Policy.
5. The BOCC ARPA Committee recommendations for bid award will be forwarded to the next scheduled meeting of the BOCC (who will be subject to completing the Conflict-of-Interest Disclosure Form IAW the County's conflict of interest policy) for bid award approval as a consent agenda item. At that meeting, the BOCC may take action to also designate contract/agreement signature authority to the County Manager to save time in the process of getting fully executed contracts/agreements in place.
6. If the BOCC does not designate contract/agreement signature authority, the contracts/agreements will be provided to the BOCC as a consent agenda item at a meeting after the contracts/agreements have been approved for legal sufficiency.
7. A bid award notification will be provided by purchasing staff to all proposal responders and will be posted on the County's website.

ATTACHMENT A
RFP FOR Aid to Non-Profit Organizations
RFP-22-15-CTY

Evaluation Sheet / Scoring Tool

Entity Name			
Amount of Funds Requested	\$		
Recovery Fund Eligibility Category	select one from drop down		
Project Partners	if yes, insert partners if no, insert "NA"		
Federal, State, or Local Assistance Related to COVID-19 previously applied for and/or received	yes/no (if yes, amount received) if no, insert "NA"	\$	
MEASURE	NOTES	MAX POINTS AVAILABLE	POINTS ASSIGNED
Project Plan Description		10	
Statement of Need		15	
Link to COVID-19		5	
Population Served		5	
Results		15	
Evaluation		15	
Equity Impact		15	
Organizational Capacity		10	
Budget	allowable/practical/reasonable	10	
Special Considerations		include points in measures above	
	TOTALS	100	-

American Rescue Plan (ARP) Fund 240

The Board is requested to approve Budget Ordinance Amendment B220002 to update the ARPA Grant Project Ordinance as approved by the BOC ARP Committee on May 2, 2022. This budget ordinance amendment allocates \$140,000 for the purchase of Narcan to be administered by Cape Fear Valley Hospital System, \$2,000,000 for a job training program to be administered by FTCC, and de-allocates \$250,000 originally allocated to support a homeless shelter. The net amount of the total increases/decreases are off set in the Administration - Unassigned category which has been reduced to \$2,192,726.

Details provided for the BOC ARP Committee on May 2, 2022.

DRAFT ARPA GRANT PROJECT ORDINANCE AMENDMENT				as of March 21, 2022		MAY 2022 ADJUSTMENTS	BUDGET ORDINANCE AMENDMENT B220002	
ARPA Reporting Code	Fund 240 Expenditure Category	Project Description	Cost Object	Appropriation of CSLFRF Funds	Project Allocation Total	Appropriation of CSLFRF Funds	Appropriation of CSLFRF Funds	Project Allocation Total
1.13	Public Health (2404551)	Substance Use Services: Purchase Narcan for distribution to the Sheriff's Office and County Fire Departments	Medical Supplies	\$ -	\$ -	\$ 140,000	\$ 140,000	140,000
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Mortgage Assistance: Make funding available to assist residents at risk of foreclosure.	Contracted Services	2,000,000	2,000,000	-	2,000,000	2,000,000
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Rental Assistance: Make funding available to assist renters at risk of eviction.	Contracted Services	1,500,000	1,500,000	-	1,500,000	1,500,000
2.10	Negative Economic Impacts (2404552)	Assistance to Unemployed or Underemployed Workers: Trade job training program in partnership with FTCC, Mid-Carolina COG - Workforce Development, and Cumberland County Schools	Contracted Services	-	-	2,000,000	2,000,000	2,000,000
1.8 2.29-2.33	Public Health (2404551)	COVID19 Assistance to Small Business (1.8) Assistance to Small Businesses (2.29-2.33)	Contracted Services	3,500,000	3,500,000		3,500,000	3,500,000
1.9 2.34	Public Health (2404551)	COVID19 Assistance to Non-Profits (1.9) Assistance to Non-Profits (2.34)	Contracted Services	3,640,000	3,640,000	(140,000)	3,500,000	3,500,000
2.15	Negative Economic Impacts (2404552)	Long-term Housing Security: Affordable Housing - New construction of a multi-family housing development in the Shaw Heights neighborhood (QCT 24.01).	Engineering/Construction	10,000,000	10,000,000		10,000,000	10,000,000
2.16	Negative Economic Impacts (2404552)	Long-term Housing Security: Services for Unhoused Persons - Planning funding for a homeless shelter to determine number of beds, who will be served, how large facility should be, construction cost, operational questions and other aspects.	Engineering/Construction	250,000	250,000	(250,000)	-	-
2.18	Negative Economic Impacts (2404552)	Housing Support: Other Housing Assistance - First-time homebuyers program	Contracted Services	2,500,000	2,500,000		2,500,000	2,500,000
5.5	Infrastructure (2404555)	Clean Water: Other Sewer Infrastructure - Construction of a sanitary sewer system to be located in the Shaw Heights neighborhood (QCT 24.01).	Engineering/Construction	12,000,000	12,000,000		12,000,000	12,000,000
5.15	Infrastructure (2404555)	Drinking Water: Other Water Infrastructure - Construction of a water system to be located in the Gray's Creek Water and Sewer District	Engineering/Construction	10,000,000	10,000,000		10,000,000	10,000,000
5.21	Infrastructure (2404555)	Broadband: Other projects Broadband expansion into underserved areas in partnership with the State of NC, and a vendor to be selected through a competitive RFP process	Contracted Services	1,000,000	1,000,000		1,000,000	1,000,000
6.1	Revenue Replacement (2404556)	Provision of Government Services Salaries and benefit costs of Public Safety Personnel	Salaries/Benefits	10,000,000	10,000,000		10,000,000	10,000,000
1.4	BOC Meeting Room	Physical plant changes to Public Facilities that respond to the COVID-19 Public Health Emergency	Engineering/Construction	3,000,000	3,000,000		3,000,000	3,000,000
7.1	Administration (2404557)	Administrative Expenses - 3.5 County positions to manage CSLFRF programs and compliance requirements. ARPA allows up to 10% of total award.	Unallocated Funds	5,778,690				4,028,690
		Salaries		1,321,348			1,321,348	
		Benefits		389,281			389,281	
		Operating		125,335			125,335	
		Unassigned		3,942,726		(1,750,000)	2,192,726	
NA	Unallocated Funds	Funds to be allocated at a future date	Unallocated Funds	-	-		-	-
TOTAL				\$65,168,690	\$65,168,690	\$ -	\$65,168,690	\$65,168,690