

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
AMERICAN RESCUE PLAN COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
JANUARY 11, 2022 – 3:30 PM  
SPECIAL MEETING MINUTES

PRESENT: Commissioner Jimmy Keefe, ARP Committee Chairman  
Commissioner Glenn Adams  
Commissioner Toni Stewart  
Amy Cannon, County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Kevin McGuckin, Assistant County Attorney  
Vicki Evans, Finance Director  
Ivonne Mendez, Accounting Supervisor  
Tye Vaught, Management Analyst  
Dee Taylor, Community Development Director  
Jermaine Walker, County Engineer  
Richard Bryant, Assistant County Engineer  
Loren Bymer, PIO Deputy Director  
Candice H. White, Clerk to the Board

1. CALL TO ORDER

Commissioner Keefe called the meeting to order. The purpose of the meeting is to review and discuss American Rescue Plan Act projects and program policies.

2. APPROVAL OF AGENDA

MOTION: Commissioner Stewart moved to approve the agenda.  
SECOND: Chairman Adams  
VOTE: UNANIMOUS (3-0)

3. ITEMS OF BUSINESS

A. Grant Project Budget Ordinance #220015

Vicki Evans, Finance Director, stated Grant Project Budget Ordinance #220015 is to establish a budget for projects to be funded by the ARPA. Ms. Evans stated language for the ordinance and financial policies 3.1 and 3.8 are from templates provided by the School of Government and she added items specific to Cumberland County. Ms. Evans stated the fund and budget covers the life of the fund. Ms. Evans reviewed Sections 1-7 of the ordinance contained herein as part of Attachment A. Ms. Evans stated the amount in Section 2 reflects the most recent actions of the ARP Committee. Ms. Evans explained how the appropriation was determined for the expenditure category 7.1 Administration and stated the conservative number of 3.5 county positions can be

claimed as administrative costs if it is documented in the job description and there is a timesheet that describes the ARPA work completed. Questions and discussion followed. Ms. Cannon stated the county knows it needs a financial accountant and a program manager for the ARPA and a portion of Management Analyst Tye Vaught's time is going to be related to ARPA. Ms. Cannon stated someone may also be needed to assist the Engineering and Infrastructure Department because of the number of significant projects approved by the ARP Committee. Ms. Cannon stated Ms. Evans attempted to come up with an estimate to satisfy the fund and set funds aside for the county's administrative costs associated with ARPA through December 31, 2026; however, this is a living breathing document that can change. Ms. Evans stated she would expect additional details to be included in the project ordinance further down the road. Ms. Cannon stated she would also expect a lot of work to happen during 2024 and 2025 to prepare for close out. Additional questions followed.

**MOTION:** Chairman Adams moved to adopt Grant Project Budget Ordinance #220015 and forward to the Board of Commissioners' January 18, 2022 meeting as a consent agenda item.

**SECOND:** Commissioner Stewart

**VOTE:** UNANIMOUS (3-0)

**B. Consideration of Financial Policies**

**1. Subsection 3 – Policy Number 3.1 (Financial Policies) - Revised**

Ms. Evans reviewed the proposed revisions to Policy Number 3.1 (Financial Policies) as indicated in red font and contained herein as part of Attachment A. Ms. Evans stated the SOG provided sample language and specific to ARPA, the funds will be set up in an interest-bearing account and the interest will not be required to be sent back to the federal government nor is the interest required to be utilized on ARPA eligible expenditures. Ms. Evans stated the county's procedure will be to record interest earnings as of June 30<sup>th</sup> and then budget a transfer of the total amount of interest from the ARPA fund to the General Fund. Ms. Evans stated once transferred, the funds are not restricted and can be used for a public purpose. Ms. Evans stated should the Board wish to transfer the interest to a fund other than the General Fund, it can certainly decide to do so. Discussion followed about ARPA interest earnings. Ms. Evans stated the total amount of interest can be presented at an Agenda Session meeting so a decision can be made about the budget transfer before taking it to a full Board meeting as a budget revision. There was consensus to operate in this manner but not include it in the policy. Ms. Evans noted there were also revisions in this policy not specific to ARPA which is why the policy is also on the agenda for the January 13, 2022 Agenda Session meeting.

**MOTION:** Chairman Adams moved to approve the revisions as presented to Policy Number 3.1 (Financial Policies) specific to ARPA interest earnings.

**SECOND:** Commissioner Stewart

**VOTE:** UNANIMOUS (3-0)

2. Subsection 3 – Policy Number 3.8 (Allowable Costs & Cost Principles) - New

Ms. Evans stated Policy Number 3.8 (Allowable Costs & Cost Principles) is a new policy directly related to ARPA/CSLFRF and is based on a template provided by the SOG. Ms. Evans reviewed sections of the new policy contained herein as a part of Attachment A. Ms. Evans referenced the “Allowable Costs/Cost Principles” paragraph and stated basically the county is responsible for the effective administration of federal award, application of sound management practices, and administration of federal funds in a manner consistent with the program objectives and terms and conditions of the award. Ms. Evans further stated recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability. Ms. Evans stated she believes the county is set up to do that. Under Section 3.0, Ms. Evans highlighted general criteria for cost allowability for ARPA funds. Ms. Evans stated forms are named in the policy specifically for budget templates and templates for tracking expenditures, and allowable and unallowable costs are defined. Ms. Evans stated the policy ends with Exhibit A which lists 55 cost items along with allowability and reference to COVID regulations. Commissioner Keefe referenced “restrictions” throughout the policy and asked staff if they knew what comprised the restrictions. Ms. Evans stated allowable costs are generally the same as currently allowable costs for the county. Additional questions followed. Ms. Cannon clarified Exhibit A contains allowable and nonallowable costs for ARPA programs the county is going to fund; the county has to follow federal restrictions and the policy goes by federal restrictions.

MOTION: Commissioner Stewart moved to approve Policy Number 3.8 (Allowable Costs & Cost Principles) and forward to the Board of Commissioners’ January 18, 2022 meeting as a consent agenda item.

SECOND: Chairman Adams

VOTE: UNANIMOUS (3-0)

C. Consideration of ARP Program Materials

Ms. Cannon referenced the ARP program materials 1-5 below and stated under state and federal procurement guidelines, the RFP for Owners Representative has to be handled as a formal proposal. Ms. Cannon stated the Finance Department’s standard RFP template was used along with appropriate wording to incorporate state and federal procurement guidelines. Ms. Cannon stated the goal is to send the RFP out after the full Board meeting on January 18, 2022.

1. Subsection 10 – Policy Number 2.10 (Assistance to Nonprofit Organizations)

Chairman Adams referenced Policy Number 2.10 (Assistance to Nonprofit Organizations), Section 2.0 Scope, and the statement “If an organization is not a nonprofit, it may partner with another organization to serve as a fiscal agent for the purposes of administering funds”. Chairman Adams asked what “another organization to serve as a fiscal agent” would be. Ms. Cannon stated it would have to be a nonprofit. Mr. McGuckin stated for nonprofits to apply for consideration, they should either be a 501(C)(3) or 501(C)(19) under federal guidelines but if an organization is neither, it can partner with a nonprofit and apply. Mr. McGuckin stated this is for nonprofits to apply to

provide services and not to be direct beneficiaries. Following discussion, there was consensus to remove the second paragraph under 1.0 Purpose and under 2.0 Scope, add the following language, “To be eligible under this program, a nonprofit must be a 501(C)(3) or 501(C)(19). Nonprofits which do not qualify as a 501(C)(3) or 501(C)(19) may partner or collaborate with a nonprofit that is a 501(C)(3) or 501(C)(19).” Ms. Evans stated that change also needs to carry over to the RFP.

Questions followed. Ms. Evans stated all the items are from U.S. Treasury guidelines and came from ARPA language. Ms. Cannon stated the policy is to set forth that the Board of Commissioners has approved the intent; nonprofits will not see the policy but will see the RFP which lays out what is required.

Chairman Adams stated as it relates to the RFP, 4.3 Vendor Proposal Requirements, the county does not ask about any prior payments, shuttered venue payments nor prior PPEs. Chairman Adams asked whether those would be considerations because some nonprofits have not received any money. Ms. Shutt stated it can be added to Policy Number 2.10 (Assistance to Nonprofit Organizations), as part of the bulleted list under 3.0 Statement of the Policy as “record of any prior assistance related to COVID-19”. Ms. Cannon stated it can be added to the bulleted list in the RFP under 3.3 Evaluation Criteria.

**MOTION:** Chairman Adams moved to approve Subsection 10-Policy Number 2.10 (Assistance to Nonprofit Organizations) with the changes as requested.

**SECOND:** Commissioner Stewart

**VOTE:** UNANIMOUS (3-0)

## 2. Request for Proposals from Nonprofit Organizations

Commissioner Keefe asked that the term vendor be changed to nonprofit. Commissioner Keefe also expressed concern about the proposal submission deadline of February 18, 2022 and asked where the information would be going. Ms. Evans stated according to federal guidelines, any amount of \$90,000 or is required to be submitted through a sealed bid process, which is why one written proposal is being requested; the language is standard to have sufficient copies available for the review committee and because the electronic copy is more easily searchable. Discussion followed about funds being provided as reimbursement. Ms. Cannon stated a nonprofit can report who they have been serving and expenditures since March 3, 2021. Ms. Evans stated the nonprofit will still have to go through the RFP process and as long as they can provide the documentation, they can report expenditures since March 3, 2021.

Chairman Adams referenced Section 3.1 Prohibited Communications and Confidentiality. Ms. Evans stated the intent is that a nonprofit cannot speak with anybody in the county outside of the department issuing the RFP to maintain the integrity of the RFP so one nonprofit does not have favor over another nonprofit. There was consensus to revise the language to, “is prohibited from having any communication with the Board of Commissioners, agents or employees of the county except the county Finance Department”.

Discussion followed about RFP/contract processing timeframes. Ms. Cannon stated she would ask the Board to authorize the county manager to sign the contract at the same time it approves an amount for a nonprofit so the contract would not have to come back to the Board.

Chairman Adams referenced Section 3.3 Evaluation Criteria and stated census tract should be included since it is one of the things to take into account and is important according to U.S. Treasury guidelines.

Discussion followed about whether to expand the submission deadline for nonprofits beyond February 18, 2022 and advertising/marketing. Ms. Evans stated the handling of ARPA funds has to be consistent with how the county has handled other federal funds and over the past few years, RFPs have not been placed in the newspaper. Ms. Evans stated state statutes were updated a few years back such that written advertisements do not have to be sent out and can be handled electronically. Ms. Evans stated the Board approved it in a policy. Ms. Cannon stated marketing can include the radio and the county's television station. Ms. Shutt stated targeted emails can be sent to nonprofits.

Ms. Shutt summarized the changes as follows: add qualified census tract; add hyperlinks; change officers to Board of Commissioners under prohibited communications with everything going to the Finance Manager; and change vendor/contractor to nonprofit.

**MOTION:** Chairman Adams moved to approve the Request for Proposals from nonprofit organizations with the changes as requested.

**SECOND:** Commissioner Stewart

**VOTE:** UNANIMOUS (3-0)

### 3. Subsection 10 – Policy Number 2.9 (Small Business Economic Assistance)

Tye Vaught, Management Analyst, reviewed sections 1.0 Purpose and 2.0 Scope of Policy Number 2.9 (Small Business Economic Assistance). A lengthy discussion followed about certain business types being ineligible to apply under 3.0 Statement of the Policy. Commissioner Keefe stated he feels it is important to know other aide small businesses may have received. Ms. Cannon stated adjustments will be made to the limitations. Consensus followed.

Mr. Moorefield asked whether the small business should commit to retaining a minimum of one (1) employee for one year after receipt of assistance and recommended changing it to a percentage of total employees. Mr. Moorefield stated the county cannot give people money unless there is a public purpose advanced by doing so and the public purpose in this case is to maintain employment of persons. Mr. Moorefield stated a sole proprietorship would still qualify as long as he/she commits to staying in business for one (1) year and is low to moderate income, even if the change to a percentage of total employees is made. Mr. Moorefield stated either businesses with “500” or fewer employees could be changed to a lesser number or retaining a minimum of one (1) employee could be changed to a percentage of total employees. Following discussion, there was consensus to add e. sole proprietor; change the language so it reflects 1099 or W2; and reduce the 500 number to 250.

MOTION: Chairman Adams moved to approve Subsection 10 – Policy Number 2.9 (Small Business Economic Assistance) with the changes as requested.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (3-0)

#### 4. Small Business Economic Assistance Application

Ms. Cannon stated there is a box on the application for small businesses to list other forms of assistance but staff will include additional descriptions to the box. There was consensus to include both SSN and federal EIN. Commissioner Keefe asked about the question regarding involvement in a political campaign. Commissioner Stewart asked about the question regarding an immediate family member who has received or is expected to receive a financial interest or benefit from a CDBG-related activity of contract. Following discussion, there was consensus to remove the question but include a Conflict-of-Interest policy with a hyperlink to explain what the conflict of interest may be. Mr. Moorefield stated the crucial thing is that it cannot be an immediate family member of a county elected official.

MOTION: Commissioner Adams moved to approve the Small Business Economic Assistance Application with the changes as requested.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (3-0)

#### 5. Request for Proposal for Owners Representative/ Commercial Real Estate Brokerage Services for Site Selection Process – Homeless Shelter

Ms. Cannon introduced the item. Ms. Evans stated the RFP has the same language about communications as the other RFP the RFP for the Owners Representation/Commercial Real Estate Brokerage Services for Site Selection Process-Homeless Shelter will also be updated.

MOTION: Commissioner Adams moved to approve RFP-22-16-CTY with the updates regarding communications.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (3-0)

#### 6. OTHER ITEMS

##### A. Update on SLFRF– Final Rule Adopted January 5, 2022

The update was not provided.

MOTION: Chairman Adams moved to adjourn.  
SECOND: Commissioner Stewart  
VOTE: UNANIMOUS (3-0)

There being no further business, the meeting adjourned at 5:30 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board