Board of Commissioners' Agenda

May 3, 2022

Commission Meetings are held at 200 College Street, Room 326 in downtown Asheville beginning at 5:00 p.m.

Public Comment is taken at the beginning of the meeting.

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Discussion / Adjustment / Approval To Follow Agenda

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Consent Agenda

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- Approval of April 19, 2022 Regular Meeting Minutes
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- Resolution Approving Pyrotechnic Experts for Firework Display
  - Resolution
- Resolution Appointing Deputy Finance Officer - John Hudson
  - Resolution
- Tax Collection Report
- Approval of Transportation Agreement between Buncombe County and the City of Asheville
  - Agreement
- Budget Amendment for Project Development Financing (PDF) Woodfin - General Fund Subsidy
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- Resolution of Intent to Apply to the Local Government Commission for Approval of Bonds, Resolution Authorizing the Application to the Local Government Commission for Approval of the County's General Obligation Debt, and Resolution Making Certain Statements of Fact
  - Intent to Apply to the Local Government Commission for Approval of Bonds Resolution
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General Obligation Debt Resolution
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- Ordinance Amending Certain Provisions of the County's Farmland Preservation Program to Comply with Session Law 2021-78
  - Ordinance
- Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138
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- Budget Amendment for Adjustments for Economic Growth - Occupancy Tax and Special Districts Tax
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- Budget Amendment for Public School ADM Fund Adjustment for Growth
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- Juvenile Crime Prevention Council
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- May 10 @ 11 a.m. - Commissioners' Budget Work Session at 200 College Street, Room 326 in downtown Asheville.
- May 19 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.
- May 19 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.

Closed Session / Open Session

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Adjournment

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MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MAY 3, 2022 AT 5 P.M.

BE IT REMEMBERED: That the Board of Commissioners met in regular session on May 3, 2022, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

The Chairman called the meeting to order with the following members present:

Brownie Newman, Chairman
Jasmine Beach-Ferrara, Commissioner
Amanda Edwards, Vice Chair
Robert Pressley, Commissioner
Parker Sloan, Commissioner
Terri Wells, Commissioner
Al Whitesides, Commissioner

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Donald Warn, Finance Director; Jennifer Barnette, Budget Director; Sharon Burke, Human Resources Director; Stoney Blevins, Health & Human Services Director; Rachael Nygaard, Strategic Partnerships Director; Tim Love, Intergovernmental Relations; Taylor Jones, Emergency Services Director; Stacie Saunders, Public Health Director; Allison Dains, Park & Recreation Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney; Brandon Freeman, Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Beach-Ferrara motioned to approve the Consent Agenda, with a change to the April 19, 2022 Regular Meeting Minutes under the **New Business** item: **Salary Increase for BCSO Detention Officers**, and the remainder of the agenda. Commissioner Sloan seconded and the motion passed 7-0.

- Approval of April 19, 2022 Briefing Meeting Minutes
- Approval of April 19, 2022 Regular Meeting Minutes
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  - Resolution
- Resolution Appointing Deputy Finance Officer - John Hudson
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  - Ordinance

PUBLIC COMMENT

David Nutter, and Wes Wright expressed their support for the affordable housing and open-space bonds.

Don Yelton questioned the affordable housing and open-space bond projects, and County's accountability.

Katie Dann expressed support for the detention center employees, pay increases for educators and detention center employees.

Jenny Wilds, Gabrielle Price, and Matt Barker expressed issues with the construction of the Dollar General in Swannanoa and invited them to view the project.

Adeline Wolf thanked the Board for consideration of the Mountain Housing Opportunities' project proposal for COVID Recovery Funding.

PRESENTATIONS

- **Greater Asheville Regional Airport Authority - Annual Report**

Lew Bleiweis, Executive Director, provide an update of the past year's activities and highlighted the community connections, construction projects, and community impact.

- **National Nurses Week Proclamation**

Commissioner Beach-Ferrara read and presented the proclamation. Ellis Matheson, Health & Human Services, accepted the proclamation and recognized the great work that nurses contribute to the community.

- **Foster Care Month Proclamation**

Vice Chair Edwards read and presented the proclamation. Lizzi Shimer, Health & Human Services, accepted the proclamation and shared gratitude for foster parents.

- **Financial Quarterly Report**

Don Warn, Finance Director, presented the FY22 Third Quarter Financial Report with an update on revenues and expenditures.

PUBLIC HEARINGS

- **Preliminary Resolution for the Issuance of the 2022 Limited Obligation Bonds (LOBs) for County and Public School Capital Projects**

Don Warn, Finance Director, explained that the County intends to issue LOBs to fund capital projects and public school capital projects taking advantage of the low interest rate environment by issuing refinancing bonds. The refinancing of the outstanding LOBs will save the County funds in debt service over the next 15 years.

The Chairman opened the hearing at 5:46 p.m.

The hearing was closed at 5:47 p.m.

Commissioner Sloan moved to approve the resolution authorizing the issuance of the 2022 Limited Obligation Bonds (LOBs) for County and Public School Capital Projects as presented. Commissioner Whitesides seconded the motion and it passed 7-0.

COUNTY MANAGER'S REPORT

Avril Pinder, County Manager, introduced the new Park & Recreation Director, Allison Dains, and announced that start of Early Voting.

NEW BUSINESS

- **Approval of COVID Recovery Funding**

Rachael Nygaard, Strategic Partnerships Director, explained the three project proposals that were recommended by Affordable Housing Subcommittee and the Early Childhood Education & Development Committee.

Commissioner Pressley moved to approve the COVID Recovery Fund Award in the grant amount of $3,201,546 for Buncombe Partnership for Children. Commissioner Whitesides seconded and the motion passed 7-0.

Commissioner Sloan moved to approve the COVID Recovery Fund Award (with May 13th deadline) in the grant amount of $718,616 for Mountain Housing Opportunities and $935,286 for Asheville Housing Authority. Vice Chair Edwards seconded and the motion passed 7-0.

- **Resolution of Intent to Apply to the Local Government Commission for Approval of Bonds, Resolution Authorizing the Application to the Local Government Commission for Approval of the County's General Obligation Debt, and Resolution Making Certain Statements of Fact**

Don Warn, Finance Director, explained the intention to pursue a referendum to issue General Obligation bonds for (1) acquisition and improvement of land or interests therein for conservation and protection of natural resources and preservation of farmland, including but not limited to, the development of greenways and trails for recreation purposes; and (2) to pay the capital costs of housing for the benefit of persons of low or moderate income, including construction of related infrastructure improvements and the acquisition of related land and rights-of-way in the amounts of $30 million and $40 million respectively.

Commissioner Wells moved to approve the Resolution of Intent to Apply to the Local Government Commission for Approval of Bonds as presented. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

Commissioner Wells moved to approve the Resolution Making Certain Statements of Fact as presented. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

Commissioner Wells moved to approve the Resolution Authorizing the Application to the Local Government Commission for Approval of the County's General Obligation Debt as presented. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

- **Ordinance Amending Certain Provisions of the County's Farmland Preservation Program to Comply with Session Law 2021-78**

Brandon Freeman, Staff Attorney, explained the ordinance amendment aligns with North Carolina General Assembly's refinement of the requirements to be certified as qualifying farmland and clarified that the required proximity buffer from the boundary line of any farm enrolled in a Voluntary Agricultural District or an Enhanced Voluntary Agricultural District is 1/2 mile.

Commissioner Wells moved to allow time for subject matter experts to review the amendment for accuracy and delay the approval of the ordinance. Chairman Newman seconded and the motion passed 7-0.

- **Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138**

Brandon Freeman, Staff Attorney, presented to the Board on the North Carolina General Assembly's change to criminal penalties for certain local ordinance violations and the removal of the legal presumption that local ordinances violations constituted misdemeanor offenses and required local governments to specify which violations of its ordinances constitute misdemeanor offenses and provided new defenses for persons changed with criminal violations of local ordinances. This was the required introduction meeting and enactment will occur at a subsequent meeting.

- **Budget Amendment for Adjustments for Economic Growth - Occupancy Tax and Special Districts Tax**

Jennifer Barnette, Budget Director, explained the budget amendments. Commissioner Pressley moved to approve the budget amendments as presented. Vice Chair Edwards seconded and the motion passed 7-0.

- **Budget Amendment for Public School ADM Fund Adjustment for Growth**

Jennifer Barnette, Budget Director, explained the budget amendment. Vice Chair Edwards moved to approve the budget amendment as presented. Commissioner Whitesides seconded and the motion passed 7-0.

BOARD APPOINTMENTS

Commissioner Beach-Ferrara moved to appoint **D. Tyrell McGirt** (Parks & Recreation representative) to the **Juvenile Crime Prevention Council**. Commissioner Sloan seconded and the motion passed 7-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *May 10 @ 11 a.m. - Commissioners' Budget Work Session at 200 College Street, Room 326 in downtown Asheville.*
- *May 19 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
- *May 19 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Commissioner Beach-Ferrara moved to adjourn the meeting. Commissioner Sloan seconded and the motion passed 7-0. The meeting was adjourned at 6:40 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS

RESOLUTION #22-05-01

RESOLUTION AWARDING A SERVICE FIREARM TO A RETIRING DEPUTY OF THE BUNCOMBE COUNTY SHERIFF'S OFFICE

WHEREAS, Kevin Calhoun is retiring from the Buncombe County Sheriff's Office after 16 years of service; and

WHEREAS, N.C. Gen. Stat. § 20-187.2 authorizes boards of county commissioners to award to a retiring member of a law-enforcement agency with countywide jurisdiction, such as a sheriff's office, or surviving relatives of such a member, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired.

WHEREAS, it is the practice of this Board to provide a member of the Buncombe County Sheriff's Office who retires through the North Carolina Local Government Retirement System with ten (10) or more years of service with said Office, or who retires due to medical disability, and who meets the qualifications of N.C. Gen. Stat. § 20-187.2, with the service side arm used by the member at the time of the member's retirement at a price of zero ($0) dollars; and

WHEREAS, this board finds that the individual named above carried, at the time of the individual's retirement, a service side arm more particularly described as a Glock Model 17, serial number BEPX005, and that the individual named above has requested and is entitled to receive said service side arm in working order at a price fixed by this Board

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That pursuant to N.C. Gen. Stat. § 20-187.2, the individual named above is hereby awarded the service side arm descried above for a price of zero ($0) dollars.

2. That the County Manager or her designee is authorized to undertake any action(s) necessary to transfer the service side arm descried above to the individual named above.

3. That this resolution shall become effective upon its adoption.

This the 3rd day of May, 2022.

ATTEST

Lamar Joyner

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: Brownie Newman

Brownie Newman, Chair

APPROVED AS TO FORM

County Attorney

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Consent Agenda

Department: Emergency Services **Presenter(s):** Kevin Tipton, Interim Fire Marshal

Contact(s): Kevin Tipton, Interim Fire Marshal

Subject: Resolution Approving Pyrotechnic Experts for Firework Displays

Brief Summary:

- Request from Pyrotecnico and Brian Pruett to conduct a fireworks display on 5/24/22 for Sheetz Inc., 1 Resort Drive, Asheville, NC 28806.
- Request from Starfire Pyrotechnics and Frank Terzino, Jr. to conduct a fireworks display on 5/29/22 for the Grove Park Inn, 290 Macon Avenue, Asheville, NC 28804.
- Request from Joey's Fireworks and John Adair to conduct a fireworks display on 7/2/22 for the The Cliff's @ Walnut Cove, 158 Walnut Valley Parkway, Arden, NC 28704.

Recommended Motion & Requested Action: Approve resolution.

County Manager's comments and Recommendation: County Manager recommends approval.

RESOLUTION #: 22-05-02

RESOLUTION APPROVING PYROTECHNICS EXPERTS FOR CONDUCTING FIREWORKS DISPLAYS

WHEREAS, pursuant to North Carolina General Statutes Section 14-410 and 14-413 the Board of Commissioners is authorized to review and approve the qualifications ofpersons applying for approval as pyrotechnics experts for the purpose of conducting fireworks displays; and

WHEREAS, application has been made by Pyrotecnico Fireworks Inc., Starfire Pyrotechnics, and Joey's Fireworks for pyrotechnic displays; and

WHEREAS, this Board is of the opinion that the application received to conduct firework pyrotechnic displays should be approved.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for the County of Buncombe as follows:

1. That the following be granted permission to conduct fireworks displays at the location and on the dates shown, to-wit:

NAME	LOCATION	DATE
Pyrotecnico	1 Resort Drive, Asheville	May 24, 2022
Starfire Pyrotechnics	290 Macon Avenue, Asheville	May 29, 2022
Joey's Fireworks	158 Walnut Valley Parkway, Arden	July 2, 2022

2. The County Fire Marshal has reviewed these requests and found that those listed above are qualified pyrotechnic experts.

3. That pursuant to N.C.G.S. 14-410 and 14-413 the Board has found that the above named individual/company is a qualified pyrotechnic expert for the purpose of conducting fireworks displays.

4. In accordance with the current NC Executive Order.

ADOPTED this the 3rd day of May, 2022.

ATTEST

LAMAR JOYNER, CLERK

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM:

COUNTY ATTORNEY

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Consent Agenda

Department: Finance **Presenter(s): Don Warn**

Contact(s): Don Warn

Subject: Appoint Deputy Finance Officer

Brief Summary: The Board appointed Budget Director, Jennifer Barnette as Deputy Finance Officer on February 19, 2019. Jennifer will be retiring from the County in May 2022 and there is a need to appoint a new Deputy Finance Officer to replace her. John Hudson will replace Jennifer as Budget Director and staff recommend appointing John as Deputy Finance Officer.

Recommended Motion & Requested Action: Approve the resolution as presented.

County Manager's comments and Recommendation: Approve the resolution as presented.

RESOLUTION #22-05-03

RESOLUTION APPOINTING DEPUTY FINANCE OFFICER

WHEREAS, North Carolina General Statutes §159-24 specifies and directs that each local government shall appoint a Finance Officer to hold office and carry out the duties prescribed by law;

WHEREAS, there will be occasions when the Buncombe County Finance Officer is unable to be present in order to approve certain actions or sign preaudit certificates; and

WHEREAS, the current Deputy Finance Officer, Jennifer Barnette will be retiring in May 2022 and there will be a need to appoint another Deputy Finance Officer; and

WHEREAS, this Board is of the opinion that John Hudson possesses the requisite knowledge, experience and qualifications to serve as Deputy Finance Director for Buncombe County.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That John Hudson is hereby appointed as Deputy Finance Officer with full power and authority to act in the place and stead of the Buncombe County Finance Officer.

2. That this resolution shall be effective upon its adoption.

This the 3rd day of May, 2022.

ATTEST

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Buncombe County Tax Collections

Jennifer Pike
Tax Collector

CONSENT

DEPARTMENT: Tax Collections **PRESENTER: Jennifer Pike**

CONTACT: Jennifer Pike

SUBJECT: Approval of March 2022 Tax Collection Report

BRIEF SUMMARY:

NCGS 105-350 requires the Tax Collector to submit a report showing the amount of taxes collected.

As of March 31, 2022, the total levy billed for fiscal year 2022 is 98.79% collected, as compared to 98.65% for fiscal year 2021.

Below is Buncombe County year to date reporting for fiscal year 2022, as of March 31, 2022.

Current Year Collections

Fiscal Year 2022	Personal Property	Public Service	Real Estate	Motor Vehicles	Total
Total Levy	$ 13,587,756.28	$ 4,672,230.91	$ 204,204,631.33	$ 10,470,765.82	$ 232,935,384.34
Amount Collected	$ 12,975,046.74	$ 4,672,221.70	$ 202,034,472.66	$ 10,434,786.72	$ 230,116,527.82
Unpaid Balance	$ 612,709.54	$ 9.21	$ 2,170,158.67	$ 35,979.10	$ 2,818,856.52
Interest Collected	$ 20,456.37	$ 9.21	$ 395,396.63	$ 82,380.19	$ 498,242.40
FY22 Collection %	**95.49%**	**100.00%**	**98.94%**	**99.66%**	**98.79%**
FY21 Collection %	96.99%	100.00%	98.70%	99.31%	98.65%

Total fiscal year 2022 year to date collections, property tax and interest **$ 230,614,770.22**

Prior Year Collections

Prior Years 2012-2021	Personal Property	Real Estate	Total
Amount Collected	$ 62,459.53	$ 439,990.82	$ 502,450.35
Interest Collected	$ 8,763.86	$ 41,970.87	$ 50,734.73

Total prior year collections, fiscal year to date **$ 553,185.08**

***Total property tax released March 2022 due to taxable value adjustments** **$ 18,472.60**

***Total refunds processed March 2022** **$ 29,737.34**

***Detailed information for releases and refunds is available in Tax Collections.**

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Consent Agenda

Department: Planning

Presenter(s): Matthew Cable, AICP **Contact(s):** Matthew Cable

Subject: Transportation Agreement between Buncombe County and the City of Asheville

Brief Summary:

Buncombe County provides ADA Complementary Paratransit Services for the City of Asheville under an automatically renewing Transportation Agreement which originated July 1, 2013.

City staff and County staff desire to update the existing Transportation Agreement to specifically reflect the current scope of complementary paratransit services and the FY 2023 contract rate of $2.38 per shared service mile. This current contract rate falls below the operating contract rate of $2.3875. The FY 2023 contract rate ($2.38 per shared service mile) represents a $0.05 increase above the existing contract rate ($2.33 per shared service mile) and preserves the existing contract rate caps created by the existing and updated Transportation Agreement.

The County continues to subsidize the ADA Complementary Paratransit service by not seeking City cost participation in administrative, fuel and capital vehicle costs associated with the provision of City of Asheville ADA Complementary Paratransit Services.

Recommended Motion & Requested Action:

Approve the $2.38 per shared service mile rate effective July 1, 2022 and authorize the County Manager to sign the updated Transportation Agreement effective July 1, 2022.

County Manager's Comments and Recommendation:

County Manager recommends as presented.

STATE OF NORTH CAROLINA **TRANSPORTATION AGREEMENT**
COUNTY OF BUNCOMBE

THIS AGREEMENT made this the 1st day of July, 2022, (hereinafter referred to as Agreement) by and between **BUNCOMBE COUNTY** (hereinafter referred to as County) and **CITY OF ASHEVILLE**, a municipal corporation under the laws of the State of North Carolina (hereinafter referred to as City):

WHEREAS, County is the recipient of federal and/or state funds through the North Carolina Department of Transportation Integrated Mobility Division (hereinafter NCDOT IMD); and

WHEREAS, Buncombe County's Community Transportation System, Mountain Mobility (hereinafter referred to as Mountain Mobility), provides human service, paratransit, rural general public, deviated fixed route, and other transportation services in a consolidated service design in accordance with policies and procedures set forth by the NCDOT IMD for Community Transportation Programs; and

WHEREAS, County operates and/or contracts with service providers to operate Mountain Mobility; and

WHEREAS, City desires to purchase transportation services through Mountain Mobility in order to provide effective, quality ADA Complementary Paratransit transportation to its authorized passengers.

NOW, THEREFORE, in consideration of the mutual covenants herein set forth, County and City agree as follows:

Section 1. Duties of County. County shall:

a. Grant Management.

(1) Prepare and submit to NCDOT IMD applications for grants for which County is eligible in order to support the administrative, operational, and capital needs of Mountain Mobility;
(2) Provide the local match share of NCDOT IMD provided and County accepted grant funds for administrative and capital expenses;
(3) Provide planning and program development services associated with grant management, contract management, planning studies, grant reporting, project-related reporting, and development of new and additional service options and mobility choices; and
(4) Maintain financial and other required documentation.

b. Service Provision.

(1) Provide supervision, recruitment, promotion, training, and management of qualified personnel including, but not limited to, management, vehicle operators, dispatchers, administration, and personnel required to support operations, mobility management and administrative services;
(2) Provide operations compliant with federal, state, and local laws and ordinances governing vehicle licensure, vehicle operator licensure, operations, insurance, and other standards and specifications as set forth by County;
(3) Provide mobility management services including accepting reservation calls, scheduling trips, assigning trips (to vehicles, vehicle operators, and service providers as may be applicable), and developing trip manifests;
(4) Provide administrative services including certifying and registering passengers, coordinating funding sources (to use the most appropriate funding source based on eligibility), determining special needs of passengers, monitoring and assessing service performance (to ensure compliance with applicable laws, regulations, standards and specifications), responding satisfactorily to customer service concerns or complaints, and billing and collection services;
(5) Provide vehicles, facilities, office space, vehicle parking, vehicle maintenance, vehicle cleaning, fuel, materials and supplies;
(6) Provide required insurance to minimum specified amounts and name the City as an additional named insured for secured liability insurance;
(7) Collect applicable fares;

(8) Comply with all applicable service standards, specifications, and regulatory requirements set forth in Exhibit A; and
(9) Reimburse all service providers for services provided through Mountain Mobility in accordance with the terms and conditions of its agreement(s) with each Service Provider.

c. City ADA Complementary Paratransit Authorization.

(1) Provide services under this Agreement only to passengers authorized by City, or by Mountain Mobility on behalf of City (hereinafter Authorized Passenger); and
(2) Provide services to one approved attendant or guest, or minor children, whom shall be allowed to ride with an Authorized Passenger free of charge.

d. Billing and Establishing Rates.

(1) Submit to City, on or before the tenth (10th) day of each month, a monthly invoice based on the billing rate per shared service mile for the cost transportation services rendered to Authorized Passengers during the previous month, including no-show and not-ready trips documented for authorized passengers;
(2) Submit to City, a notice of any rate change at least thirty (30 days) prior to the rate change;
(3) Establish rates no greater than needed to defray the fully allocated cost of providing services through Mountain Mobility; and
(4) Provide services at the rate of **$2.38** per shared service mile effective July 1, 2022.

e. Hours and Service Area.

(1) Provide transportation service within City limits as well as any area outside of City limits which is within ¾ mile of City fixed-route transit;
(2) Provide transportation service on all operating days and associated hours of City fixed-route transit operations (specifically excluding Christmas Day); and
(3) Provide administrative services weekdays from 8:00 a.m. to 5:00 p.m. and by voicemail on holidays and weekends.

f. Maintenance of Record.

(1) Keep and maintain good and proper business records of all services and charges provided for under this Agreement;
(2) Provide City all information necessary or required for federal, state, and other reports, financial and cost allocations, budgets, performance reports, and other related documentation needs; and
(3) Make available to City all books and records maintained by County or its Service Providers pertaining to this Agreement for the purpose of inspection or audit during normal business hours and upon reasonable notice.

g. Non-Discrimination.

(1) Not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement;
(2) Carry out applicable requirements of 49 CFR part 26 in the award and administration of Department of Transportation assisted contracts; and
(3) Understand that failure by County to carry out these requirements is material breach of Agreement, which may result in the termination of this Agreement.

Section 2. Duties of City. City shall:

a. City ADA Complementary Paratransit Passenger Authorization. Provide, or require Authorized Passengers provide, by 5:00 p.m. the day prior to the day service is needed information necessary to deliver services including, but not limited to, passenger name(s), telephone number(s), location/time of pickups/drop-offs, and any special needs.

b. Appeals, Clarifications and Challenges.

(1) Review and address any appeal, clarification, or challenge to eligibility or certification processes or other questions arising relative to the provision of ADA Complementary Paratransit services brought forth by an individual or Mountain Mobility in connection with this Agreement; and

(2) Make necessary determinations of any appeal, clarification or challenge and provide written notification of decision to the individual, Mountain Mobility, and/or other appropriate persons.

c. Reimbursements.

(1) Reimburse County for the cost of transportation services rendered to Authorized Passengers during the previous month, including no-show and not-ready trips and, if applicable, passenger fares;

(2) Reimburse County within thirty (30) days of the date of each monthly invoice; and

(3) Understand that failure by City to reimburse County within thirty (30) day so the date of each invoice may result in discontinuation of services for all authorized passengers unless or until a payment is rendered in full.

d. No-Show and Not Ready Trips.

(1) Monitor no-show trips (a scheduled passenger trip where the passenger forgets or elects not to go and the passenger does not cancel the trip at least two (2) hours in advance of the appointment time) to ensure Authorized Passengers do not have excessive (three (3) or more) no-show trips;

(2) Monitor not-ready trips (a scheduled passenger trip where the passenger is not ready to go at the scheduled pick-up time) to ensure Authorized Passengers do not have excessive (three (3) or more) not-ready trips; and

(3) Notify any Authorized Passenger with excessive no-show or not-ready trips;

(4) Work to minimize the number of no-show and not-ready trips attributed to Authorized Passengers through monitoring and education; and

(5) Determine whether or not service should be terminated for Authorized Passengers as a result of no-show trips, not-ready trips, and/or cancellations.

Section 3. Agreement Term and Period of Performance. The Agreement shall take effect on the date first written above and shall be effective through the end of County's fiscal year, June 30, 2022. This Agreement shall be automatically renewed for successive one-year terms unless terminated in writing by either party.

Section 4. Hold Harmless. Except as prohibited or otherwise limited by State law, City agrees to indemnify, defend, save, and hold harmless County and its officers, agents, and employees acting within the scope of their official duties against liability for negligent acts or omissions, including all claims, losses, costs and expenses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the negligence in performance of this Agreement. This clause does not apply to any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the County, its Contractor or its subcontractor(s) in the performance of this Agreement and that are attributable to the negligence or intentionally tortuous acts of the County. Nothing in this section is intended to affect or abrogate Buncombe County's governmental immunity.

Except as prohibited or otherwise limited by State law, the County agrees to indemnify, defend and hold harmless the City and its subsidiaries, divisions, officer, directors, and employees from all liability, loss, costs, claims, damages, expenses, attorney fees, judgements and awards arising or claimed to have arisen, from any injury caused by, or allegedly caused by, either in whole or in part, any act or omission of the County or any employee, agent, subcontractor or assign of the County. Nothing herein shall be construed as a waiver on the part of the City to any defense of any claim, including but not limited to the defense of governmental immunity.

Section 5. Disputes, Breaches, Defaults, or Other Litigation. Each and every provision of this Agreement shall be governed by the laws of the State of North Carolina and should any claim or dispute arise between the parties

that cannot be resolved amicably then any action to enforce or interpret its terms shall be brought in the General Court of Justice of Buncombe County, North Carolina, which shall have venue and jurisdiction over the subject matter and the parties. Any mediation of any claim or dispute between the parties shall be conducted in accordance with local rules of the General Court of Justice of Buncombe County.

Section 6. Amendments/Revisions to the Agreement. The parties agree that a change in circumstances causing an inconsistency with the terms of this Agreement may require an amendment or revision to this Agreement signed by the original signatories or their authorized designees or successors. The parties agrees that any requests for amendments and or revisions will be submitted in accordance with the policies and procedures established by the County and the City.

Section 7. Severability. If any provision of this Agreement is determined invalid, the remainder of the Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable Federal/State laws or regulations.

Section 8. Termination of Agreement. Notwithstanding the provisions of this Agreement, County or City, by thirty (30) day written notice, may terminate this contract, in whole or in part, when it is in the best interest either party. Violation of State law or of established standards concerning provision of service(s) may result in termination of the agreement without thirty (30) day written notice.

Section 9. Contract Administrators. All notices permitted or required to be given by one party to the other and all questions about this Agreement from one party to the other shall be addressed and delivered to the other party's Contract Administrator. The name, postal address, street address, telephone number, fax number, and email address of the parties' respective initial Contract Administrators are set out below. Either party may change the name, postal address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other party.

FOR THE COUNTY:

Name:	Nathan Pennington
Title:	Planning Director
Dept.:	Buncombe County Planning and Development
Address	46 Valley Street
City/Zip:	Asheville, NC 28801
Phone:	(828) 250-4830
Fax:	(828) 250-6086
Email:	nathan.pennington@buncombecounty.org

FOR THE CITY:

Name:	Jessica Morriss
Title:	Assistant Director
Dept:	Transportation Department
Address:	P.O. Box 7148
City/Zip:	Asheville, NC 28802
Phone:	(828)232-4522
Fax:	
Email:	jmorriss@ashevillenc.gov

IN WITNESS WHEREOF, this Agreement has been executed by the County and the City by and through a duly authorized representative, and is effective the date and year first above written.

City of Asheville

BY: _____

TITLE: _____

This instrument has been preaudited in the manner required by Local Government Budget and Fiscal Control Act.

BY: _____

TITLE: _____

Buncombe County

BY: _____

TITLE: _____

This instrument has been preaudited in the manner required by Local Government Budget and Fiscal Control Act.

BY: _____

TITLE: _____

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2021

Consent Agenda

Department:
Budget

Presenter(s):
John Hudson, Budget

Contact(s): John Hudson, Budget

Subject: Project Development Financing (PDF) Woodfin - General Fund Subsidy

Brief Summary:
The Project Development Financing (PDF) Woodfin Special Revenue Fund accounts for Ad Valorem tax revenues pledged to meet the debt service requirements related to the PDF Woodfin Downtown Project. The revenues received in this fiscal year are insufficient to cover the full debt service payment of $776,950. Buncombe County Finance has estimated a shortfall of $62,430. The Town of Woodfin's estimated FY2022 subsidy due to the County is $25,186. Therefore, the remaining share of the shortfall is estimated to be $37,244 from Buncombe County. The amount of the amendment is being rounded up to $37,744 in the event that the actual amount of the service charge is larger than anticipated.
This initiative started in 2008 when the County and Town of Woodfin entered into an interlocal agreement in connection with the issuance of Project Development Financing Bonds in the amount of $12,960,000, pursuant to which both the Town and County pledged the taxes received on the incremental valuation accruing to the Woodfin Downtown Corridor District as repayment of the these bonds. This debt was used for providing infrastructure such as roads, sidewalks, and lighting. In early 2014, the Town and County entered into a new interlocal agreement whereby the County restructured the original debt, which resulted in refinancing $11,285,000 and a $1,075,000 defeasance of the 2008 Bonds. Under the terms of the new interlocal agreement, the Town and County agreed to continue contributing their respective allocations of the incremental revenues in each fiscal year to the repayment of the new bonds which will end in 2037. Per the Agreement, should the incremental tax revenue received be insufficient to cover the current debt service payment, the Town of Woodfin and County are responsible for covering the respective proportionate share of the shortfall.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #22-05-04

BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: May 3, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 General Fund as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 3rd day of May, 2022.

Requesting Department: Budget
Budget Amendment Item: Project Development Financing (PDF) Woodfin - General Fund Subsidy

Description:
The Project Development Financing (PDF) Woodfin Special Revenue Fund accounts for Ad Valorem tax revenues pledged to meet the debt service requirements related to the PDF Woodfin Downtown Project. The revenues received in this fiscal year are insufficient to cover the full estimated debt service payment of $776,950. Buncombe County Finance has estimated a shortfall of $62,430. The Town of Woodfin's estimated FY2022 subsidy due to the County is $25,186. Therefore, the remaining share of the shortfall is estimated to be $37,244 from Buncombe County. The amount of the amendment is being rounded up to $37,744 in the event that the actual amount of the service charge is larger than anticipated.

Funding Source:
Increased Sales Tax Revenue

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Fund 100 - Revenue: Local Option - Sales Tax	$ 37,744	
Fund 100 - Interfund Transfers		$ 37,744
TOTAL	$ 37,744	$ 37,744

ATTEST:

Tamara Laymon
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Presentations

Presenter(s): Lew Bleiweis, Executive Director

Contact(s): Lew Bleiweis, Executive Director

Subject: Greater Asheville Regional Airport Authority Update

Brief Summary: Update Board of Commissioners on the Status of the Greater Asheville Regional Airport Authority.


2021
A YEAR IN REVIEW
Asheville
REGIONAL AIRPORT

60 years
and going strong

What. A. Year. 2021 — our 60th anniversary year — was marked with challenges, uncertainties, huge successes, support from our region, and big dreams for the future. Yes, the pandemic was a central part of all our lives throughout 2021, yet there were many other highlights that lifted our spirits, evoked hope for the future, and shined a spotlight on the resilience of the travel industry fueled by our human need for meaningful connection.

We all learned how to travel differently, with a continued focus on health and safety. And with masks, hand sanitizer, disinfectant wipes, vaccines and COVID tests in order, you returned to the skies. In fact, by the end of 2021, passenger numbers were exceeding pre-pandemic levels — and 2022 looks promising. *Extraordinary*.

Each year, we reflect on key accomplishments at the airport — an important exercise. When AVL grows and succeeds, it is a reflection of our vibrant and thriving region, and 2021 — even with all of its challenges — was a historic 60th anniversary year for us. We have much to celebrate, and even more to anticipate.

Thank you for your interest and for supporting your local airport. Here's to safe and healthy travels in 2022!

EST.1961 60 YEARS

Asheville REGIONAL AIRPORT



Lew Bleiweis, A.A.E.

EXECUTIVE DIRECTOR
Greater Asheville Regional Airport Authority

major impact for 60 years

our top three highlights

BILLIONS GENERATED FOR OUR REGION'S ECONOMY

In early 2021, the North Carolina Division of Aviation released its report titled "North Carolina — The State of Aviation." In this report, Asheville Regional Airport's economic impact to our region was quantified (based on 2019 numbers).

- **Nearly $2 Billion in economic impact to the region**
- **12.5K local jobs | $400+ Million contributed to personal income**
- **$65 Million contributed to state and local taxes**

PASSENGERS CHOSE AVL

2021 was a year of recovery. Once vaccines became widely available, passenger numbers began to soar, and AVL ended its year nearly recovered to pre-pandemic levels.

- **Monthly passenger numbers compared to 2019 (pre-pandemic) – show sharp increases from May – December**
- **Record summer growth above June - August 2019**
- **Record July and best month in AVL's history**

OUR TEAM STOOD STRONG

AVL is proud that even during these uncertain times, we kept all positions in place at the airport —there were no layoffs. In fact, the airport board and senior staff recognized the challenging times and implemented retention bonuses for all employees. The dedicated airport team worked hard to keep the airport operating, growing and moving forward — and we celebrate our tremendous staff for their hard work in 2021.

in the air



TWO NEW AIRLINES ANNOUNCED

We were thrilled to learn that two new airlines would join the AVL team:
Early in the year, JetBlue Airlines announced their intention to begin service to Boston, Massachusetts in summer 2022. Then in October 2021, Sun Country Airlines began service to Minneapolis/St. Paul, Minnesota.

SIX AIRLINES | 25 NONSTOP DESTINATIONS (A RECORD!)

Now served by Allegiant, American, Delta, JetBlue, Sun Country and United, AVL is better connected than ever before.

Ending the year with the highest number of nonstop destinations in the airport's history (25), including frequent daily flights to major hubs, passengers can travel to and from AVL to just about anywhere in the world.

New routes added in 2021

- **Allegiant:** Las Vegas, Nevada (March 2021); Destin, Florida (May 2021); Key West, Florida and Minneapolis/St. Paul, Minnesota (October 2021)
- **American:** Boston, Massachusetts, Chicago, Illinois and Washington, D.C. (June 2021)
- **Sun Country:** Minneapolis/St. Paul, Minnesota (October 2021)

Routes reinstated or increased in 2021

- **American:** Philadelphia, Pennsylvania and New York City, New York
- **Delta:** New York City, New York

on the ground

BUSINESS DEVELOPMENT

The Federal Aviation Administration requires airports to operate as self-sufficiently as possible. That means leveraging land and other assets to generate revenue for the airport, both for aeronautical and non-aeronautical use. Significant business development efforts happened in 2021 which will continue to support the long-term financial stability of our region's airport.

LAND DEVELOPMENT PLAN

The airport's available land was surveyed, and a strategic land development plan was created that outlined space available, most appropriate land uses for each parcel and helped envision a strategic direction for the future development of airport property.

GOLF, ANYONE?

A major accomplishment in 2020 was the purchase of Broadmoor Golf Links, located in Henderson County and adjacent to the airport's Runway Protection Zone at the south end of the airfield. In 2021, the airport entered into a ground lease agreement with DreamCatcher Broadmoor, LLC, for the development, management and operation of a commercial hotel with conference center and the 18-hole golf course. Coming next will be a four-diamond hotel and conference center, the first of its kind in Henderson County. The purchase was strategic, allowing for future nonaeronautical revenue diversification, as well as upholding the FAA's requirement that airports promote compatible land use in areas near the airport.

construction
at the airport



MORE PARKING FOR CARS AND PLANES

With significant growth comes more people ... and more cars ... and more AIRPLANES. In 2021, we constructed and opened a new remote shuttle lot for passenger use, located directly across Hwy 280/Airport Road and the airport's main entrance. This new lot added about 300 additional parking spaces, bringing the total available in all lots to nearly 2,500.

SOUTH APRON EXPANSION

2021 was also a year of construction of a new area for aircraft parking. We have been bursting at the seams on our airfield, especially in the evening when more and more planes are parked at the airport overnight. An expansion project was underway all year to create more aircraft parking space south of the terminal and should be ready for use in early 2022. We will be able to accommodate up to three additional aircraft, depending upon size.

UTILITY UPGRADE

When you're 60 years old, some of your infrastructure may need some long-overdue attention. We upgraded some of our original water and sewer systems, preparing for more modernization and expansion coming soon.

a look forward
brand new airport coming soon

2021 WAS A YEAR OF PLANNING AND DESIGN

The airport spent the year continuing a 2+ year design project that will culminate in plans for a new, modernized airport that will meet our region's needs for decades to come. The final design documents will be complete in early 2022, and the airport is targeting construction to begin in late 2022.

NEW FAA CONTROL TOWER DESIGN

In order to move forward with the new terminal project, the existing FAA Control Tower (which is a part of the current airport terminal) will eventually be demolished. A new free-standing FAA control tower will be constructed within the next few years, and the design process was in full swing in 2021, in collaboration with the FAA.

MASTER PLAN PROCESS KICKED OFF IN LATE 2021

The airport is updating its master plan now, which will result in a strategic document to help guide future growth at the airport.

connections
with community

CELEBRATING 60 YEARS BY BRINGING BACK OUR RUNWAY 5K

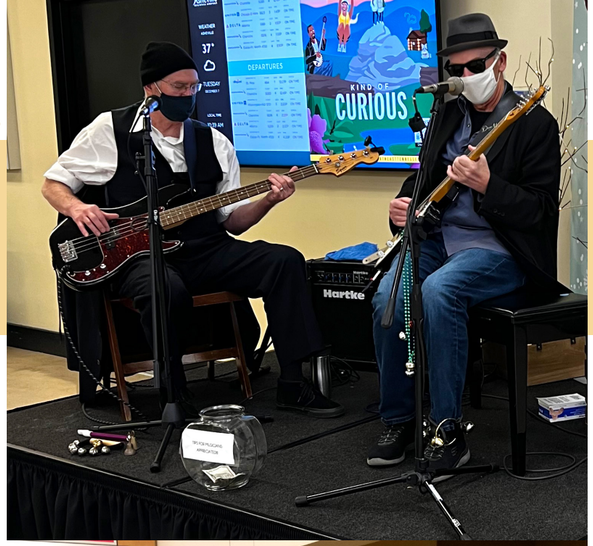
We were excited to bring back our popular Runway 5K in 2021, in celebration of our 60th anniversary. With more than 1,000 racers and hundreds more spectators, the day was spectacular and offered a memorable experience for many of our friends, neighbors and customers.

All proceeds benefited two local aviation scholarship funds: the AB-Tech Aviation Fund and the Western North Carolina Pilots Association Educational Foundation. More than $15,000 was raised to support local aviation education, in partnership with these sponsors:
Avcon, Gresham Smith, Hensel Phelps, Hunter Subaru, RS&H, Star 104.3, CHA, Vannoy Construction, McGriff, Parrish & Partners.













A FOCUS ON PASSENGERS THROUGH COMMUNITY

ART & MUSIC RETURNED

What is western North Carolina without art and music? We were pleased to reinstate local art in our gallery, as well as local instrumentalists performing in the terminal again this year.

AVL WELCOME CREW

We were pleased to pilot a new volunteer program in 2021 – we call it the AVL Welcome Crew. This is an opportunity for people on the Autism spectrum to volunteer their time at the airport, with their caregiver, to welcome travelers to the airport and direct them to baggage claim. The program began at the suggestion of one family who was looking for a meaningful volunteer job for their autistic loved one, and we hope to expand this program in 2022.

AVL AMBASSADORS

We missed our volunteers, and were glad to welcome them back mid-year. Passengers once again had the pleasure of interacting with our friendly volunteer ambassadors and Paws for Passengers “ambassadogs” this year. The pandemic required many of our community-based programs to be paused, and it was a great feeling to begin to welcome these special team members back to the airport in the second half of the year.



Greater Asheville Regional Airport Authority board

A NOTE ABOUT COVID-19 AND RECOVERY

In a year-end review, we must make note of the COVID-19 pandemic and its ever-present impact on the airport.

Our dedicated team towed the line, and continued to implement stringent health and safety protocols at the airport. Travelers returned in larger numbers beginning in May 2021, and we experienced some of our busiest travel months in the history of AVL through the end of the year.

AVL was the first airport in North Carolina to achieve a global health accreditation from Airports Council International. We remain committed to providing a safe and healthy travel experience for our travelers, and a responsible work environment for our team.

The western North Carolina community has also been responsive and compliant while at the airport — most travelers at AVL have followed the masking requirements, and have been respectful and patient during their travels. We are proud to be a part of this special community.



Matthew Burril
CHAIR
Appointed By: Buncombe County



Brad Galbraith
VICE CHAIR
Appointed By: City of Asheville



Thomas Apodaca
MEMBER
Appointed By: Henderson County



George Erwin, Jr.
MEMBER
Appointed By: Henderson County



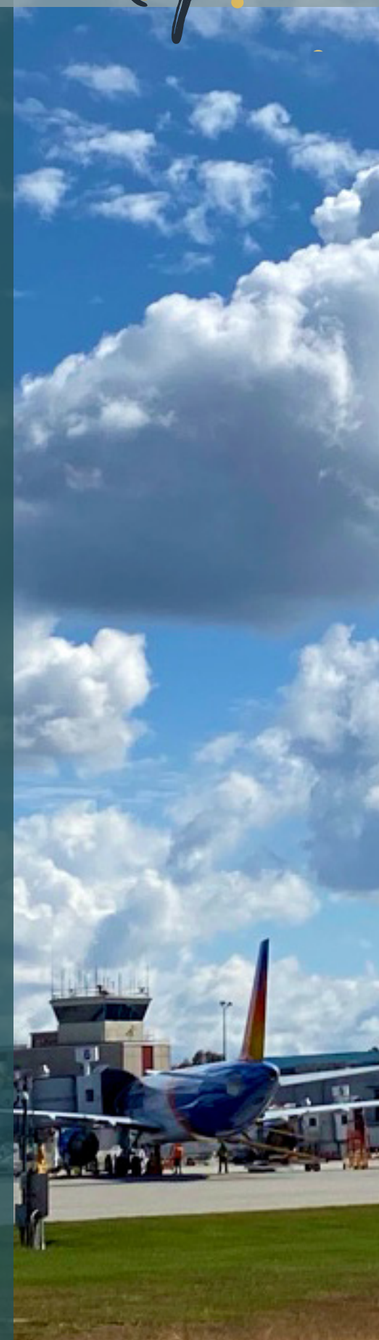
Susan Russo Klein
MEMBER
Appointed By: City of Asheville



Britt Lovin
MEMBER
Appointed By: GARAA Board



Carl H. Ricker, Jr.
MEMBER
Appointed By: Buncombe County



accomplishments

senior team highlights + more



Michael Reisman, A.A.E.
DEPUTY EXECUTIVE DIRECTOR

MEMBER
American Association of Airport Executives Board



John Coon, A.A.E.
DIRECTOR OF OPERATIONS
+ MAINTENANCE

MEMBER
North Carolina Airports Association Board



Tina Kinsey, A.A.E.
DIRECTOR OF MARKETING
PR + AIR SERVICE DEVELOPMENT

MEMBER
Four Seasons Hospice Board, Hendersonville, N.C.

MEMBER
Air Service Committee, American Association of Airport Executives



Samuel Sales, A.M.F.
PUBLIC SAFETY CHIEF

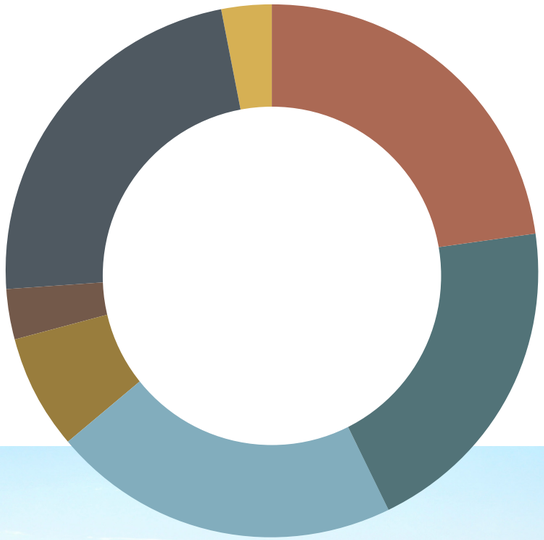
MEMBER
Blue Ridge Honor Flight Board

PUBLIC SAFETY OFFICERS ACHIEVING ADVANCED LEO CERTIFICATION

Lieutenant Keith Duffie
Public Safety Officer Dustin Irvin

2021 overview financials

At June 30, 2021, the Authority's assets exceeded liabilities by $205,981,563. That is an increase of more than $36.9 million from 2020 and an increase of $51.2 million from 2019.



SOURCES OF AUTHORITY REVENUE

PARKING	23%
AIRLINES	20%
RENTAL CARS	21%
FBO/GENERAL AVIATION	7%
CONCESSIONAIRES	3%
OTHER	23%
FEDERAL GOVERNMENT	3%





Greater Asheville Regional Airport Authority
61 Terminal Drive, Suite 1 | Fletcher, NC | 28732
828.684.2226

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Presentations

Department: HHS **Presenter(s):** Ellis Matheson, Public Health Nurse Administrator

Contact(s): Dr. Jennifer Mullendore

Subject: National Nurses Week Proclamation

Brief Summary: Recognition of National Nurses Week in Buncombe County for May 6-12.

County of Buncombe

Proclamation

National Nurses Week

Whereas, since 1990, May 6th through May 12th has been observed as National Nurses Week, culminating on the birthday of Florence Nightingale; and

Whereas, Public Health Nurses, on a routine basis, promote health by providing education, preventive health screenings, interventions and support in clinics, schools, and the community; advocate for programs and policies to support health equity; and identify and implement evidence-based programs to improve health and empower individuals and communities to achieve wellbeing; and

Whereas, Public Health Nurses in Buncombe County continue to play a critical role in responding to the COVID-19 pandemic by administering vaccine and providing guidance & education to community members; and

Whereas, Public Health Nurses in Buncombe County deliver compassionate and respectful care while embodying the principles of ethical practice in their profession; and

Whereas, Public Health Nurses intersect with programs outside the clinic to promote and support holistic wellness initiatives that aim to remove barriers to better health for our residents; and

Whereas, Buncombe County Health and Human Services and its Clinical Services programs have recognized the observance of Nurses Week;

Now, Therefore, Be It Proclaimed by the Board of Commissioners for the County of Buncombe as follows:

1. That May 6-12,2022 be proclaimed

National Nurses Week

in Buncombe County.

2. That this Board does hereby recognize the essential function Public Health Nurses fulfill with regard to the health and safety of the Buncombe community

3. That this proclamation be effective upon its adoption.

Adopted this 3rd day of May, 2022

Board of Commissioners for the
County of Buncombe

Brownie Newman, Chairman

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Presentations

Department: HHS **Presenter(s): Lizzi Shimer/Amy Huntsman**

Contact(s): Stacey Wood/Amy Huntsman

Subject: Foster Care Month Proclamation

Brief Summary: Recognition and appreciation of the valuable service foster parents provide to our community.

County of Buncombe

Proclamation

FOSTER CARE MONTH

WHEREAS, the family, serving as the primary source of love, security, safety, and support, is the very foundation of our community; and

WHEREAS, in Buncombe County the lives of hundreds of children and families are disrupted every year by crisis or conflicts in the home; and

WHEREAS, in Buncombe County there are over 340 children and youth in foster care—care that provides a safe, secure, and stable temporary home until permanent housing is identified; and

WHEREAS, foster families in Buncombe County open their homes and hearts to children whose families are in crisis and play a vital role in helping children and families heal, reconnect, and launch children into successful adulthood; and

WHEREAS, foster families are essential to the foundation of our communities and perform an extraordinary service by working in partnership with agencies and families to nurture children and provide an opportunity for healthy growth and development.

NOW, THEREFORE, BE IT PROCLAIMED by the Board of Commissioners for the County of Buncombe as follows:

1. That the month of May, 2022 be proclaimed:

"FOSTER CARE MONTH"

in Buncombe County.

2. That all Buncombe residents be urged to recognize the important role foster parents play in our community and volunteer their energies on behalf of children in foster care.

3. That this proclamation be effective upon its adoption, May 3, 2022.

Brownie Newman
Chairman, Buncombe County Board of Commissioners

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Presentations

Department: Finance **Presenter(s):** Don Warn

Contact(s): Don Warn

Subject: FY2022 3rd Quarter Financial Update

Brief Summary: Staff will provide the Board with an update on revenues and expenditures for the third quarter of fiscal year 2022

Recommended Motion & Requested Action: No action is required

County Manager's comments and Recommendation: None

BUNCOMBE COUNTY FINANCIAL QUARTERLY REPORT

FY2022 - FOR THE QUARTER ENDING MARCH 31

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SIGNIFICANT FINANCIAL HIGHLIGHTS

The information in this report reflects the financial highlights for Buncombe County through March 31, 2022, which is 75% of the way through the year. This information is unaudited.

At the end of third quarter fiscal year 2022, the assumption is that revenues and expenditures will be at 75% of budget, however due to the timing of revenue collection and payment disbursements, this is not the case. Most of the property tax is collected November through January. Additionally, sales tax has a 3-month lag from the time the transaction occurs until disbursement to the County, so transactions that occurred in December are not be disbursed by the State until mid-March.

General Fund budgeted revenues are $373.1 million and actual revenues as of March 31 are $317.9 million or 85.2% of budgeted revenue and compared to last year at the same time, revenues are 8.6% above fiscal year 2021.

General Fund budget expenditures are $373.1 million and actual expenditures as of March 31 are $245.4 million or 65.8% of budget and compared to the same time last year, expenditures are above fiscal year 2021 by 6.0%. At this point, the categories of expenditures are coming in close to budget, except for Interfund Transfer which is expected due to the funding of various programs in other funds. There are no areas of concern regarding expenditures compared to budget. Staff will continue to monitor the budget to actual and provide regular reports to the Commissioners.

The Solid Waste Fund which accounts for landfill and transfer station operations is an enterprise fund and operates like a business. The budgeted revenues are $12.7 million and actual revenues as of March 31 are $8.5 million or 67.1% of budget and compared to last year at the same time, revenues are below fiscal year 2021 by 0.65%. Since this fund operates like a business, revenues are fee based and dependent upon usage.

Solid Waste budgeted expenditures are $12.7 million and actual expenditures to date are $7.3 million or 57.9% of budget and compared to the same time last year, expenditures are above fiscal year 2021 by 12.5% primarily due to interfund transfers. At this point, all categories of expenditures are coming in under budget, except for Interfund Transfer and Capital Outlay which is expected due to the funding of the Landfill Capital Projects fund and timing of various capital outlays. There are no areas of concern regarding expenditures compared to budget.

The County Capital Projects Fund is a multi-year fund that accounts for County capital projects funded through general government resources and financing that will most likely span multiple years. The projects approved for 2022 have a total budget of $16.6 million and actual expenditures to date total $710,344 or 5.4%. Due to the nature of capital projects, a significant portion of expenditures may not occur in the year the budget was established.

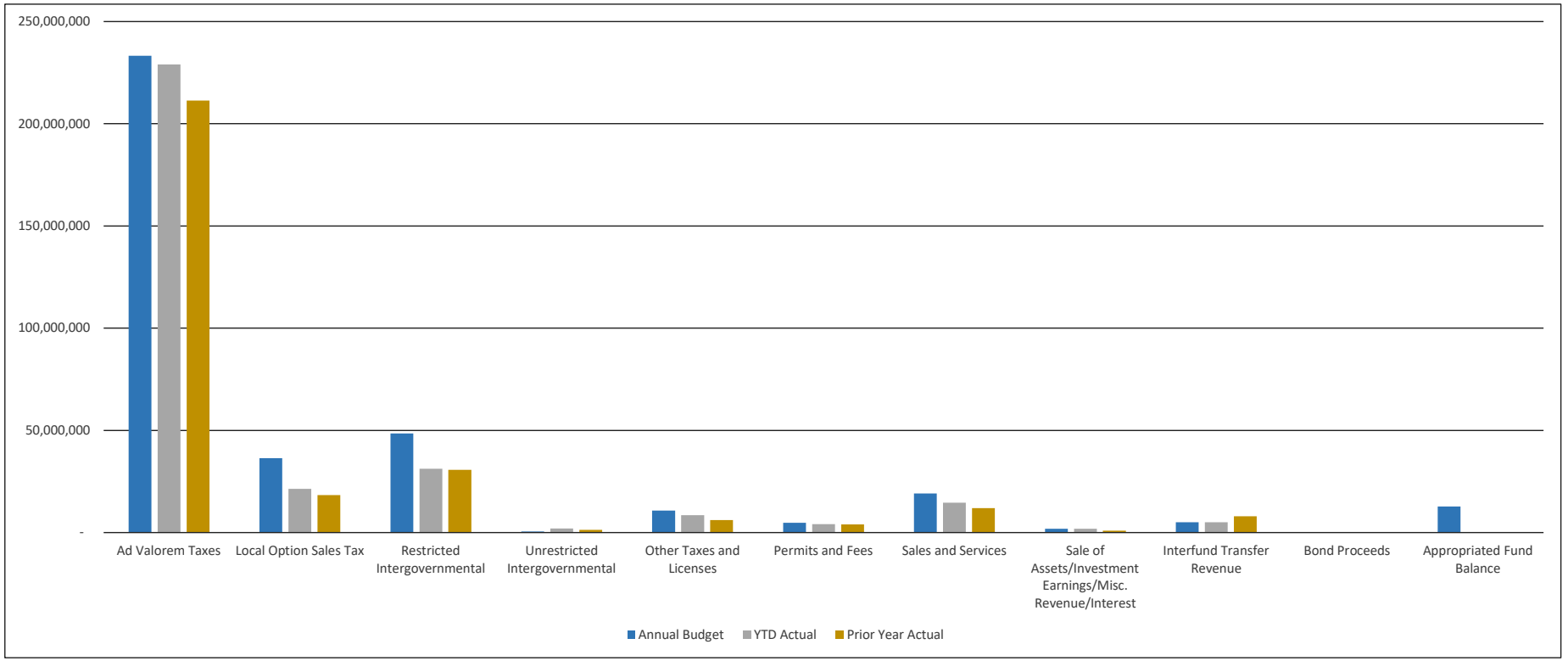
A.

SUMMARY ANNUAL FUNDS			
FUND	Annual Budget	YTD Actual	% of Budget
100 General Total Revenue	(373,170,397)	(317,957,225)	85.2%
100 General Total Expense	373,170,397	245,440,972	65.8%
120 Air Quality Total Revenue	(951,344)	(779,790)	82.0%
120 Air Quality Total Expense	951,344	578,279	60.8%
220 Occupancy Tax Total Revenue	(30,000,000)	(24,564,725)	81.9%
220 Occupancy Tax Total Expense	30,000,000	24,564,725	81.9%
221 Reappraisal Reserve Fund Total Revenue	(400,870)	(237,000)	59.1%
221 Reappraisal Reserve Fund Total Expense	400,870	208,063	51.9%
223 911 Total Revenue	(1,269,343)	(599,247)	47.2%
223 911 Total Expense	1,269,343	272,689	21.5%
225 ROD Automation Total Revenue	(159,101)	(133,565)	83.9%
225 ROD Automation Total Expense	159,101	74,885	47.1%
226 Register of Deeds Total Revenue	(400,000)	(253,427)	63.4%
226 Register of Deeds Total Expense	400,000	225,611	56.4%
228 Special Taxing Districts Total Revenue	(56,741,373)	(48,012,128)	84.6%
228 Special Taxing Districts Total Expense	56,741,373	39,923,110	70.4%
230 Transportation Total Revenue	(6,330,276)	(876,013)	13.8%
230 Transportation Total Expense	6,330,276	2,511,795	39.7%
231 Woodfin PDF Total Revenue	(778,450)	(0)	0.0%
231 Woodfin PDF Total Expense	778,450	248,005	31.9%
270 Forfeitures Total Revenue	(271,681)	(42,550)	15.7%
270 Forfeitures Total Expense	271,681	44,593	16.4%
273 School Fines and Forfeitures Total Revenue	(2,000,000)	(835,019)	41.8%
273 School Fines and Forfeitures Total Expense	2,000,000	713,841	35.7%
276 Representative Payee Total Revenue	(500,000)	(295,521)	59.1%
276 Representative Payee Total Expense	500,000	299,565	59.9%
466 Solid Waste Total Revenue	(12,740,210)	(8,549,030)	67.1%
466 Solid Waste Total Expense	12,740,210	7,382,847	57.9%
469 Inmate Commissary Total Revenue	(483,983)	(401,080)	82.9%
469 Inmate Commissary Total Expense	483,983	180,240	37.2%
480 Health and Dental Insurance Total Revenue	(35,639,950)	(29,551,349)	82.9%
480 Health and Dental Insurance Total Expense	35,639,950	26,166,121	73.4%
481 LGERS Stabilization Total Revenue	(250,000)	-	0.0%
481 LGERS Stabilization Total Expense	250,000	133,592	53.4%
482 Medicare Benefits Total Revenue	(800,547)	(820,180)	102.5%
482 Medicare Benefits Total Expense	800,547	624,348	78.0%
483 Workers' Compensation Total Revenue	(646,821)	(676,297)	104.6%
483 Workers' Compensation Total Expense	646,821	724,700	112.0%
484 Property and Liability Insurance Total Revenue	(2,863,147)	(2,284,712)	79.8%
484 Property and Liability Insurance Total Expense	2,863,147	719,116	25.1%

SUMMARY MULTI-YEAR FUNDS			
FUND	Annual Budget	YTD Actual	% of Budget
224 Special Programs Total Revenue	(19,197,490)	(19,374,098)	100.9%
224 Special Programs Total Expense	19,197,490	12,584,860	65.6%
326 Public School Capital Needs Fund Total Revenue	(246,533,342)	(204,659,791)	83.0%
326 Public School Capital Needs Fund Total Expense	246,533,342	192,982,982	78.3%
327 Grant Projects Total Revenue	(111,898,644)	(60,792,703)	54.3%
327 Grant Projects Total Expense	111,898,644	42,748,260	38.2%
333 AB Tech Total Revenue	(129,723,551)	(123,529,712)	95.2%
333 AB Tech Total Expense	129,723,551	106,148,030	81.8%
335 Public School ADM Sales Tax and Lottery Projects Total Revenue	(102,294,741)	(91,457,745)	89.4%
335 Public School ADM Sales Tax and Lottery Projects Total Expense	102,294,741	91,480,257	89.4%
341 Capital Project Total Revenue	(71,839,018)	(48,604,336)	67.7%
341 Capital Project Total Expense	71,839,018	39,473,751	54.9%
342 Landfill Capital Projects Total Revenue	(28,683,201)	(13,375,105)	46.6%
342 Landfill Capital Projects Total Expense	28,683,201	13,745,253	47.9%

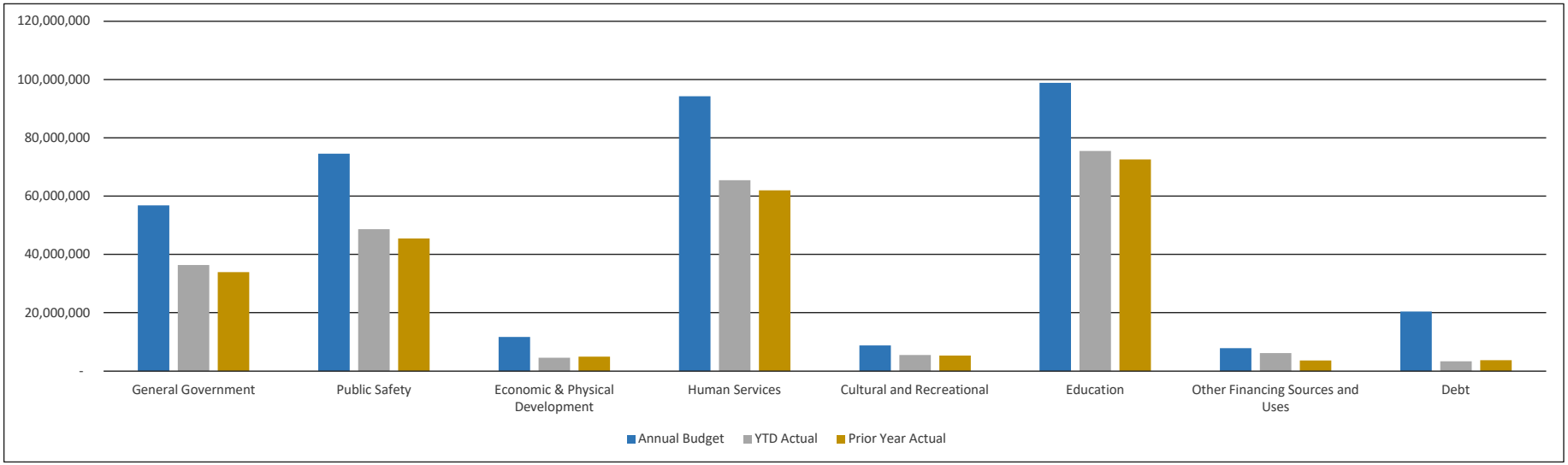
B. 1.

GENERAL FUND REVENUES BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Ad Valorem Taxes	233,296,662	229,013,651	98.2%	211,286,741
Local Option Sales Tax	36,384,931	21,437,742	58.9%	18,297,116
Restricted Intergovernmental	48,447,668	31,267,493	64.5%	30,718,336
Unrestricted Intergovernmental	625,000	2,041,742	326.7%	1,367,105
Other Taxes and Licenses	10,786,000	8,516,645	79.0%	6,163,021
Permits and Fees	4,777,000	4,189,149	87.7%	3,958,391
Sales and Services	19,106,509	14,597,173	76.4%	12,022,147
Sale of Assets/Investment Earnings/Misc. Revenue/Interest	1,874,644	1,868,283	99.7%	917,845
Interfund Transfer Revenue	5,025,346	5,025,345	100.0%	7,981,685
Bond Proceeds	-	-	0.0%	112,600
Appropriated Fund Balance	12,846,637	-	0.0%	-



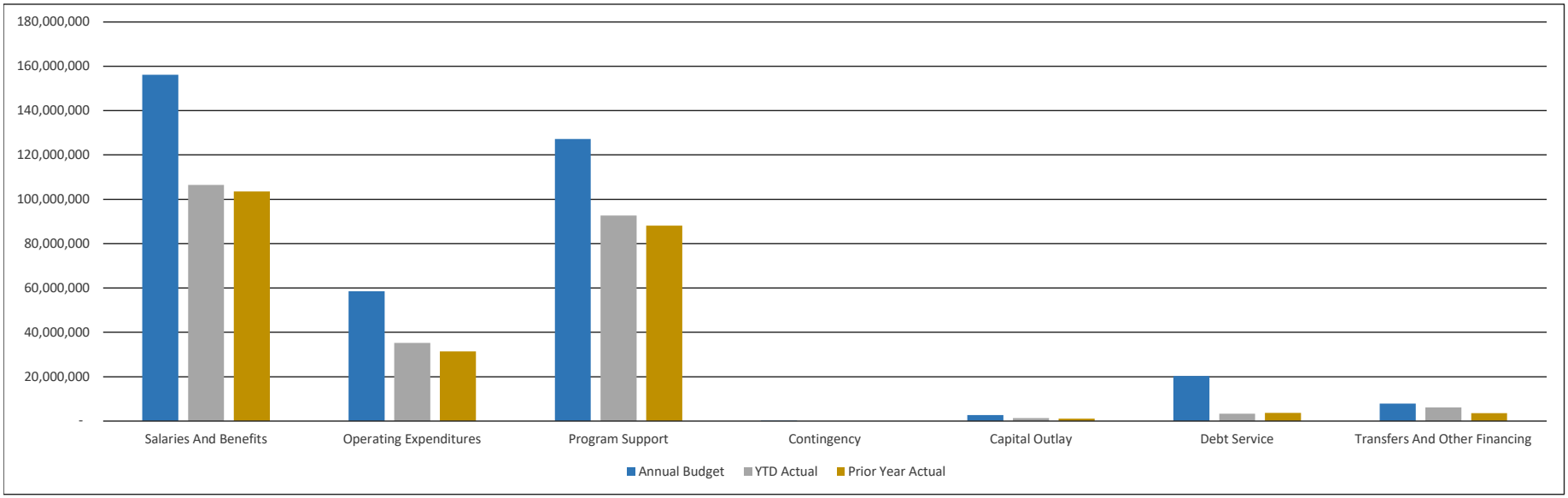
B. 2.

GENERAL FUND EXPENDITURE BY FUNCTION	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
General Government	56,865,819	36,324,545	63.9%	33,912,523
Public Safety	74,568,612	48,622,113	65.2%	45,477,336
Economic & Physical Development	11,658,351	4,547,283	39.0%	4,950,989
Human Services	94,276,597	65,422,352	69.4%	61,938,428
Cultural and Recreational	8,739,293	5,466,461	62.6%	5,331,880
Education	98,836,668	75,480,385	76.4%	72,612,498
Other Financing Sources and Uses	7,836,252	6,199,671	79.1%	3,597,369
Debt	20,388,805	3,378,163	16.6%	3,676,154



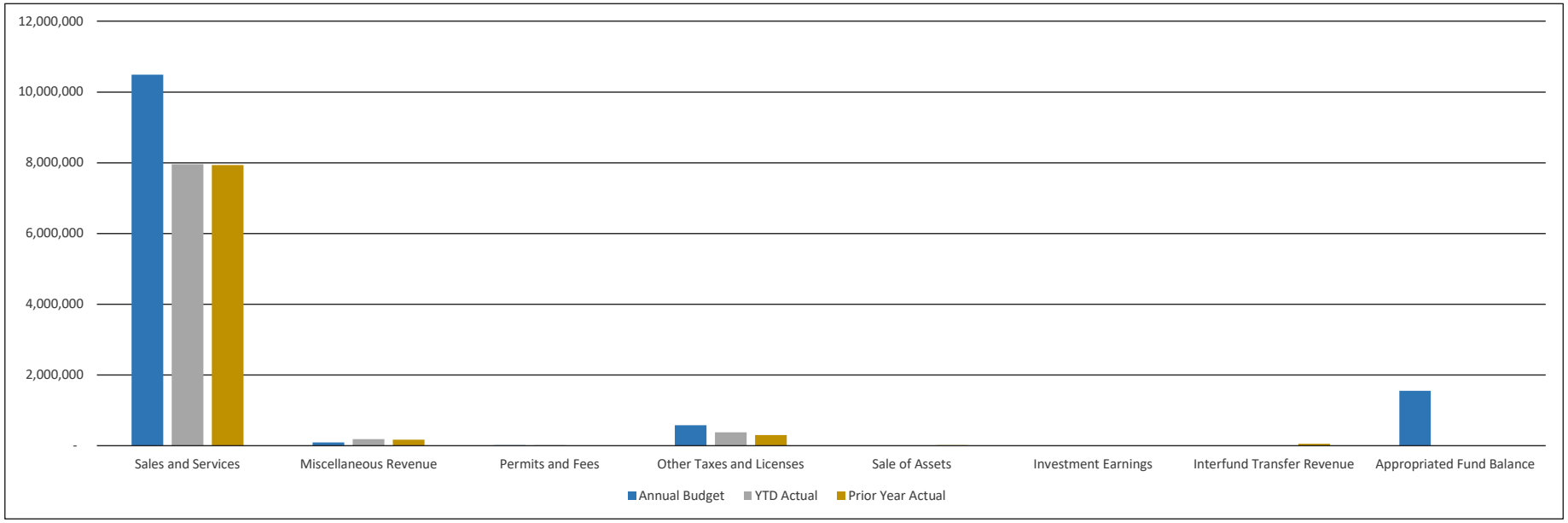
B. 3.

GENERAL FUND EXPENDITURE BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Salaries And Benefits	156,225,091	106,494,481	68.2%	103,527,680
Operating Expenditures	58,550,421	35,268,386	60.2%	31,469,029
Program Support	127,248,087	92,746,528	72.9%	88,162,586
Contingency	265,774	-	0.0%	-
Capital Outlay	2,655,967	1,353,743	51.0%	1,064,359
Debt Service	20,388,805	3,378,163	16.6%	3,676,154
Transfers And Other Financing	7,836,252	6,199,671	79.1%	3,597,369



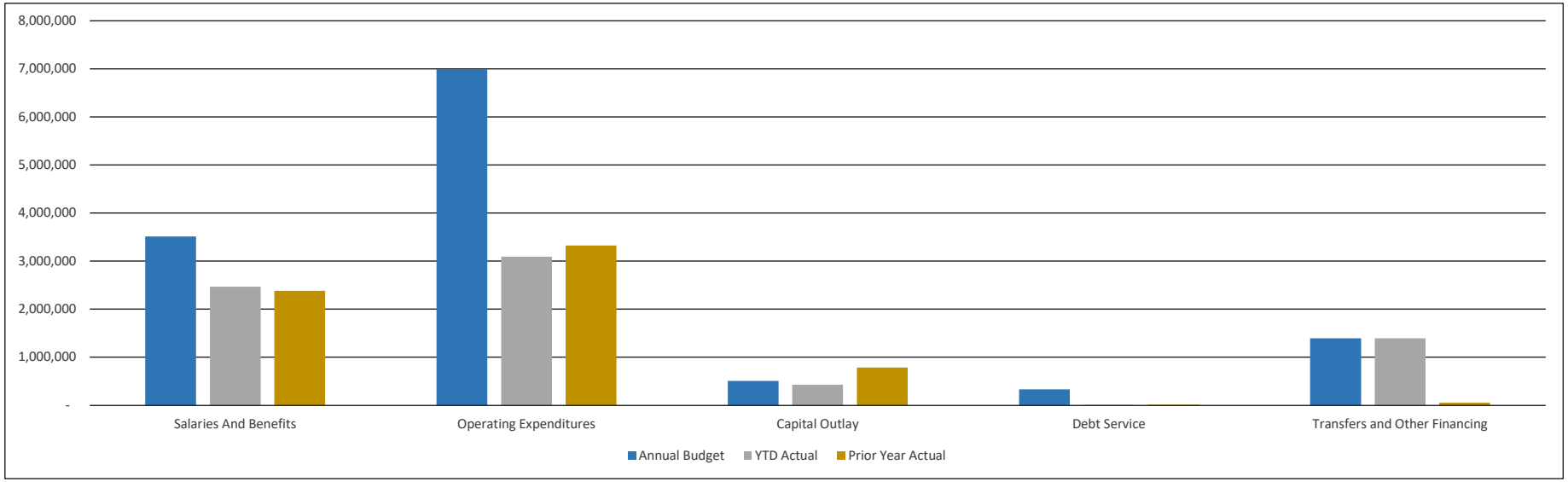
C. 1.

SOLID WASTE FUND REVENUES BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Sales and Services	10,495,248	7,964,253	75.9%	7,935,195
Miscellaneous Revenue	95,000	187,928	197.8%	170,038
Permits and Fees	18,100	13,171	72.8%	6,118
Other Taxes and Licenses	578,816	381,504	65.9%	304,820
Sale of Assets	-	901	0.0%	17,000
Investment Earnings	-	1,273	0.0%	1,863
Interfund Transfer Revenue	-	-	0.0%	58,768
Appropriated Fund Balance	1,553,046	-	0.0%	-



C. 2.

SOLID WASTE FUND EXPENDITURE BY CATEGORY	Annual Budget	YTD Actual	% of Budget	Prior Year Actual
Salaries And Benefits	3,514,938	2,464,798	70.1%	2,381,151
Operating Expenditures	6,991,527	3,090,268	44.2%	3,327,207
Capital Outlay	506,895	426,775	84.2%	787,751
Debt Service	331,850	6,005	1.8%	11,675
Transfers and Other Financing	1,395,000	1,395,000	100.0%	55,000



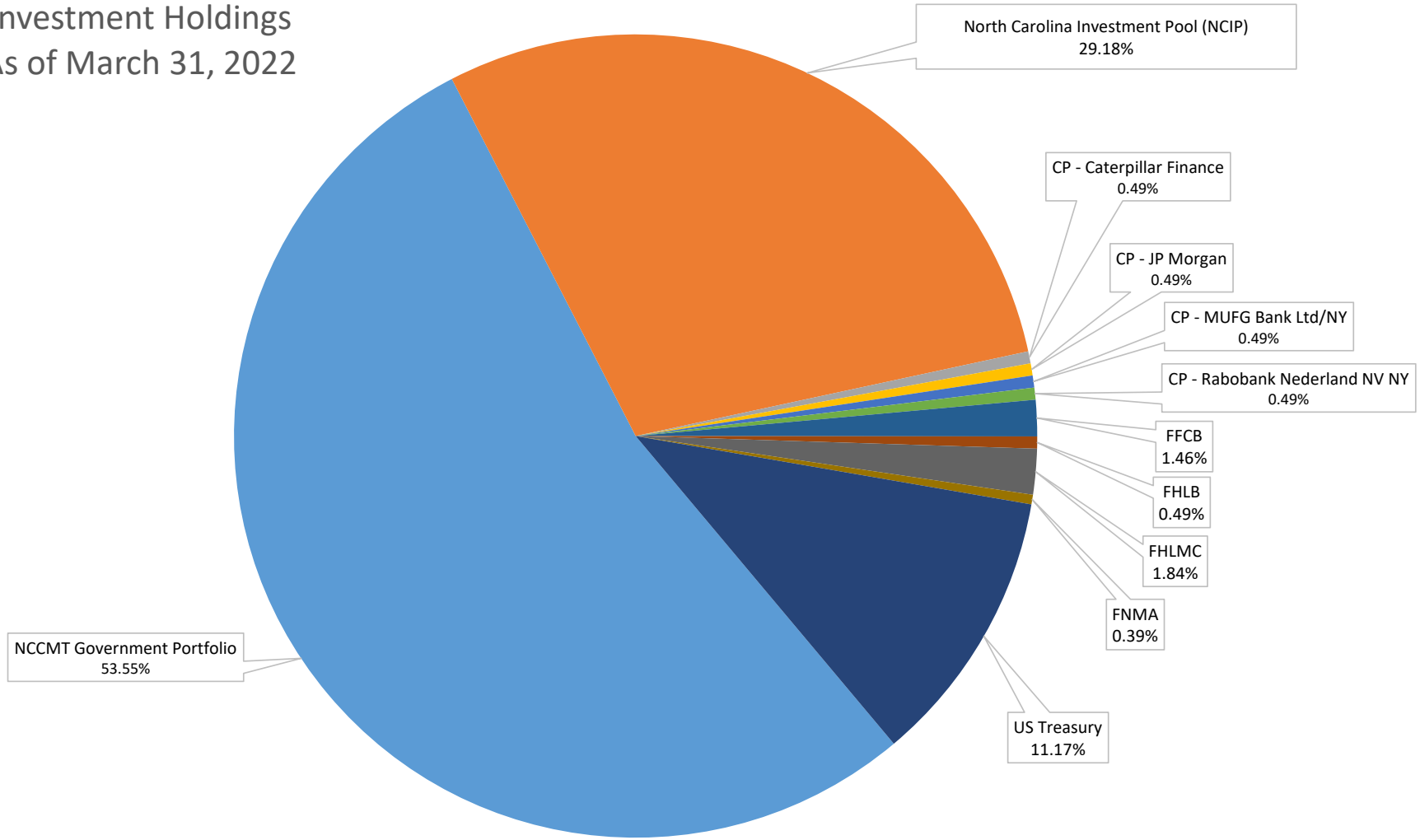
D.

COUNTY CAPITAL PROJECTS - FY2022 APPROVED				
EXPENDITURE BY CATEGORY	**FY2022 Budget**	**YTD Actual**	**LTD Actual**	**% of Expended**
FY20 Fleet and General Services Complex	8,380,000	111,700	160,400	1.9%
FY22 40 Coxe Interior Renovation	1,213,615	3,863	3,863	0.3%
FY22 Administration Building Envelope Repair	2,458,869	-	-	0.0%
FY22 BAS System for Detention Center	174,052	-	-	0.0%
FY22 Boat Launch at Lake Julian Park	40,000	104	104	0.3%
FY22 Buncombe County Sports Park Dog Park	80,500	32,030	32,030	39.8%
FY22 Lake Julian Bathroom Additions	674,160	-	-	0.0%
FY22 Lake Julian Paddle Boat Replacement	88,000	78,995	78,995	89.8%
FY22 New Restroom Facility for Sports Park	159,000	3,600	3,600	2.3%
FY22 Owen Park Playground Upgrade	125,249	116,709	116,709	93.2%
FY22 Planning for Forward Facing Building	200,000	57,600	57,600	28.8%
FY22 Solar Panel Installation Phase 2	400,000	-	-	0.0%
Sidewalks - General	207,000	-	-	0.0%
Woodfin Greenway	2,460,000	305,743	426,983	17.4%

E

INVESTMENT HOLDINGS 06/30/2021				
INVESTMENT DESCRIPTION	Par Amount	Market Value	Maturity	Interest Rate
NCCMT Government Portfolio	110,297,376	110,297,376	N/A	0.0800%
North Carolina Investment Pool (NCIP)	60,105,059	60,105,059	N/A	0.2800%
FFCB	1,000,000	982,134	6/8/2023	0.3500%
FHLMC	1,000,000	974,907	8/24/2023	0.2500%
FHLMC	780,000	756,527	10/16/2023	0.1250%
FHLMC	1,000,000	970,409	11/6/2023	0.2500%
FHLB	1,000,000	973,858	11/9/2023	0.5000%
FNMA	800,000	775,453	11/27/2023	0.2500%
FHLMC	1,000,000	968,516	12/4/2023	0.2500%
FFCB	1,000,000	974,639	12/20/2023	0.6800%
FFCB	1,000,000	980,180	2/25/2025	1.7500%
Commercial Paper - Caterpillar Finance	1,000,000	998,976	6/7/2022	0.5500%
Commercial Paper - Rabobank Nederland NV NY	1,000,000	999,294	6/22/2022	0.3100%
Commercial Paper - MUFG Bank Ltd/NY	1,000,000	999,174	7/29/2022	0.2500%
Commercial Paper - Toyota Motor Credit	1,000,000	999,141	7/29/2022	0.2600%
Commercial Paper - JP Morgan	1,000,000	989,792	12/2/2022	1.5000%
US Treasury	1,000,000	996,797	8/31/2022	0.1250%
US Treasury	1,000,000	995,547	9/30/2022	0.1250%
US Treasury	1,000,000	1,001,289	10/15/2022	1.3750%
US Treasury	1,000,000	992,266	11/30/2022	0.1250%
US Treasury	1,000,000	986,719	2/28/2023	0.1250%
US Treasury	1,000,000	989,219	3/15/2023	0.5000%
US Treasury	1,000,000	979,961	5/31/2023	0.1250%
US Treasury	1,000,000	980,820	6/15/2023	0.2500%
US Treasury	1,000,000	976,445	7/15/2023	0.1250%
US Treasury	1,000,000	975,234	7/31/2023	0.1250%
US Treasury	1,000,000	974,141	8/15/2023	0.1250%
US Treasury	1,000,000	971,992	9/15/2023	0.1250%
US Treasury	1,000,000	972,734	9/30/2023	0.2500%
US Treasury	1,000,000	969,648	10/15/2023	0.1250%
US Treasury	1,000,000	965,273	12/15/2023	0.1250%
US Treasury	1,000,000	962,773	1/15/2024	0.1250%
US Treasury	1,000,000	960,898	2/15/2024	0.1250%
US Treasury	1,000,000	961,250	3/15/2024	0.2500%
US Treasury	1,000,000	956,523	5/15/2024	0.2500%
US Treasury	1,000,000	954,414	6/15/2024	0.2500%
US Treasury	1,000,000	953,047	8/15/2024	0.3750%
US Treasury	1,000,000	976,406	10/31/2024	1.5000%
US Treasury	1,000,000	963,828	1/15/2025	1.1250%

Investment Holdings
As of March 31, 2022



F.

DONATIONS MADE TO BUNCOMBE COUNTY - FY22 - FOR THE QUARTER ENDING MARCH 31	Designated	Undesignated	Total
2022	**$ 125,532**	**$ 6,675**	**$ 132,207**
Monetary	**$ 125,532**	**$ 6,675**	**$ 132,207**
Agriculture and Land Resources	$ 1,029		$ 1,029
Farm Heritage Trail	$ 1,029		$ 1,029
Cooperative Extension	$ 1,255		$ 1,255
4-H	$ 1,255		$ 1,255
Family Justice Center	$ 1,500		$ 1,500
Family Justice Center	$ 1,500		$ 1,500
General Revenues		$ 350	$ 350
Undesignated		$ 350	$ 350
Library	$ 100,000	$ 325	$ 100,325
Undesignated		$ 325	$ 325
Libraries	$ 100,000		$ 100,000
Parks, Greenways & Recreation	$ 300		$ 300
Enka Recreation Destination	$ 50		$ 50
Special Olympics	$ 200		$ 200
Sand Hill Community Garden	$ 50		$ 50
Public Health	$ 40		$ 40
Health Clinic	$ 40		$ 40
Sheriff	$ 21,408	$ 6,000	$ 27,408
Undesignated		$ 6,000	$ 6,000
Back To School Drive	$ 3,672		$ 3,672
Toy Drive	$ 3,586		$ 3,586
Color Guard	$ 150		$ 150
Adopt a K-9 Cop	$ 7,500		$ 7,500
K-9	$ 6,500		$ 6,500
Grand Total	**$ 125,532**	**$ 6,675**	**$ 132,207**

Buncombe County

FY2022 3rd Quarter Financial Report

(unaudited)

Presented by
Don Warn

FY2022 Items for Review

- ✓ General Fund Budget to Actual Summary
  - ➢ Expenses and Revenues
- ✓ Solid Waste Fund- Enterprise Fund
  - ➢ Expenses and Revenues

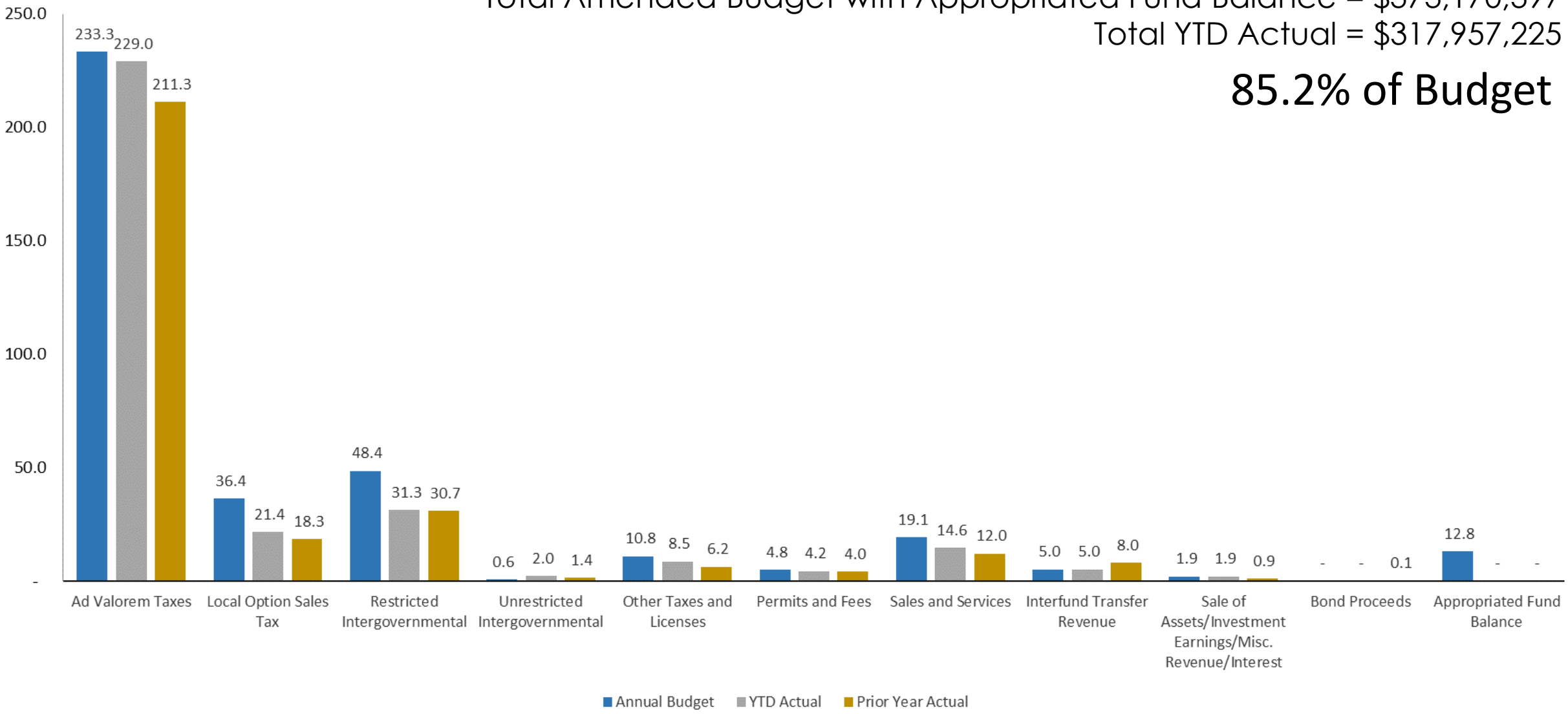
FY2022 General Fund Budget to Actual

Revenue by Type

(in millions)

Total Amended Budget with Appropriated Fund Balance = $373,170,397
Total YTD Actual = $317,957,225

85.2% of Budget



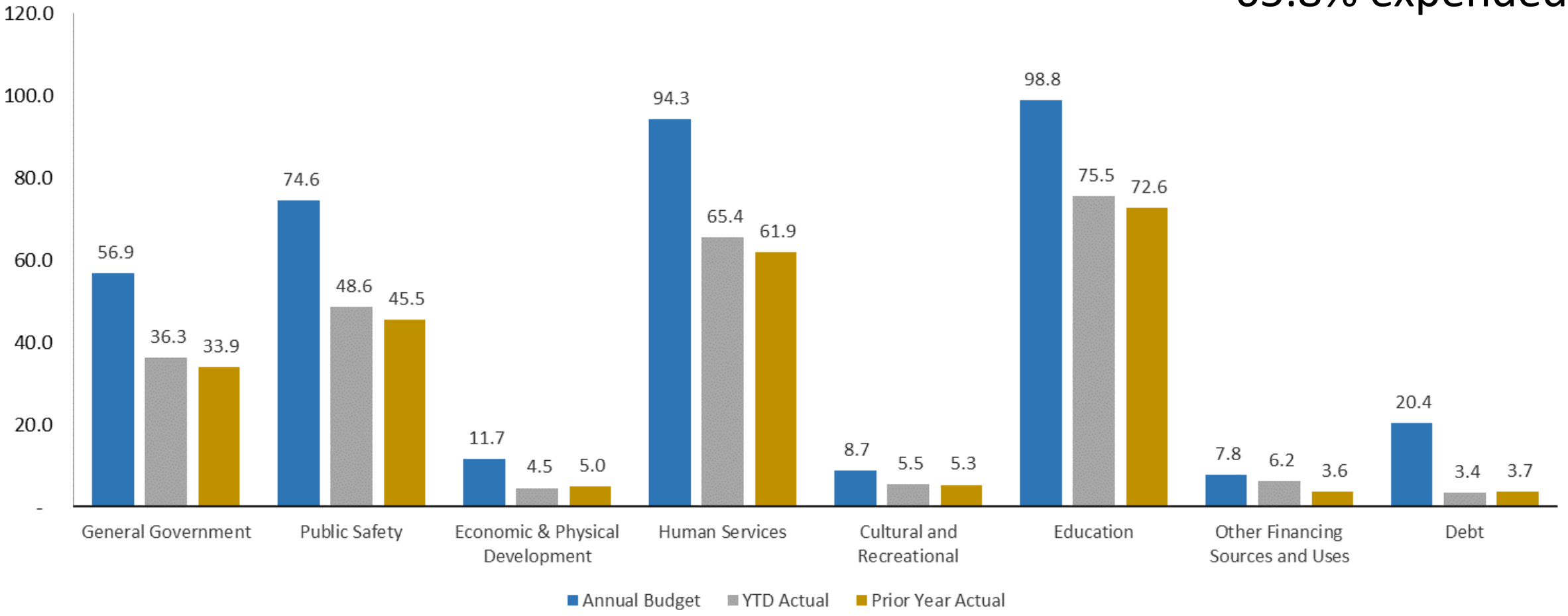
FY2022 General Fund Budget to Actual

Expenditure by Function

(in millions)

Total Amended Budget = $373,170,397
Total Actual = $245,440,972

65.8% expended



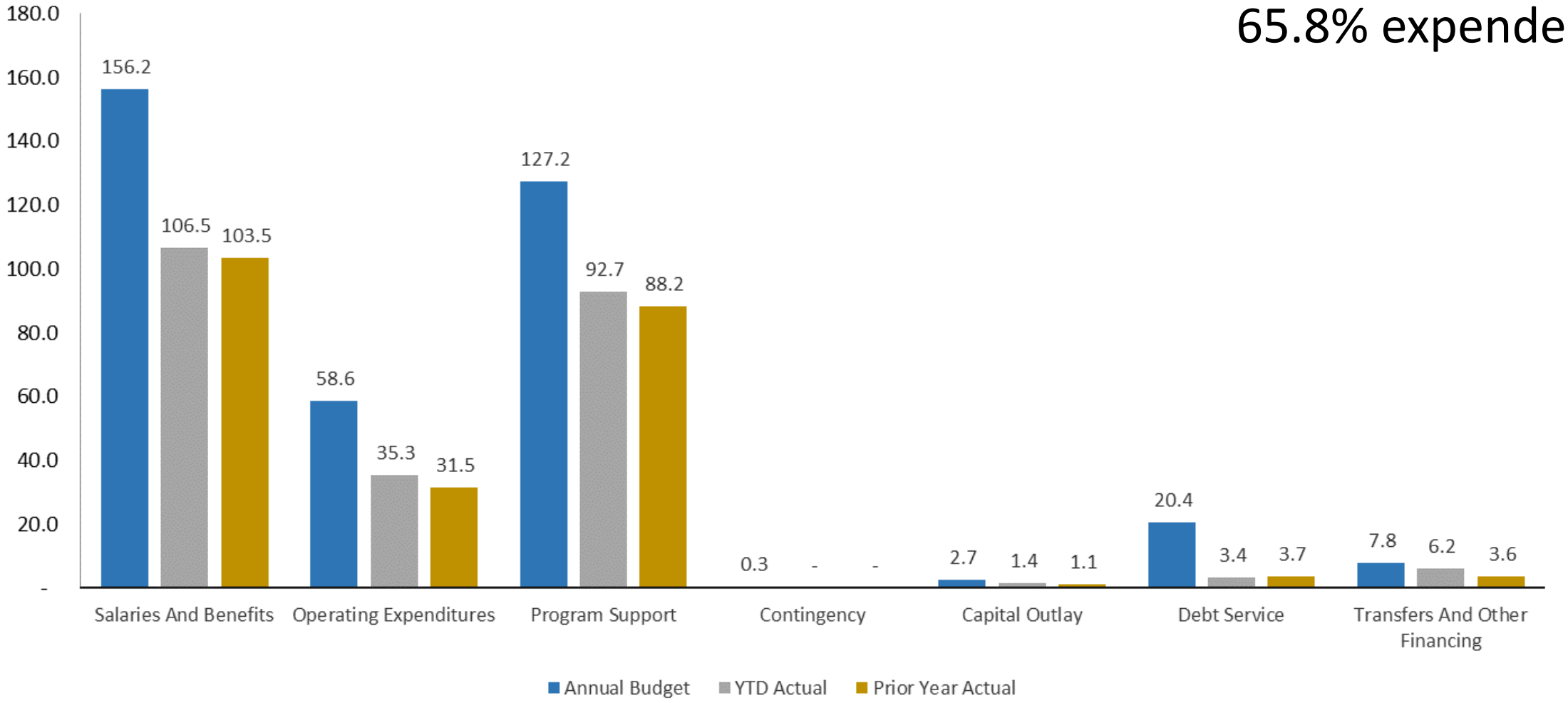
FY2022 General Fund Budget to Actual

Expenditure by Category

(in millions)

Total Amended Budget = $373,170,397
Total Actual = $245,440,972

65.8% expended



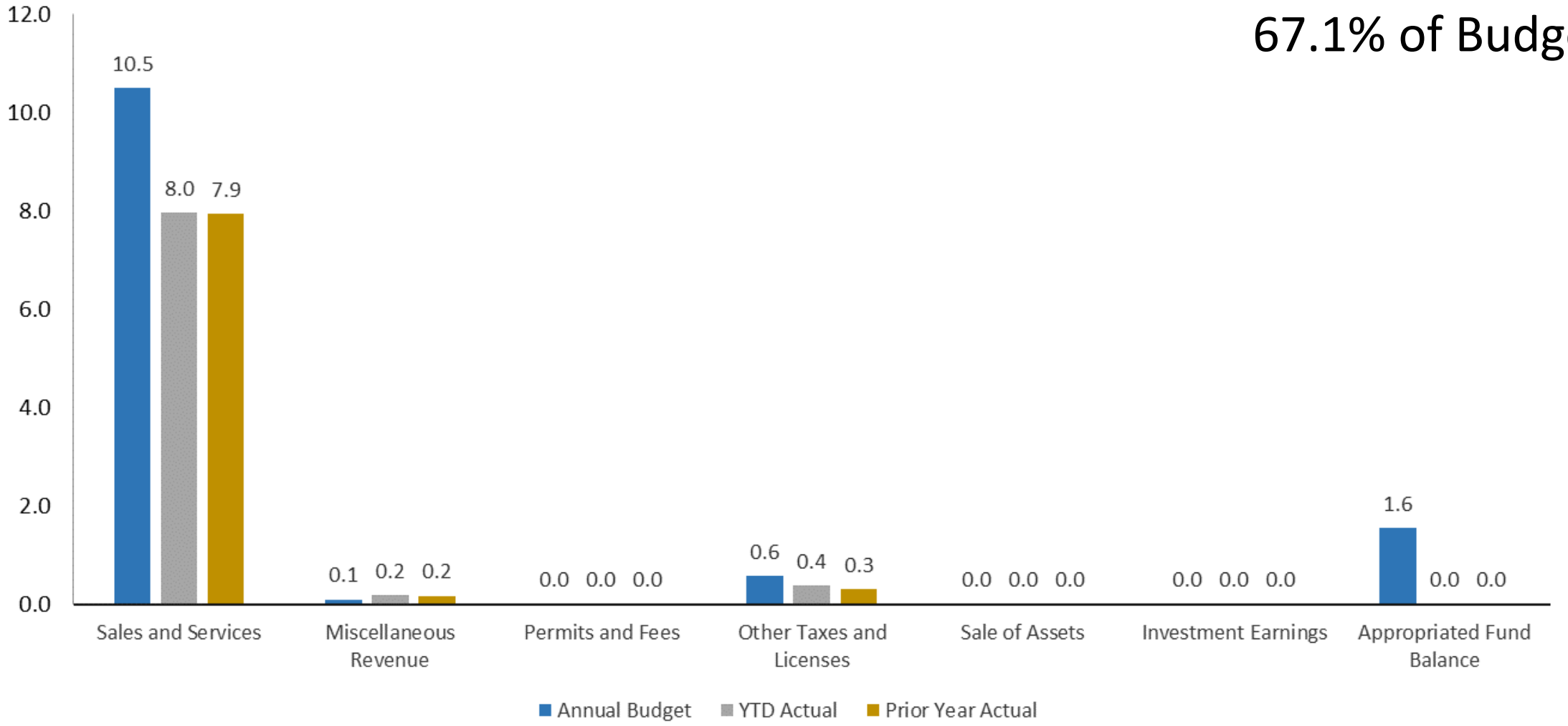
FY2022 Solid Waste Fund Budget to Actual

Revenue by Type

(in millions)

Total Amended Budget = $ 12,740,210
Total Actual = $ 8,549,030

67.1% of Budget



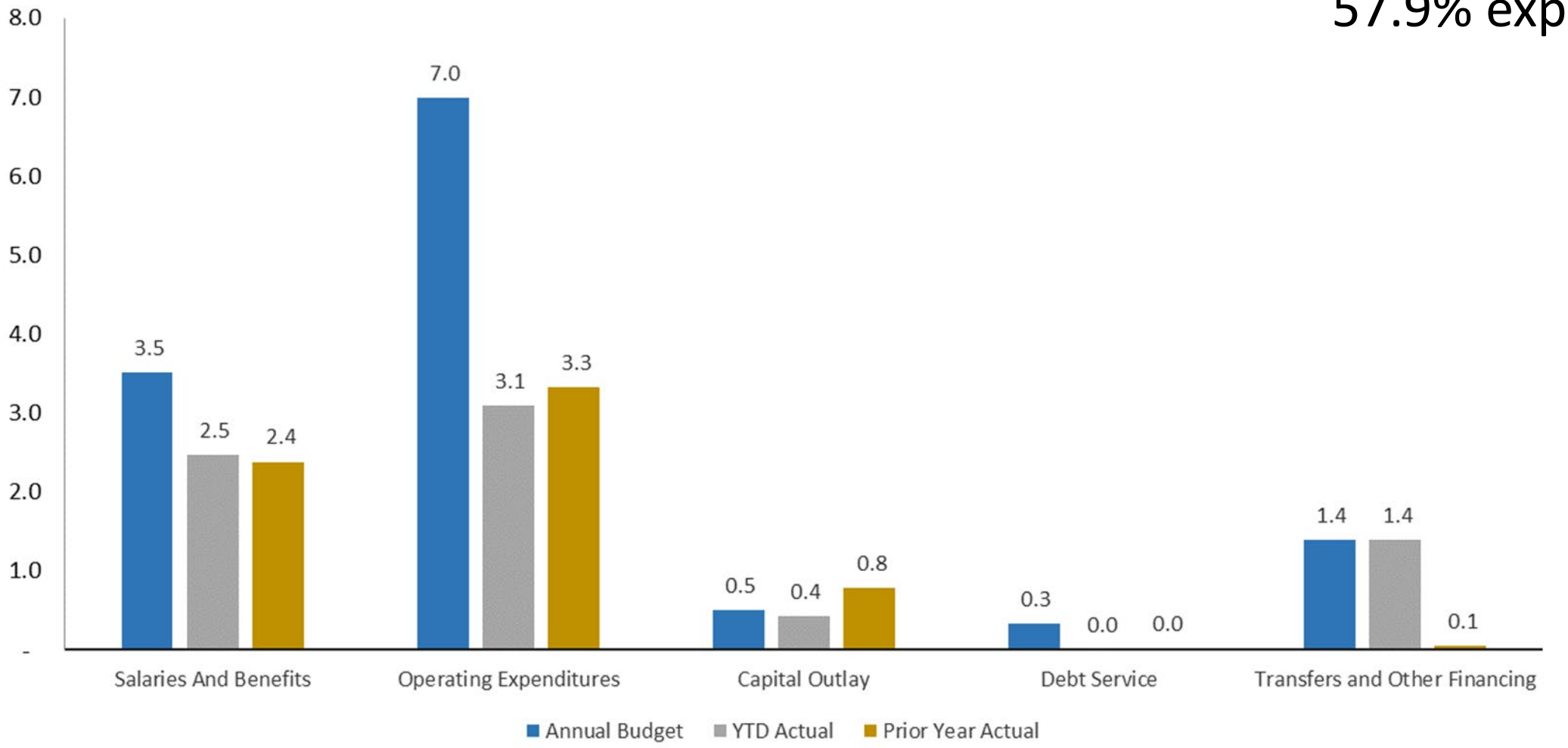
FY2022 Solid Waste Fund Budget to Actual

Expenditure by Category

(in millions)

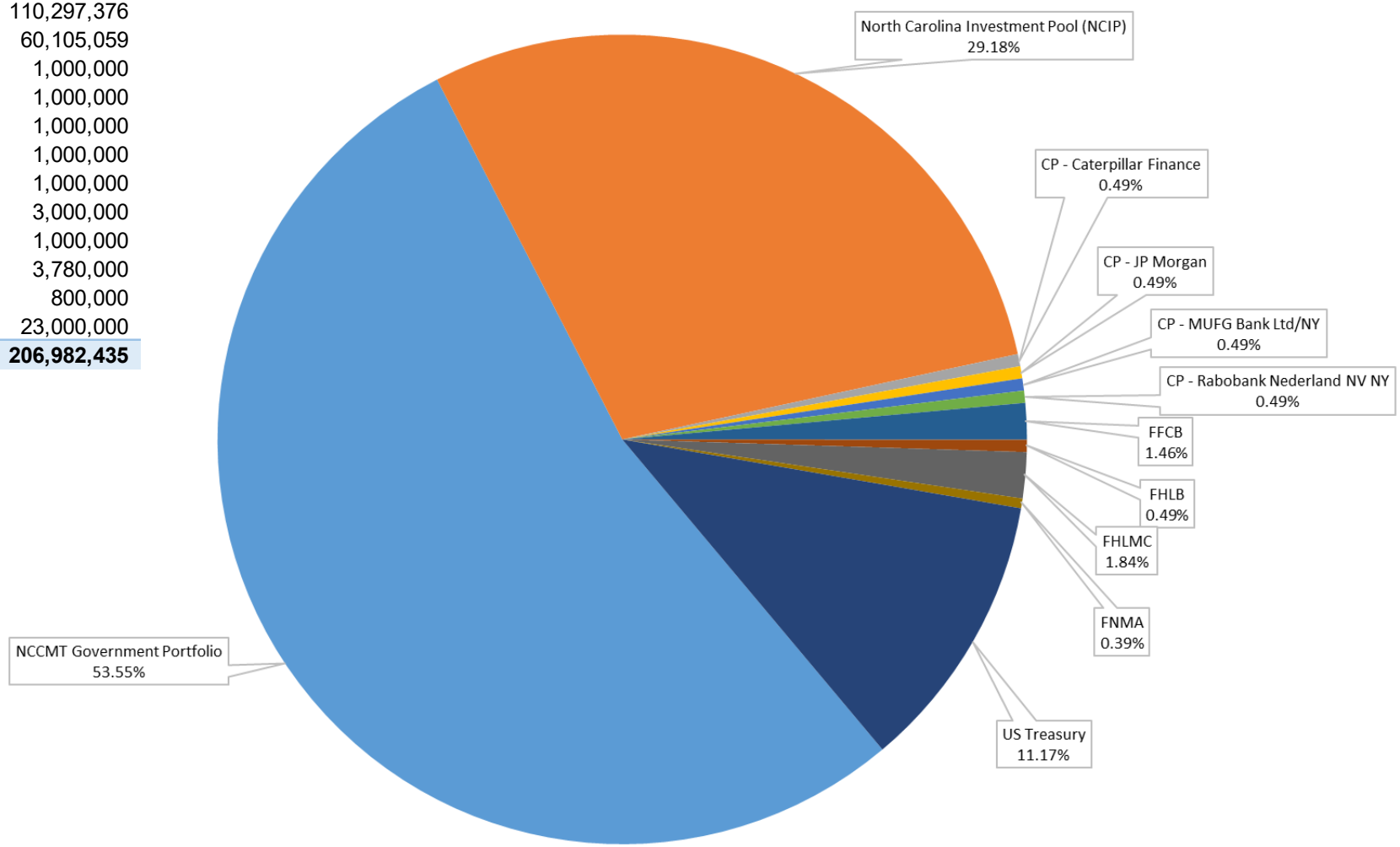
Total Amended Budget = $ 12,740,210
Total Actual = $ 7,382,847

57.9% expended



Investment Portfolio Summary

INVESTMENT DESCRIPTION	Par Amount
NCCMT Government Portfolio	110,297,376
North Carolina Investment Pool (NCIP)	60,105,059
CP - Caterpillar Finance	1,000,000
CP - JP Morgan	1,000,000
CP - MUFG Bank Ltd/NY	1,000,000
CP - Rabobank Nederland NV NY	1,000,000
CP - Toyota Motor Credit	1,000,000
FFCB	3,000,000
FHLB	1,000,000
FHLMC	3,780,000
FNMA	800,000
US Treasury	23,000,000
Grand Total	**206,982,435**



Questions?

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

Public Hearing

Department: Finance **Presenter(s): Don Warn**

Contact(s): Don Warn

Subject: Public Hearing and Preliminary Resolution for the Issuance of the 2022 Limited Obligation Bonds (LOBs) for County and Public School Capital Projects

Brief Summary: The County intends to issue LOBs in an amount not to exceed $155 million to fund approximately $26 million of County capital projects and $44 million of public school capital projects and take advantage of the low interest rate environment by issuing refinancing bonds of approximately $85 million. The refinancing of the outstanding 2014A LOBs will save the County approximately $6.6 million in debt service over the next 15 years.

For the issuance of new debt, it is required to hold a public hearing to receive input from the public before moving forward with Board action to approve a debt issuance.

The resolution authorizes the County Manager and the Finance Director, with advice from the Senior Staff Attorney and Bond Counsel to proceed and negotiate on behalf of the County for the financing of the acquisition, construction and equipping of the 2022 Project and the refinancing of the Prior Indebtedness. It also directs the Finance Director to submit an application to the LGC for approval to pursue the issuance of debt and it provides authorization to retain the assistance of bond counsel, financial advisors, trustees and underwriters to complete the financing.

Recommended Motion & Requested Action: Approve the resolution as presented.

County Manager's comments and Recommendation: Approve the resolution as presented.

EXTRACTS FROM MINUTES OF THE BOARD

A regular meeting of the Board of Commissioners of the County of Buncombe, North Carolina, was duly held on May 3, 2022 at 5:00 p.m. in the Commission Chambers, 200 College Street, Suite 326, Asheville, North Carolina. Chairman Brownie Newman presiding.

The following members were present: Commissioners Newman, Edwards, Pressley, Whitesides, Wells, Beach-Ferrara, and Sloan

The following members were absent:

* * * * *

Commissioner **Sloan** moved that the following resolution, copies of which having been made available to the Board, be adopted:

RESOLUTION #22-05-05

RESOLUTION OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the County of Buncombe, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Buncombe Financing Corporation (the "*Corporation*") has previously executed and delivered (1)(a) Limited Obligation Bonds (County of Buncombe, North Carolina), Series 2010A (the "*2010A Bonds*"), evidencing proportionate undivided interests in rights to receive certain revenues under an Installment Financing Contract dated as of December 1, 2010 (the "*2010 Contract*") in the aggregate principal amount of $31,500,000, (b) Taxable Limited Obligation Bonds (County of Buncombe, North Carolina Build America Bonds), Series 2010B (the "*2010B Bonds*"), evidencing proportionate undivided interests in rights to receive certain revenues under the 2010 Contract in the aggregate principal amount of $20,420,000, and (c) Taxable Limited Obligation Bonds (County of Buncombe, North Carolina Qualified Zone Academy Bonds), Series 2010C, evidencing proportionate undivided interests in rights to receive certain revenues under the 2010 Contract in the aggregate principal amount of $3,800,000, all under an Indenture of Trust dated as of December 1, 2010 (the "*2010 Indenture*") between the Corporation and Regions Bank, as successor trustee to U.S. Bank National Association, (the "*Trustee*") in order to finance the 2010 Projects (as defined therein); (2) Limited Obligation Bonds, Series 2012A (the "*2012A Bonds*"), evidencing proportionate undivided interests in rights to receive certain revenues pursuant to the 2010 Contract, as amended by Amendment Number One to the 2010 Contract, dated as of July 1, 2012 (the "*First Amendment*") in the aggregate principal amount of $75,365,000, under Supplemental Indenture Number 1 dated as of July 1, 2012 (the "*First Supplement*") to the 2010 Indenture in order to finance the 2012A Projects (as defined therein) and refinance certain of the County's prior installment payment obligations; (3) Limited Obligation Bonds (County of Buncombe, North Carolina), Series 2014A (the "*2014A Bonds*") and Taxable Limited Obligation Bonds (County of Buncombe, North Carolina), Series 2014B (the "*2014B Bonds*"), evidencing proportionate undivided interests in rights to receive certain revenues pursuant to the 2010 Contract, as amended by Amendment Number Two to the 2010 Contract, dated as of February 15, 2014 (the "*Second Amendment*") in the aggregate principal amounts of $151,590,000 and $28,725,000, respectively, under Supplemental Indenture Number 2, dated as of February 15, 2014 (the "*Second Supplement*") to the 2010 Indenture in order to finance the 2014 Projects (as defined therein) and refinance certain of the County's prior installment payment obligations and (4) Limited Obligation Bonds (County of Buncombe, North Carolina), Series 2020A (the "*2020A Bonds*") and Taxable Limited Obligation Bonds (County of Buncombe, North Carolina), Series 2020B (the "*2020B Bonds*"), evidencing proportionate undivided interests in rights to receive certain revenues pursuant to the 2010 Contract, as amended by Amendment Number Three to the 2010 Contract, dated as of April 1, 2020 (the "*Third Amendment*") in the aggregate principal amounts of $56,495,000 and $32,235,000, respectively, under Supplemental Indenture Number 3, dated as of April 1, 2020 (the "*Third Supplement*") to the 2010 Indenture in order to finance the 2020 Projects (as defined therein) (collectively, the "*Prior Projects*");

WHEREAS, to secure its obligations under the 2010 Contract, as amended, the County executed and delivered a deed of trust granting a security interest in the County Courthouse (as defined in the 2010 Contract), including the site on which it is located, a Notice of Extension granting a security interest in the Courts Building (as defined in the First Amendment), including the site on which it is located, and a Second

Notice of Extension granting a security interest in Asheville Middle School and the Allied Health Building on the campus of Asheville-Buncombe Technical Community College, including the respective sites on which they are located (as defined in the Second Amendment and collectively, the "*Deed of Trust*")***;***

WHEREAS, the Board of Commissioners (the "*Board*") hereby determines that it is in the best interest of the County to enter into Amendment Number Four to the 2010 Contract (the "Fourth Amendment" and, together with the 2010 Contract, the First Amendment, the Second Amendment and the Third Amendment, the "*Contract*") with the Corporation in order to pay (1) the capital costs of the acquisition, construction and equipping of improvements to (a) public school facilities located in the County, including, but not limited to (i) classroom replacement at Asheville High School, (ii) installation of building code, security and K3 class size reduction at Haw Creek Elementary School, (iii) re-roofing of Avery Creek Elementary School, Candler Elementary School and Enka Middle School, (iv) replacement of the track and stadium light upgrades at North Buncombe High School, and (v) energy management and HVAC systems upgrades and (b) County facilities, including, but not limited to (i) the expansion of a solid waste landfill cell, (ii) solar panel installation and (iii) fleet and general services complex upgrades (collectively, the "*2022 Project*") and (2) the refinancing of certain of the County's prior installment financing obligations (collectively, the "*Prior Obligations*");

WHEREAS, the County hereby determines that the acquisition, construction and equipping of the 2022 Project and the refinancing of the Prior Obligations are essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the 2022 Project and the projects financed with the proceeds of the Prior Obligations, including the Prior Projects, have or will provide an essential use and permit or will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Fourth Amendment is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the 2010 Contract, as amended by the Fourth Amendment, allows the County to acquire the 2022 Project and refinance the Prior Obligations and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of financing the acquisition, construction and equipping of the 2022 Project and refinancing the Prior Obligations in an amount not to exceed $155,000,000, and that such cost of the acquisition, construction, equipping and refinancing exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the acquisition, construction and equipping of the 2022 Project and refinancing the Prior Obligations pursuant to the Contract is expected to exceed the cost of financing the same pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing the acquisition, construction and equipping of the 2022 Project and refinancing the Prior Obligations pursuant to the Contract and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring, constructing and equipping the 2022 Project and refinancing the Prior Obligations; and (3) insufficient revenues are produced by the 2022 Project and the Prior Projects so as to permit a revenue bond financing;

WHEREAS, the County has determined and hereby determines that the estimated cost of financing the acquisition, construction and equipping of the 2022 Project and refinancing the Prior Obligations pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the County does not anticipate a future property tax increase to pay installment payments falling due under the Contract;

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel ("*Bond Counsel*"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act; and

WHEREAS, the County believes, to the best of its knowledge, that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "*LGC*"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Authorization to Negotiate the Fourth Amendment***. That the County Manager and the Finance Director, with advice from the Senior Staff Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County for the financing of the acquisition, construction and equipping of the 2022 Project and the refinancing of the Prior Obligations for a principal amount not to exceed $155,000,000 under the Fourth Amendment to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 2. ***Application to LGC.*** That the Finance Director or his designee is hereby directed to file with the LGC an application for its approval of the Fourth Amendment and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

Section 3. ***Direction to Retain Professionals.*** That the Finance Director, with advice from the Senior Staff Attorney, is hereby authorized and directed to retain the assistance of Parker Poe Adams & Bernstein LLP, Raleigh, North Carolina, as bond counsel; Davenport & Company, LLC, Charlotte, North Carolina, as financial advisor; Regions Bank, Atlanta, Georgia, as trustee. The Finance Director is hereby authorized to retain such other professionals as he deems necessary in his judgment to carry out the transaction contemplated in this Resolution.

Section 4. ***Other Acts Authorized.*** That the Finance Director is hereby authorized to do any and all other things necessary to complete the steps necessary for the execution and delivery of the Fourth Amendment and the transactions described in this Resolution.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA)
) SS:
COUNTY OF BUNCOMBE)

I, Lamar Joyner, duly appointed Clerk to the Board of Commissioners of the County of Buncombe, North Carolina, *DO HEREBY CERTIFY,* that the foregoing is a true and accurate copy of the resolution entitled "**RESOLUTION OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**" which was adopted by the Board of Commissioners of the County of Buncombe, North Carolina, at its regular meeting held on May 3, 2022, to become effective on May 3, 2022, and that such resolution has been duly recorded in the minutes of the County.

WITNESS my hand and the corporate seal of the County of Buncombe, North Carolina, this 3rd day of May, 2022.

(SEAL)

Lamar Joyner
Clerk to the Board of Commissioners
County of Buncombe, North Carolina

Buncombe County
FY2022 Limited Obligation Bonds

Presented by
Don Warn

FY22 Limited Obligation Bonds (LOBs)

- ✓ When considering the debt financing for FY22, the County secured a public sale issuance date from the Local Government Commission of July 20th, if the County were to pursue the public sale option and the County also issued a bank RFP to National, Regional, and Local lending institutions

- ✓ Staff looked at twenty (20) year and fifteen (15) year options for debt financing for approximately $70 million in new money, as well as refunding of several outstanding debt issues

FY22 Limited Obligation Bonds (LOBs)

- ✓ The County was able to secure nine responses to the RFP
    1. Bank of America
    2. Capital One Public Funding, LLC
    3. JP Morgan
    4. Pinnacle Financial Partners
    5. PNC Public Finance
    6. TD Bank
    7. Truist Bank
    8. Webster Bank
    9. Wells Fargo Government Banking

FY22 Limited Obligation Bonds (LOBs)

- ✓ Based on responses received, as well as current public market estimates, we focused on two potential financing components

1. $70 million new money for approved County projects and Public School projects
   - ➢ County Projects - $26 million
     - Fleet and General Services Complex
     - Solid Waste Cell 7 and Cell 7 C&D
     - Solar Panel Installation Phase 2
   - ➢ Public Schools Projects - $44 million
     - 5 Asheville City School projects
     - 24 Buncombe County School projects
2. Refinancing of the $81.1 million of outstanding 2014A LOBs

FY22 Limited Obligation Bonds (LOBs)

- ✓ The analysis determined that bank financing for 15 years was the best option with Trusit Bank providing the most favorable terms
  - New Money
    - Locked in rate at 2.93%
    - 10-Year par call provision
    - Estimated debt service savings of $4.5 million for a 15-year term, over a 20-year term
  - 2014A Refunding
    - Taxable rate of 3.71% for two years, converting to a tax-exempt rate of 2.93% at the eligible call date until maturity in 2037
    - 10-Year par call provision
    - Estimated debt service savings of $6.6 million

FY22 Limited Obligation Bonds (LOBs)

Next Steps

Date	Task
May 3rd	BoCC Meeting - Consider Findings Resolution and Hold Public Hearing
May 19th	Briefing - Introduce Issuance Resolution
June 7th	BoCC Meeting - Consider Issuance Resolution approving 2022 LOBs and Financing Documents
June 15th	Close on 2022 LOB and funds available to County

Questions?

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

New Busines

Department: Strategic Partnerships **Presenter(s):** Rachael Nygaard

Contact(s): Rachael Nygaard, Strategic Partnerships Director

Subject: COVID Recovery Funding

Brief Summary:

Buncombe County has been awarded a total of $50,733,290 in Coronavirus State and Local Fiscal Recovery Funds ("COVID Recovery Funding") via the American Rescue Plan Act (ARPA) to invest toward recovery from COVID-19 and its negative economic impacts.

Following an initial (2021) Request for Proposals (RFP) process, Commissioners have approved awards to date totaling $23,093,499 with an intent to make additional awards on a rolling basis. A subsequent (2022) RFP yielded 108 proposals totaling $121,546,886 in requests.

3 projects are recommended by subcommittees for an award at this time:

The Affordable Housing Committee recommends the following based on these applicants submitting a Low-Income Housing Tax Credit application on or before May 13, 2022.

Recommended Award	Organization	Project
$935,286	Asheville Housing Authority	Reimagining Deaverview Phase 1
$718,616	Mountain Housing Opportunities	Lakeshore Villas

The Early Childhood Committee recommends the following based on this 2-year pilot project launching for the 2022-2023 school year.

Recommended Award	Organization	Project
$3,201,546	Buncombe Partnership for Children	Building Capacity in Buncombe County to Expand NC Pre-K Availability & Accessibility

If approved, the total amount of COVID Recovery Funding awarded to date will increase by $4,855,448 to $27,948,947.

Recommended Motion & Requested Action:
Consider approval of COVID Recovery Funding awards as stated above

Building Capacity in Buncombe County to Expand NC Pre-K Availability & Accessibility

RFP for Coronavirus State and Local Fiscal Recovery Funds

Buncombe Partnership for Children

Amy Barry
2229 Riverside Dr.
Asheville, NC 28804

deanna@buncombepfc.org
O: 828-772-1244
M: 828-407-2054

Deanna LaMotte

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Application Form

Question Group

Buncombe County requests proposals for projects to help the community recover from and respond to COVID-19 and its negative economic impacts.

Buncombe County has been awarded $50,733,290 in Coronavirus State and Local Fiscal Recovery Funds (Recovery Funding), as part of the American Rescue Plan Act. To date, Buncombe County has awarded projects totaling $23,093,499, leaving a balance of $27,639,791 available to award.
Visit http://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundingwww.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfunding for details.

This infusion of federal resources is intended to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery.

Buncombe County is committed to investing these funds in projects that:

- Align to county strategic plan and community priorities
- Support equitable outcomes for most impacted populations
- Leverage and align with other governmental funding sources
- Make best use of this one-time infusion of resources
- Have a lasting impact

Proposals shall be submitted in accordance with the terms and conditions of this RFP and any addenda issued hereto.

Click here for the full terms and conditions of the RFP

Organization Type*

Nonprofit

Nonprofit documentation

If nonprofit, attach IRS Determination Letter or other proof of nonprofit status.

BPFC IRS 501c3 Letter.PDF

Name of Project.*

Building Capacity in Buncombe County to Expand NC Pre-K Availability & Accessibility

New/Updated Proposal*

Is this a new project proposal or an updated version of a proposal submitted during the earlier (July 2021) Recovery Funding RFP?

New project proposal

Amount of Funds Requested*

$3,201,546.00

Category*

Please select one:

- Affordable Housing
- Aging/Older Adults
- Business Support/Economic Development
- Environmental/Climate
- Homelessness
- K-12 Education
- Infrastructure and/or Broadband
- Mental Health/Substance Use
- NC Pre-K Expansion
- Workforce

NC Pre-K Expansion

Brief Project Description*

Provide a short summary of your proposed project.

To expand NC Pre-K in Buncombe County, we must start where our Early Childhood Education (ECE) community is right now, two years into a pandemic. Buncombe Partnership for Children (BPFC) developed each strategy in this proposal together with ECE providers and families of young children. Focus groups and co-development workgroups took place through the fall of 2021, ensuring this approach addresses the barriers our providers face in offering NC Pre-K and the barriers our families face in accessing it (all exacerbated by COVID-19). BPFC will start by increasing stability and equity among existing NC Pre-K providers, expanding our pool of high-quality providers and licensed teachers, and making it easier for eligible families to learn about and take advantage of NC Pre-K's proven benefits. Implemented together, these strategies (re)build ECE capacity to implement NC Pre-K and enhance it so that more providers will be able and eager to offer it across our ECE settings.

Project Plan*

Explain how the project will be structured and implemented, including timeframe.

This pilot includes activities to address state implementation gaps in the NC Pre-K program, support ECE teachers to advance their education and pursue Birth to Kindergarten (B-K) licensure (required for NC Pre-K but no other 0-5 program), and support families to access the program.

Provider Strategies: Supplement NC Pre-K reimbursements to cover the actual cost of care, create pay parity with K-12 systems, address administrative burdens, and incentivize new and existing providers to add NC Pre-K classrooms. As Buncombe County's NC Pre-K administrator, BPFC will implement the following through annual contracts with providers, starting in 2022-23:

1. Increase the state's per-slot reimbursement by 36% (from $7280 to $9900/child/year for private provider). In 2017, the state submitted a report that concluded that reimbursements for NC Pre-K slots covered just 60% of the average cost of care.
2. Require licensed NC Pre-K teachers in all settings to be paid on parity with similarly licensed K-12 teachers, and financially support private providers (who have less access to funding than school system or Head Start providers) to achieve this.
3. Ensure NC Pre-K quality and equity across provider types by supporting a full-time NC Pre-K Program Coach to provide NC Pre-K-specific curriculum/assessment supports and coaching for private centers (K-12 and Head Start settings have this support).

Classroom Strategies: Leverage the success of BPFC's Workforce Development Program and Child Care Resources, as well as partnerships with A-B Tech, T.E.A.C.H., and WAGE$, to increase the number of teachers working toward B-K licensure and to prepare high-quality centers for NC Pre-K provision.

1. In Year 1, implement comprehensive ECE teacher education advancement supports (tutoring, classroom release time, stipends) so working teachers can advance their education.
2. Starting Year 2, enroll potential providers in a "Ramp-Up to NC Pre-K" program that provides intensive administrative and classroom capacity-building, so programs can meet all NC Pre-K standards on day one of providing the program.

Family Strategies: Coordinate pre-k outreach and enrollment, while working directly with families and providers to address the lack of transportation and the limited school-day/school-year schedule.

1. This funding would support the recently launched Buncombe Pre-K portal, where families of 4-year-olds can now go to explore pre-k options, see if they might be eligible for FREE pre-k (via Head Start or NC Pre-K), and apply for both programs with one application.
2. In Year 1, BPFC will coordinate two "action research" task forces, comprised of families and local ECE providers, to develop promising local solutions to transportation and wrap-around care. In year 2, that grassroots work will inform broader demand and feasibility studies to determine where and how to scale implementation of family-centered solutions to increase access to NC Pre-K.

Statement of Need*

Describe the need that this project will address. Include data to demonstrate the need, and cite the source of the data.

Expanding quality ECE is a multi-generation investment. It provides children with age-appropriate enrichment that boosts healthy development and school readiness; it allows parents to advance employment, education, and training; and it reduces future involvement in special education, criminal justice, and social services. Multiple studies have concluded that children from under-resourced families and families with limited English show the greatest gains in pre-k, and gains are typically consistent across races, making pre-k a strong tool for communities focused on equity. Yet only 35% of Buncombe's income-eligible children are enrolled in NC Pre-K (NC's goal is 75%), and only 46% of 4-year-olds are in any licensed pre-k.

NC Pre-K is a proven program that leverages state funds for local impact. However, to expand NC Pre-K, more local providers must be willing to offer it, and right now they are not. NC Pre-K requires teacher licensure--but not pay parity with similarly-licensed K-12 teachers, so high turnover and reimbursements at

only 60% of costs means few programs can afford to offer it, especially after COVID-19 devastated ECE finances and staffing.

At the classroom level, NC Pre-K's higher standards are written into state licensing rules from the first day a new classroom opens. However, NC Pre-K provides no funding to purchase/learn/integrate required tools and practices before implementation. This leaves new providers feeling overstressed and unsupported.

For many families, NC Pre-K is a great opportunity that does not quite work logistically. Some do not understand differences between NC Pre-K and Head Start, so our new common application portal means families have less navigation to do to find what they are eligible for. Programs across the state (and beyond) struggle with transportation and wrap-around care, which is why our approach is to work with families and providers to develop creative, grassroots solutions to pilot and study for broader reach.

Link to COVID-19*

Identify a health or economic harm resulting from or exacerbated by the public health emergency, describe the nature and extent of that harm, and explain how the use of this funding would address such harm.

While the benefits of preschool apply any time, investing in young children and families right now is especially important. For the last 2 years, the COVID-19 pandemic has had an outsized impact on children and families and the ECE infrastructure that exists to support them:

- Young children have not been exposed to as many adults or peers as in pre-pandemic times.
- Most adults in children's lives have experienced significant increased stress.
- A recurring family survey by the National Institute for Early Education Research (NIEER) reports a significant reduction in child-development-supporting home activities, including reading to young children and practicing letters, numbers, and words.
- The same NIEER study reports conduct problems, peer problems, and prosocial behavior problems were all reported at levels twice or more the 10% normally expected. Elevated rates of problems were reported by parents from all backgrounds.
- ECE providers across the board have reported more social/emotional/behavioral health needs this year than ever before.
- Pandemic-related economic and health challenges have had a disproportionate impact on lower-income Latinx and Black families (who often see the greatest gains from preschool).
- For ECE providers, 2 years of operating under ever-changing emergency regulations increased expenses, decreased service hours, closed classrooms for weeks at a time, and tested the resilience of all staff.
- Local families, especially mothers, report not returning to work or regularly missing work because of the instability of child care—classrooms closed because of COVID-19, or, more often now, understaffing.
- The "Great Resignation" devastated ECE staffing. In September 2019 there were 1025 child care staff in Buncombe County; in September 2021 there were 862. Our community has lost 16% of its ECE staff in a field where strict ratios dictate how many children can be served. This number does not reflect even higher turnover rates.

Population Served*

Define the population to be served by this project, including volume and demographic characteristics of those served.

Every activity in this proposal is 100% focused on expanding and improving educational opportunities for 4-year-olds who are income-eligible for NC Pre-K (roughly 1,180 children whose families make less than 75% of the state median income) plus those who have a delay or disability, have parents in the military, or are learning English. However, in this first phase of NC Pre-K expansion, ECE providers and teachers are the

most directly impacted, since we cannot expand the NC Pre-K program without providers. Eight current NC Pre-K providers (6 private centers, plus Head Start and Asheville City Schools), with a total of 29 sites and 48 classrooms, will be impacted in Year 1 by increased reimbursements and pay parity with public schools. We anticipate that this will, in turn, impact the 441 NC Pre-K students through reduced teacher stress and turn-over and increased classroom coaching/supports. Teacher education supports and the Ramp-Up to NC Pre-K program, in these first two years, also most directly benefit teachers and programs who hire them, but our ECE system and every child within it will benefit from an environment where advancing teacher education is promoted and supported, and where intensive coaching ensures programs can implement new curricula, assessments, practices and policies.

The grassroots research and feasibility studies in Year 2 will directly, tangibly impact children and their families. It is difficult to know how many families would participate in NC Pre-K if transportation and the 6.5-hour day were not barriers, but we hear from families often that the one family vehicle must be used for work way before AM drop-off, or that full schedules cannot accommodate a 2:30 pick-up. Our pilots will help at least 60 such families access care, while the feasibility studies will guide us in scaling up successful solutions to reach many more families in future years.

Results*

Describe the proposed impact of the project. List at least 3 performance measures that will be tracked and reported. If possible, include baselines and goals for each performance measure.

The long-term goals of NC Pre-K expansion are to 1) increase access to the NC Pre-K program so that we are serving 75% of income-eligible students, 2) increase Kindergarten readiness, and 3) close racial and ethnic achievement gaps in early grades reading and math.

The first two years of this pilot, though, must focus on (re)building an infrastructure so that those goals can be met. Measurable results, by activity, at the end of the two-year pilot will be:

Reimbursement increase & teacher education salary supplements:

- NC Pre-K lead teacher turnover rate (4-year average/baseline 34%; target 20%)
- NC Pre-K assistant turnover (no baseline; target 25%)

Education Attainment Supports:

- # participants enrolled in at least 1 class per semester (no baseline; target 25 per semester)
- # participants who have increased education by 12+ credits over 2-year period (no baseline; target 15)

Ramp Up to NC Pre-K:

- # classrooms participating (no baseline; target 10)
- % participants (admin and teacher) meeting individualized Ramp-Up program goals at end of first year (no baseline; target 80%)

Transportation & Wrap-around pilots and research:

- # families participating in the pilot programs (no baseline; target 60)
- % of pilot participants who would not have participated in NCPK otherwise (no baseline; target 75%)

Single Portal of Entry (Buncombe Pre-K online portal):

- # applications submitted through portal (2021 baseline 504; target 680 - 30% increase)
- # applications submitted for children learning English (average last 3 years/baseline 20%; target 30%)

This project is a pilot. Most measures above do not have baselines, and COVID-19 will continue to impact families and ECE in ways we cannot foresee. Thus, BPFC will be tracking a range of potential impacts beyond

those on this list. We will also be meticulous in documenting lessons learned from each activity, as well as investigating exactly why targets are not met (if applicable).

Evaluation*

Describe the data collection, analysis, and quality assurance measures you will use to assure ongoing, effective tracking of contract requirements and outcomes.

One of the main responsibilities of the new NC Pre-K Expansion Coordinator will be to work with each funded program and NC Pre-K provider to collect data and review the data regularly for decision-making and course correction. This coordinator will work to ensure data collection expectations and logistics are clear from the beginning, written into formal contracts and memoranda of understanding. The coordinator will also develop a simple NC Pre-K Expansion data dashboard for shared data conversations.

Annual contracts with NC Pre-K providers will lay out reporting requirements to uniformly collect teacher education and retention data. Similarly, formal written agreements with providers engaged in the Ramp Up to NC Pre-K will lay out reporting requirements for coaching and training participation and educational achievement. Year 2 pilot programs will be designed with evaluation plans before implementation.

BPFC recognizes that pieces of the evaluation design and much of the data analysis can and should be contracted out to evaluation specialists who can ensure we capture all of the lessons this pilot can teach us. We also plan to continue to work in close partnership with Buncombe County's Strategy and Innovation Team, who have been deeply involved already in identifying child outcome measures and orchestrating data-sharing processes with both school systems so that we can look at pre-k impacts more longitudinally.

As we develop evaluation processes, we will continue to work with Durham and other counties who have expanded pre-K to better understand their measures and evaluation practices as well.

Equity Impact*

How will this effort help build toward a just, equitable, and sustainable COVID-19 recovery? How are the root causes and/or disproportionate impacts of inequities addressed?

The family-focused strategies directly impact equity by making NC Pre-K more accessible to families who have historically had the least access to high-quality early education. The pre-k application portal simplifies finding and applying to preschool, focuses promotion of pre-k on under-resourced communities and BIPOC families, and it also provides unduplicated data so that we can better understand the demographics and geographic locations of those who are/are not applying to public pre-k. The transportation and wrap-around pilots, which start in year 2, will be designed in Year 1 by workgroups led by families and classroom teachers, to ensure the pilots leverage families' and communities' assets and address the actual barriers experienced by families, rather than those we assume.

The provider-focused strategies address inequities among NC Pre-K sites and in the ECE workforce. Some of Buncombe's private providers in communities who serve largely BIPOC children and/or under-resourced families have historically offered care at lower rates, accepted more subsidy vouchers, and waived parent co-pays for families unable to afford it. Such practices result in these programs operating with thin financial margins and make them less financially able to provide NC Pre-K, with its low reimbursement rates. Increasing NC Pre-K reimbursement rates and providing salary supplements for experienced teachers will strengthen these programs and their teaching staff, also allowing more programs to offer NC Pre-K in a wider variety of communities across Buncombe County. The Education Attainment and Ramp-Up strategies will both prioritize increasing BIPOC teachers in NC Pre-K classrooms, to better reflect the current NC Pre-K

student make up at 33% Black and 22% Hispanic (vs.18% Black and 14% Hispanic teachers). Data mapping work will focus on the Ramp-Up recruitment efforts in areas of the county underserved by NC Pre-K.

Project Partners*

Identify any subcontractors you intend to use for the proposed scope of work. For each subcontractor listed, indicate:
1.) What products and/or services are to be supplied by that subcontractor and;
2.) What percentage of the overall scope of work that subcontractor will perform.

Also, list non-funded key partners critical to project.

As the local NC Pre-K administrator and the county's Child Care Resources provider, BPFC will be implementing most of the activities without subcontracts. Initial key partners are the eight current NC Pre-K providers, who will participate in the project and document impacts on staffing, enrollment, and operations. We will leverage partnerships with A-B Tech and Blue Ridge Community College and some of the regional institutions (Western Carolina University, UNC Greensboro) that offer B-K licensure to implement workforce and educational attainment supports.

There are two activities that likely will be contracted. For the evaluation design and data analysis, we have not yet identified a contractor. We plan to collaborate with Buncombe County staff in the selection of the provider, and contractors will be selected in accordance with federal procurement requirements. To provide tutoring of Education Attainment participants, we will work with staff at A-B Tech and Blue Ridge Community College to identify appropriate tutors to meet individual and cohort needs.

We will also continue to work closely with our advocacy partners, including Asheville-Buncombe Preschool Planning Collaborative, the WNC Early Childhood Coalition, and the NC Partnership for Children/Local Partnership network, to advocate for full implementation of the Leandro funding recommendations to increase funding to the NC Pre-K Program and expand it to full-day/full-year to meet more families' needs.

Capacity*

Describe the background, experience, and capabilities of your organization or department as it relates to capacity for delivering the proposed project and managing federal funds.

BPFC was established in 1995 as part of the state-wide Smart Start network, with a mission to strengthen the capacity of educators, families, and the community to build a strong foundation for children's learning and development beginning at birth. BPFC has a history of clean audit reports, with years of experience managing federal, state, and local funding responsibly.

BPFC has strong, established working relationships with ECE providers and stakeholders and is seen as an advocate and connector across the local EC community. We administer multiple programs that directly support ECE programs and the ECE workforce. In 2020-21, 61 4- and 5-star rated facilities received our unrestricted Sustaining Facility Quality grants to help with the ever-increasing costs of offering high-quality programs. Additionally, 103 educators received a needed salary supplement averaging $1,245 through the WAGE$ program. Our Child Care Resources program supports roughly 700 early educators annually with training, coaching and technical assistance. And the Workforce Development Program has proven successful at recruiting new teachers into the field and supporting them through their first ECE college course. BPFC has been the local contract administrator for NC Pre-K since 2001, growing the program from 25 slots to 441.

BPFC is also deeply invested in supporting the broader ECE system. We are active in several regional and state coalitions focused on advocacy around ECE quality, workforce, and investments in the NC Pre-K program. In 2015 BPFC co-founded and became the backbone organization for Asheville-Buncombe Preschool Planning Collaborative (ABPPC), where two years of hard work resulted in a comprehensive path for Buncombe County to achieve universal pre-k for 3 and 4-year-olds, published in 2017. ABPPC has continued to evolve, and worked closely with BPFC to research and provide community context for the Dec. 2021 expansion report, detailing recommendations for expanding NC Pre-K.

Budget*

Provide a detailed project budget including all proposed project revenues and expenditures, including explanations and methodology. For all revenue sources, list the funder and denote whether funds are confirmed or pending. For project expenses, denote all capital vs. operating costs, and reflect which specific expenses are proposed to be funded with one-time Buncombe County Recovery Funds.

Download a copy of the budget form HERE. Complete the form, and upload it using the button below.

Recovery-Funds-budget-template.xlsx

Special Considerations*

Provide any other information that might assist the County in its selection.

Please review the full NC Pre-K Expansion report, prepared for Buncombe County's Early Childhood Education and Development Fund, with a wealth of data and resources cited, at https://buncombepfc.org/reports/ for more information about the strategies proposed or current pre-k context.

To see the report submitted by NC's Division of Child Development and Early Education and the Department of Public Instruction in 2017, titled "Costs and Effectiveness Associated with NC Pre-K Slots" go to https://buildthefoundation.org/wp-content/uploads/2017/02/Costs-Associated-with-NC-PreK-Study.pdf

BPFC does want to highlight the critical timing of this proposal related to our proposed implementation timeline. It is possible to begin Year 1 NC Pre-K stabilization strategies July 1 of 2022, but only if BPFC has two full months before that to work with the NC Pre-K Advisory Committee and current NC Pre-K providers on revising contractual agreements to reflect supplemental payments and data reporting. Two months is also the very minimum necessary to advertise for and hire the Education Advancement Coach so that they can begin on July 1, recruiting teachers interested in pursuing ECE degrees and getting those teachers enrolled in fall 2022 classes that start in August.

File Attachment Summary

Applicant File Uploads

- BPFC IRS 501c3 Letter.PDF
- Recovery-Funds-budget-template.xlsx

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: DEC 19 2001

Employer Identification Number:
56-1942178
DLN:
17053328729011
Contact Person:
GLENN W COLLINS ID# 31392
Contact Telephone Number:
(877) 829-5500
Our Letter Dated:
December 1995
Addendum Applies:
No

BUNCOMBE COUNTY PARTNERSHIP FOR
CHILDREN INC
84 COXE AVE STE 1A
ASHEVILLE, NC 28801

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

BUNCOMBE COUNTY PARTNERSHIP FOR

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

Steven T. Miller
Director, Exempt Organizations

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
401 W. PEACHTREE ST. NW
ATLANTA, GA 30365

DEPARTMENT OF THE TREASURY

Date:
DEC 28 1995

BUNCOMBE COUNTY PARTNERSHIP FOR
CHILDREN INC
C/O LINDA GRANEY
50 S FRENCH BROAD AVE
ASHEVILLE, NC 28801

Employer Identification Number:
56-1942178
Case Number:
585323002
Contact Person:
ROBERTA VAN METER
Contact Telephone Number:
(404) 331-0185

Accounting Period Ending:
June 30
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
October 6, 1995
Advance Ruling Period Ends:
June 30, 2000
Addendum Applies:
Yes

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

BUNCOMBE COUNTY PARTNERSHIP FOR

If we publish a notice in the Internal Revenue Bulletin stating that we will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of $100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally $25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally $25,000 or less, and sign the return.

If you are required to file a return you must file it by the 15th day of

the fifth month after the end of your annual accounting period. We charge a penalty of $10 a day when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty we charge cannot exceed $5,000 or 5 percent of your gross receipts for the year, whichever is less. We may also charge this penalty if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your continued exemption, you should keep records to show that funds are spent only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), you must have evidence that the funds will remain dedicated to the required purposes and that the recipient will use the funds for those purposes.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

BUNCOMBE COUNTY PARTNERSHIP FOR

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Paul R. Harrington

District Director

Enclosure(s):
Addendum
Form 872-C

BUNCOMBE COUNTY PARTNERSHIP FOR

You are required to make your annual return available for public inspection for three years after the return is due. You are also required to make available a copy of your exemption application, and supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of $10 per day for each day there is failure to comply (up to a maximum of $5,000 in the case of an annual return). See Internal Revenue Service Notice 88-120, 1988-2 C.B. 454, for additional information.

If your organization conducts fund-raising events such as benefit dinners, auctions, membership drives, etc., where something of value is received in return for contributions, you can help your donors avoid difficulties with their income tax returns by assisting them in determining the proper tax treatment of their contributions. To do this you should, in advance of the event, determine the fair market value of the benefit received and state it in your fund-raising materials such as solicitations, tickets, and receipts in such a way that your donors can determine how much is deductible and how much is not. To assist you in this, the Service has issued Publication 1391, Deductibility of Payments Made to Charities Conducting Fund-Raising Events. You may obtain copies of Publication 1391 from your local IRS Office. Guidelines for deductible amounts are also set forth in Revenue Ruling 67-246, 1967-2 C.B. 104 and Revenue Procedure 90-12, 1990-1 C.B. 471 and Revenue Procedure 92-49, 1992-26 I.R.B. 18.

Coronavirus State and Local Fiscal Recovery Funds
Proposed Project Budget

Organization Name:	**Buncombe County Partnership for Children**
Project Name:	**Building Capacity on Buncombe County to Expand NC Pre-K Availability and Accessibility**
Amount Requested:	**$3,201,546**

Proposed Project Revenue Funder	Amount	Confirmed or Pending?	Notes
Proposed Buncombe COVID Recovery Funds	$ 3,201,546.00		
NC DCDEE NC Pre-K	$ 5,052,116.00	Pending	Allocation based on current year funding
Buncombe Partnership for Children	$ 54,754.00	Confirmed	
List other sources here			
List other sources here			
List other sources here			
List other sources here			
List other sources here			
List other sources here			
List other sources here			
List other sources here			
List other sources here			
List other sources here			
List other sources here			
Total	$ 8,308,416.00		

Proposed Project Expenses	Proposed Recovery Funds	Other Funds	Total	Capital or Operating Expense?	Notes
Personnel (salary & benefits)	$ 617,900.00	$ 518,550.00	$ 1,136,450.00	Operating	BC PreK Expansion Coordinator, Ed Attainment Coach, Ramp-Up Coach, Outreach & Enroll Coord, Admin Asst, Program & Fiscal supervision; Other funds - NC PreK Program Director; NC PreK Program Coach, Admin Asst
Contracted Services	$ 279,841.00		$ 279,841.00	Operating	Contracted data entry @$25/hr for 100 hours for finance and monitoring each yr; contracted monitoring support for oversight @ $2000 each yr; contracted ECE tutoring services @ $8300 yr1 and $8466 yr2; demand and feasibility study for wrap-care @ $60,000; transportation demand and feasibility study @$60,000; Evaluation services @$134,075
Office, Computer & Service Supplies	$ 9,323.00		$ 9,323.00	Operating	Consumable office supplies, computer software and subscriptions
Travel	$ 14,195.00		$ 14,195.00	Operating	Local mileage and travel to limited professional development opportunities
Communications and Postage	$ 13,400.00		$ 13,400.00	Operating	Allocated cost of phone service, cell phone reimbursement, postage
Utilities			$ -	Operating	
Printing and Binding	$ 620.00		$ 620.00	Operating	Printed program materials, business cards
Repair and Maintenance	$ 5,600.00		$ 5,600.00	Operating	Allocated costs of copier maintenance
Program Supplies and Materials	$ 80,000.00		$ 80,000.00	Operating	Strategy #2 Substitutes, child care, and food @ $27,000 ea yr; Strategy #3 Curricula, assessments, and training @ $26,000
Employee Training (no travel)	$ 9,333.00		$ 9,333.00	Operating	Limited professional development for five staff over two years
Outreach	$ 20,000.00	$ 5,000.00	$ 25,000.00	Operating	Strategy #4 Outreach to promote SPOE $20,000; In-Kind support from NC Pre-K @ $5000
Office Rental	$ 13,100.00		$ 13,100.00	Operating	Allocated cost of office rent
Equipment Rental	$ 1,867.00		$ 1,867.00	Operating	Allocated cost of copier, postage machine rental
Computer, Equipment, Furniture	$ 16,167.00		$ 16,167.00	Operating	Strategy #4 Software and support for online application @$8000; Computers and equipment for 3.3 staff @$8167

Meeting and Conference	$ 6,500.00		$ 6,500.00	Operating	Retreat planning for governance structure @ $2000/yr; Mtg expenses for Expansion Coordinator and Ed Coach @$2500
Grants and cash awards	$ 2,113,700.00		$ 2,113,700.00	Operating	Strategy #1 Fully funded NCPK @$1,755,200; Strategy #2 incentives @$27,000 ea yr; Strategy #3 stipends for substitutes, child care, credit hour completion @ $34,000; Strategy #5 Expanded wrap care eligibility for children not eligible for subsidy @$162,500; Strategy #6 direct support to families for transportation @$54,000, contracts with NCPreK providers for expanded transportation@$54,000
NC Pre-K program		$ 4,583,320.00	$ 4,583,320.00	Operating	State and Federal slots
List expenses here			$ -		
List expenses here			$ -		
List expenses here			$ -		
List expenses here			$ -		
List expenses here			$ -		
List expenses here			$ -		
List expenses here			$ -		
List expenses here			$ -		
		Total	$ 8,308,416.00		

ARP funds ONLY	Year 1	Year 2	Year 1	Year 2	Year 1
	BC PreK Expansion Coordinator	BC PreK Expansion Coordinator	Ed Attainment Coach	Ed Attainment Coach	Ramp-up Program Coach
Salary	65000	66300	45200	46104	0
Benefits	19500	19890	15368	15675	0
Total Office, Computer & Ser	1600	1860	500	1000	0
Total Travel	2500	2500	1580	2000	0
Total Communication and Po	1500	1500	1500	1500	0
Total Printing and Binding	100	100	52	301	0
Total Repair & Maintenance	600	600	600	600	0
Total Meeting/Conf Exp	1000	1000	0	500	0
Total Employee Training/No T	2000	2000	500	1000	0
Total Office Rental	1500	1500	1500	1500	0
Total Equipment Rental	200	200	200	200	0
Total Computer, Equipment,	2000	2000	2000		0
Total Overhead	13000	13260	8432	8601	
TOTAL	97500	99450	69000	70380	0
Overhead per co report/RN projection	13000	13260			
TOTAL per Co report/RN projection	97500	99450	69000	70380	0

Year 2	Year 1	Year 2	Year 1	Year 2	Year 1
Ramp-up Program Coach	Outreach and Enrollment Coordinator	Outreach and Enrollment Coordinator	Admin Assistant	Admin Assistant	Program Supervision
48960	48960	49939	14667	46500	8400
16660	16660	16993	4400	13950	3063
530	500	500	333	2500	0
500	1580	1718	317	1500	0
1500	1500	1500	500	2000	100
50	0	0	17	0	0
600	600	600	200	600	150
0	0	0	0	0	0
500	1000	1000	333	1000	0
1500	1500	1500	500	1500	150
200	200	200	67	200	50
1500	0	0	667	0	0
6880	6880	7018	2933	9300	450
72500	72500	73950	22000	69750	11913
			2933	9300	
72500	72500	73950	21998	69750	11913

Year 2	Year 1	Year 2	TOTAL		Match - Year 1
Program Supervision	Fiscal Supervision	Fiscal Supervision	TOTALS		Admin Assistant
8568	8600	8772	465970		29333
3133	3283	3358	151933	617903	19554
0	0	0	9323		667
0	0	0	14195		633
100	100	100	13400		1000
0	0	0	620		33
150	150	150	5600		400
0	0	0	2500		0
0	0	0	9333		667
150	150	150	13100		1000
50	50	50	1867		133
0	0	0	8167		1333
450	450	450			5867
12151	12333	12580			54754
					5867
12151	12333	12580			44000

Reimagining Deaverview Phase 1

RFP for Coronavirus State and Local Fiscal Recovery Funds

Asheville Housing Authority

Mr. David L. Nash
165 S. French Broad Avenue
Asheville, NC 28801

dnash@haca.org
O: 828-258-1222
M: 828-507-7697
F: 828-254-2276

Mr. David L. Nash

165 S. French Broad Avenue
Asheville, NC 28801

dnash@haca.org
O: 828-239-3505
M: 828-507-7697
F: 828-254-2276

Application Form

Question Group

Buncombe County requests proposals for projects to help the community recover from and respond to COVID-19 and its negative economic impacts.

Buncombe County has been awarded $50,733,290 in Coronavirus State and Local Fiscal Recovery Funds (Recovery Funding), as part of the American Rescue Plan Act. To date, Buncombe County has awarded projects totaling $23,093,499, leaving a balance of $27,639,791 available to award.
Visit http://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundingwww.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfunding for details.

This infusion of federal resources is intended to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery.

Buncombe County is committed to investing these funds in projects that:

- Align to county strategic plan and community priorities
- Support equitable outcomes for most impacted populations
- Leverage and align with other governmental funding sources
- Make best use of this one-time infusion of resources
- Have a lasting impact

Proposals shall be submitted in accordance with the terms and conditions of this RFP and any addenda issued hereto.

Click here for the full terms and conditions of the RFP

Organization Type*

Public

Nonprofit documentation

If nonprofit, attach IRS Determination Letter or other proof of nonprofit status.

Name of Project.*

Reimagining Deaverview Phase 1

New/Updated Proposal*

Is this a new project proposal or an updated version of a proposal submitted during the earlier (July 2021) Recovery Funding RFP?

New project proposal

Amount of Funds Requested*

$1,200,000.00

Category*

Please select one:

- Affordable Housing
- Aging/Older Adults
- Business Support/Economic Development
- Environmental/Climate
- Homelessness
- K-12 Education
- Infrastructure and/or Broadband
- Mental Health/Substance Use
- NC Pre-K Expansion
- Workforce

Affordable Housing

Brief Project Description*

Provide a short summary of your proposed project.

Reimagining Deaverview is the second Rental Assistance Demonstration (RAD) redevelopment initiative proposed by Asheville Housing Authority with our co-developer, Mountain Housing Opportunities. The first successful project was Maple Crest Apartments at Lee Walker Heights, now completed and fully leased. Phase 1 of Reimagining Deaverview has been planned in close consultation with current residents and will not require demolition of any of the current 160 residential units. Three new buildings, including 80 to 82 apartments and ample community space, will be built where the current Deaverview office stands and on another vacant corner of the property. This means the first group of Deaverview families will only have to relocate once, directly into their new apartments. We request approximately $15,000 per unit, and have requested the same amount from the City. (Note: this application is submitted as an alternate funding option for MHO's pending AHSP application.)

Project Plan*

Explain how the project will be structured and implemented, including timeframe.

Asheville Housing began the planning process with Deaverview residents in early 2020. We included resident volunteers in our interviews to select the co-developer and architects. In November 2020, we held our first community workshop to gather the residents' design and programming ideas. Since then, a resident committee has met almost monthly, providing input to our planning team and serving as liaison to other

residents about the design process. Based on resident input, we have, among other things, picked a general architectural style that the residents found attractive, planned all units to be on a single internal level, included a plan for washer and dryer hookups in each unit, and included ample indoor community space to replace the tiny existing community room. The new Phase 1 buildings ultimately will be part of a total redevelopment of the site with better connections, walkability, play areas, increased indoor and outdoor community space with flexibility for programming. Future phases will include additional mixed-income buildings of various densities and building types.

With more than a year of valuable resident input and schematic design work behind us, we have moved to the funding phase. Primary financing sources will include a 9% Low Income Housing Tax Credit equity investment and a first mortgage loan. To fill gaps in financing, we seek this grant from the County and a matching grant from the City to pool with Asheville Housing's unrestricted resources and other potential grant opportunities. All of those funds will be invested into the project by Asheville Housing and secured by a second mortgage that will ensure affordability for at least 50 years. MHO has filed a pre-application for 9% tax credits with NCHFA, and the final application is due May 13. We need a commitment of funds by the County and City before the May 13 deadline.

After tax credit approval is received from NCHFA in August, we will proceed with final design work and construction documents, selection of a tax credit equity investor, and selection of a construction and first mortgage lender. We will finalize that work, complete construction contracting, and seek building permits in the first quarter of 2023. We plan to break ground in June 2023, compete construction by August 2024, and place the property in service by the end of 2024. As construction nears completion, we will develop a relocation plan for the Deaverview families who need to move for Phase 2 of the project and move them into their new permanent homes. During construction of Phase 1, we will complete master planning for the remaining parts of the property including two additional phases. Of course, this timeline could be impacted if construction costs continue to rise and we need to seek additional gap financing.

Statement of Need*

Describe the need that this project will address. Include data to demonstrate the need, and cite the source of the data.

The Bowen Regional Housing Assessment prepared for the Asheville Regional Housing Consortium in 2020 documented the critical and growing lack of affordable housing for all low- and moderate-income families in Buncombe and three neighboring counties. In 2021, Bowen National Research completed an extensive regional update of that report for the Dogwood Health Trust, covering all of Western North Carolina. The latter report (page 214) shows that Buncombe County has the largest affordable housing gap in the region -- with a need for 5,385 new rental units for families earning below 50% of AMI and 1,401 units for families between 50 and 80% of AMI.

These two comprehensive reports are available online at the following links:

- https://www.ashevillenc.gov/department/community-economic-development/community-development/plans-and-reports/
- https://dogwoodhealthtrust.org/dogwood-health-trust-shares-results-of-commissioned-regional-housing-study/

Link to COVID-19*

Identify a health or economic harm resulting from or exacerbated by the public health emergency, describe the nature and extent of that harm, and explain how the use of this funding would address such harm.

COVID-19 has had, of course, broad ranging health and economic impacts over the last two years. Beyond the massive health crisis, one of the most significant economic impacts in Buncombe County has been a sudden and dramatic increase in the cost of housing. According to redfin.com, the median price of a home in Buncombe County in January 2020 was $305,000; by February 2022, the median had increased 40% to $425,000.

Impacts on the rental market are similarly alarming. According to zumper.com, Asheville rental averages increased significantly across all bedroom sizes:

- The average monthly one-bedroom rent in January 2020 was $1,012; by April 2022 it had climbed 46% to $1,475.
- The average two-bedroom rent in January 2020 $1,202; by April 2022 it had climbed 36% to $1,640.
- The average three-bedroom rent in January 2020 was $1,612; by April 2022 it had climbed 30% to $2,100.
- The average four-bedroom rent in January 2020 was $1,1909; by April 2022 it had climbed 50% to $2,873.

This extreme price escalation coincides with the COVID-19 pandemic and has been caused, at least in part, by people relocating to Buncombe County from other parts of the country with greater health impacts from the pandemic and more expensive housing markets. They may be investing to retire, to work remotely from Western North Carolina, or to acquire a short-term rental and profit from our tourism economy. This explosive growth over the last two years has significantly exacerbated the long-term trends shown in the Bowen reports, and makes the need for affordable housing all the more urgent.

COVID-19 has also caused significant disruptions in the job market, school schedules, and parental responsibilities, all adding more pressure to the large population of lower income families who need affordable housing. We are receiving an increased volume of calls for rental assistance and see increased numbers of people experiencing homelessness across the County.

Population Served*

Define the population to be served by this project, including volume and demographic characteristics of those served.

This project will initially serve the residents of Deaverview Apartments as permanent relocation units, to allow for the phased demolition, replacement and expansion of the overall property. We plan ultimately to replace the existing 160 apartments with 320 new housing units, improving the homes of existing residents and expanding affordable opportunities for other families who need affordable housing.

Apartments in Phase 1 will meet the following affordability standards, with project-based and tenant-based subsidies to support the lowest income families:

- 21 units for families with incomes at or below 30% of the Area Median Income;
- 21 units for families with incomes at or below 50% of AMI; and
- Between 38 and 40 units for families with incomes at or below 60% of AMI. If the IRS clarifies its guidance on income averaging, this group may expand to families earning up to 80% of AMI.

Current Deaverview demographics:

- 98% of families have incomes at or below 50% of AMI, and most of those are below 30% of AMI;
- 29% of heads of household or their spouses are people with disabilities;
- 48% of the heads of household are Black, 44% White, 4% identify as mixed-race (Black/White), 3% Pacific Islander, and 1% American Indian;
- 4% are Latinx;
- 40% of the family members are children/youth under 18; 54% are between 18 and 61, and 6% are 62 or over; and

- 49% of the families are single individuals, 28% are two-person families, 15% are three-person families, and 8% are four persons or more.

Phase 1 alone will dramatically increase accessibility for people with disabilities. At least 8 units will be fully accessible and more than 60 will be visitable based on ground floor or elevator access and universal design. The interior of all units will be on a single level and have wide doorways, as opposed to the current property where most units have a narriw interior staircase, with the bathroom on the second floor.

Results*

Describe the proposed impact of the project. List at least 3 performance measures that will be tracked and reported. If possible, include baselines and goals for each performance measure.

Phase 1 will most immediately benefit current low-income residents of Deaverview Apartments who will be able to relocate directly into the improved environment of a new, accessible apartment with modern amenities including central air conditioning, dishwashers, washer/dryer hookups and ample community space. Combined with future phases over time, Phase 1 will anchor an entirely new community of 320 mixed-income affordable residences including home ownership and rental opportunities.

Proposed performance measures:
1. Families with incomes at or below 30% of AMI will move into at least 21 of the new units.
2. Families with incomes at or below 50% of AMI will move into at least 21 of the new units.
3. Families with incomes at or below 60% of AMI will move into at least 38 of the new units, with a potential to expand that income limit to 80% of AMI with income averaging.

These performance measures will be tracked based on verified incomes and voucher participation by the initial group of families who move into the new units.

Evaluation*

Describe the data collection, analysis, and quality assurance measures you will use to assure ongoing, effective tracking of contract requirements and outcomes.

NCHFA requires detailed documentation of income, including third-party verification of all major income sources. The procedures are outlined in HUD Handbook 4350.3 and other relevant HUD income verification notices, which the manager of the new units will be required to follow. We anticipate that the tax credit investor will also engage a compliance expert to review each family under the income requirements above. While those documents will be privacy protected, the results in terms of affordability percentages will be available and backed up by that rigorous income verification process.

Equity Impact*

How will this effort help build toward a just, equitable, and sustainable COVID-19 recovery? How are the root causes and/or disproportionate impacts of inequities addressed?

Asheville Housing serves a larger percentage of Black Americans, American Indians, and other People of Color than are represented in the County's general population. For example, 48% of Deaverview heads of household identify as Black and 4% as mixed race (Black/White). By contrast only 6.9% of Buncombe County residents identify as Black alone or in combination with any other race, according to 2020 Census. By that measure, replacement of Asheville Housing's aging subsidized housing stock alone will have a positive equity impact. Deaverview Apartments are more than 50 years old, built at a time when amenities and accessibility

standards were lower, and cannot reasonably be renovated to improve accessibility. New, comfortable, universally-designed apartments, with central air conditioning and other reasonable amenities, will promote equity for the families of color who live there now. Our relocation plan for the current residents also promotes equity by moving them only once and not disrupting their lives twice.

In addition, after Phase 1 is underway, we will master plan the entire community. Among other things we plan to include home ownership opportunities in the full Reimagining Deaverview project. This would allow as many as 50 families to use their vouchers to help pay a mortgage and build financial equity in their own homes. Furthermore, we want our new community to complement the Purpose-Built Community that the City of Asheville is planning for a nearby property. We are open to collaboration on that project with whomever the City selects as a developer, possibly opening up other home-ownership opportunities for our families.

Finally, the team that managed the Maple Crest construction project will also be managing this one. At Maple Crest, we successfully contracted 24.9% (over $6,000,000) of the value of subcontracted work to historically underutilized businesses, which we believe is an unprecedented number for projects of that size in Asheville/Buncombe.

Project Partners*

Identify any subcontractors you intend to use for the proposed scope of work. For each subcontractor listed, indicate:
1.) What products and/or services are to be supplied by that subcontractor and;
2.) What percentage of the overall scope of work that subcontractor will perform.

Also, list non-funded key partners critical to project.

We have selected the following key partners:

- Mountain Housing Opportunities Inc., a tax credit developer with decades of experience, has been selected as our co-developer.
- Neighboring Concepts, an African American-owned architecture and design firm based in Charlotte and their consulting engineers have been selected as the A/E team.
- Weaver-Cooke Construction, following their success with Maple Crest and other local projects, has been selected as the Construction Manager at Risk, WCC will competitively procure a team of subcontractors as the project moves forward. We hope to duplicate the near 25% HUB participation we had at Maple Crest.

After the NC Housing Finance Agency approves the tax credit allocation, we will competitively select a tax credit equity investor, construction and primary mortgage lender.

Our project budget shows the following approximate percentage breakdown:
- Architecture/Engineering: 4%
- Other construction hard costs: 79%
- Financing and due diligence : 4%
- Legal and compliance: 2%
- Construction soft costs: 8%
- Reserves: 3%

Capacity*

Describe the background, experience, and capabilities of your organization or department as it relates to capacity for delivering the proposed project and managing federal funds.

Asheville Housing Authority is a public housing agency with two primary sources of funding: tenant rent and federal housing assistance funds. We currently manage more than $24 million annually in HUD Section 8 funding, which provides housing assistance payments to support the residents of our communities and other voucher participants in Asheville and Buncombe County.

We successfully managed local funding contributions for the $40 million redevelopment of Maple Crest Apartments at Lee Walker Heights, which has been completed and is fully leased. Those contributions included $4.2 million from the County, $4.2 million from the City, and $4.5 million from Asheville Housing funds.

Other capital/construction projects Asheville Housing has managed over the last 10 years include:

1. The $5.5 million federally-funded renovation of the Arthur R. Edington Center into a community-based education and career center.
2. The $3 million federally-funded replacement of the exterior building envelope at Aston Park Tower.
3. More than $10 million in other capital improvements to our facilities from a variety of funding sources, including energy- and water-efficiency upgrades, window replacements, interior renovations, roof replacements, fire alarm and sprinkler replacements, and complete building rehabs after fire or other casualty loss.

Budget*

Provide a detailed project budget including all proposed project revenues and expenditures, including explanations and methodology. For all revenue sources, list the funder and denote whether funds are confirmed or pending. For project expenses, denote all capital vs. operating costs, and reflect which specific expenses are proposed to be funded with one-time Buncombe County Recovery Funds.

Download a copy of the budget form HERE. Complete the form, and upload it using the button below.

Reimagining Deaverview Phase I-Recovery-Funds-Budget.xlsx

Special Considerations*

Provide any other information that might assist the County in its selection.

Deaverview Schematic Designs.pdf

To meet the NC Housing Finance Agency final application deadline, we request a commitment of funds from the County prior to May 13, 2022.

We are grateful for the collaboration with Buncombe County on the Maple Crest Apartments at Lee Walker Heights project. With this application, we plan to draw from and improve on that model. We are following the Lee Walker model by carefully and consistently involving our residents in the planning process from day one. One key lesson learned was to seek opportunities to phase our redevelopment work, take it in smaller increments to minimize disruption for residents and, whenever possible, ensure that residents only have to relocate once.

Asheville Housing looks forward to working with the County again on this important effort to carry forward our mission - To provide safe, quality, and affordable housing, to expand available resources, and to

collaborate with the community to create opportunities for resident self-reliance and economic independence.

File Attachment Summary

Applicant File Uploads

- Reimagining Deaverview Phase I-Recovery-Funds-Budget.xlsx
- Deaverview Schematic Designs.pdf

Coronavirus State and Local Fiscal Recovery Funds
Proposed Project Budget

Organization Name:	**Asheville Housing Authority**
Project Name:	**Reimagining Deaverview Phase I**
Amount Requested:	**1,200,000**

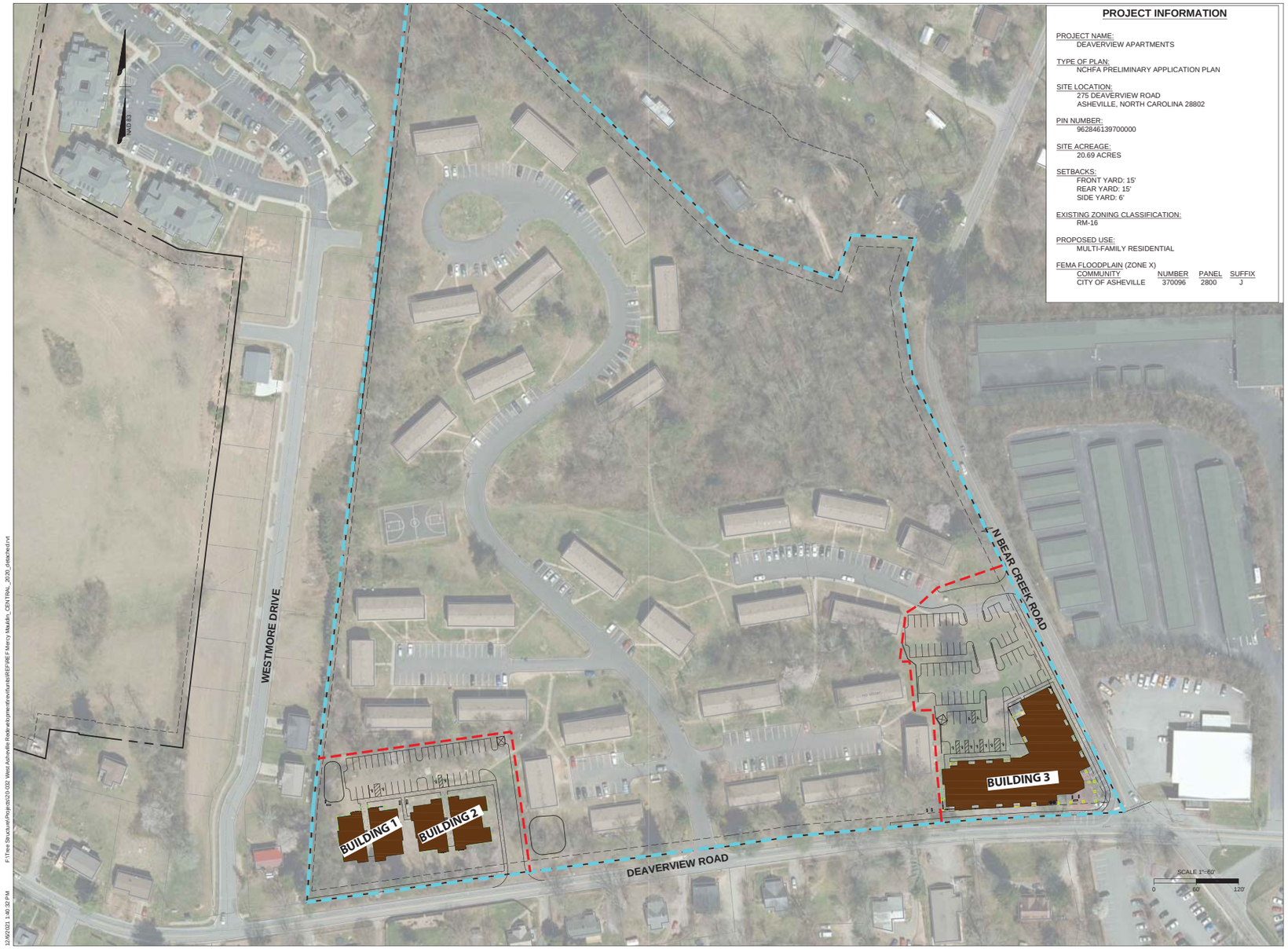
Proposed Project Revenue Funder	Amount	Confirmed or Pending?	Notes
Proposed Buncombe COVID Recovery Funds	$ 1,200,000.00	Pending	
LIHTC Equity	$ 7,199,280.00	Pending	
Permanent Loan Financing	$ 4,853,599.00	Pending	
Rental Production Program (RPP) Loan	$ 800,000.00	Pending	
City of Asheville	$ 1,200,000.00	Pending	
HACA	$ 1,200,000.00	Pending	
List other sources here			
List other sources here			
List other sources here			
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Total	$ 16,452,879.00		

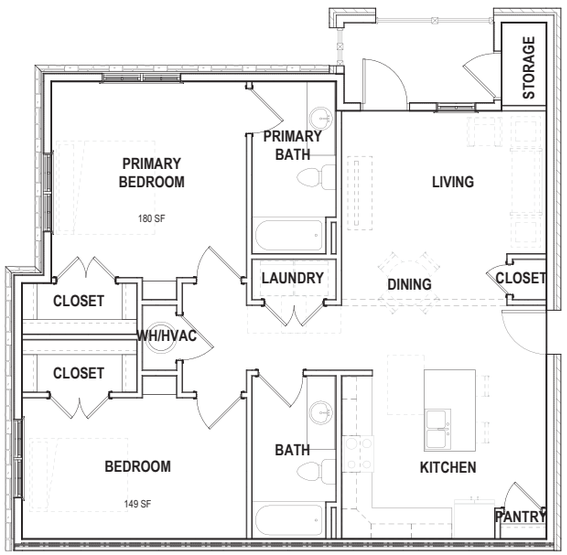
Proposed Project Expenses	Proposed Recovery Funds	Other Funds	Total	Capital or Operating Expense?	Notes
Construction Hard Costs	$ 1,200,000.00	$ 12,508,985.00	$ 13,708,985.00	Capital	On-site improvements, building construction, contractor/engineer/architect fees.
Financing & Due Diligence		$ 671,705.00	$ 671,705.00	Capital	
Legal & Compliance		$ 404,002.00	$ 404,002.00	Capital	Attorney Fees, Tax Credit Allocation fees, Organizational Fees
Construction Soft Costs		$ 1,242,000.00	$ 1,242,000.00	Capital	Permitting, Office, Property management, FF&E, Playgrounds, Developer Fee
Reserves		$ 426,187.00	$ 426,187.00	Capital	Rent-up & Operating reserves as required by NCHFA
List expenses here			$ -		
List expenses here			$ -		
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Total			$ 16,452,879.00		

Exhibit B - Preliminary Architectural Plans

NCHFA Tax Credit Application Number: APP22-0025

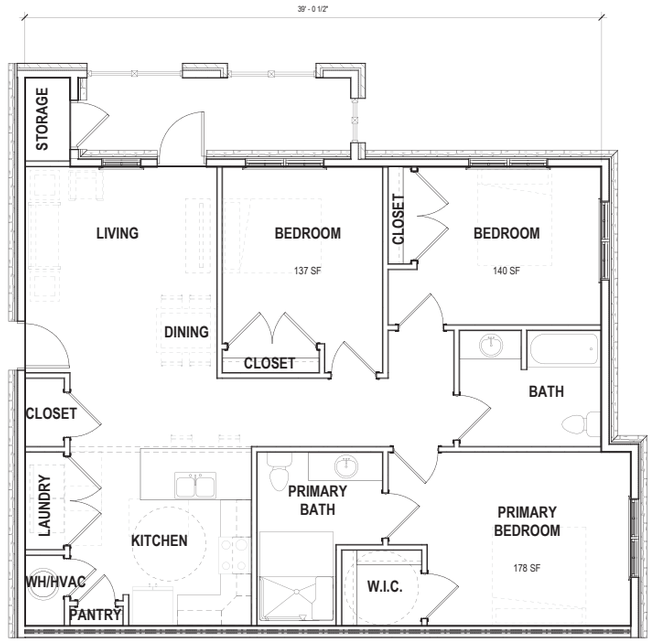



PROJECT INFORMATION
PROJECT NAME:
DEAVERVIEW APARTMENTS
TYPE OF PLAN:
NCHFA PRELIMINARY APPLICATION PLAN
SITE LOCATION:
275 DEAVERVIEW ROAD
ASHEVILLE, NORTH CAROLINA 28802
PIN NUMBER:
962846139700000
SITE ACREAGE:
20.69 ACRES
SETBACKS:
FRONT YARD: 15'
REAR YARD: 15'
SIDE YARD: 6'
EXISTING ZONING CLASSIFICATION:
RM-16
PROPOSED USE:
MULTI-FAMILY RESIDENTIAL
FEMA FLOODPLAIN (ZONE X)
COMMUNITY NUMBER PANEL SUFFIX
CITY OF ASHEVILLE 370096 2800 J
WESTMORE DRIVE
N BEAR CREEK ROAD
DEAVERVIEW ROAD
BUILDING 1
BUILDING 2
BUILDING 3
SCALE 1"=60'
0
60'
120'



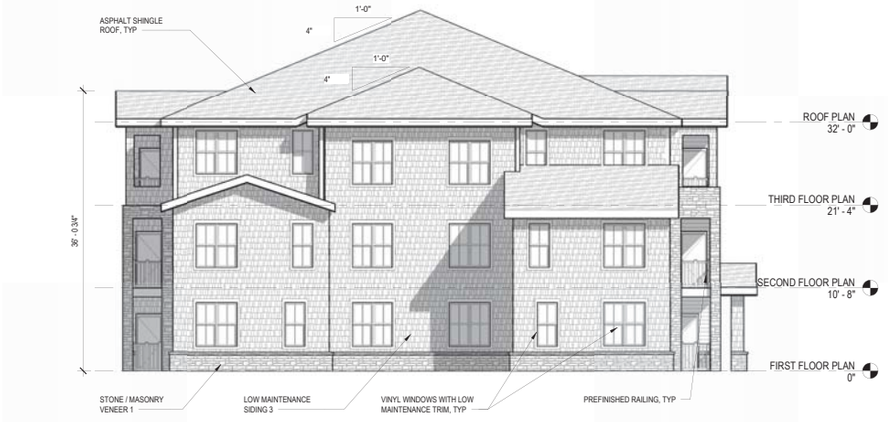
UNIT 2A: 1,044 HSF
SCALE: 1/4" = 1'-0"

COUNTER: 19'-6" LF
CLOSET: 12'-9" LF



UNIT 3A: 1,233 HSF
SCALE: 1/4" = 1'-0"

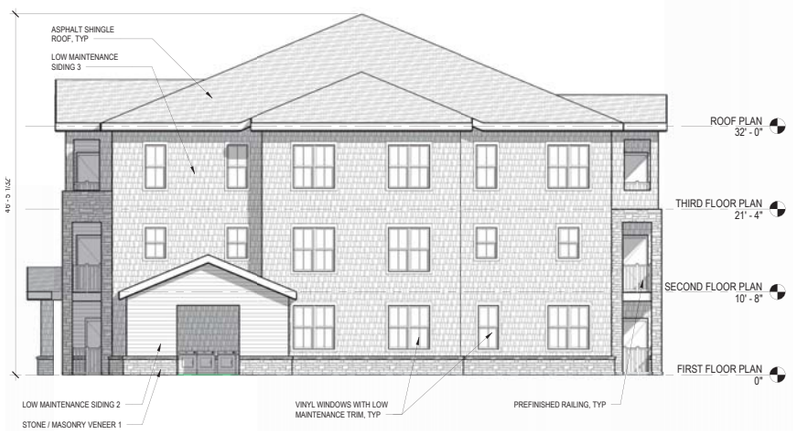
COUNTER: 14'-9" LF
CLOSET: 10'-2" LF



EAST ELEVATION
SCALE: 1/16"=1'-0"



NORTH ELEVATION
SCALE: 1/16"=1'-0"



WEST ELEVATION
SCALE: 1/16"=1'-0"



SOUTH ELEVATION
SCALE: 1/16"=1'-0"

PROJECT AMENITIES

- LEASING OFFICE
- COMMUNITY ROOM
- RESIDENT COMPUTER CENTER
- FITNESS CENTER
- TENANT STORAGE
- OUTDOOR SITTING AREA
- PICNIC AREAS
- COMMUNITY PORCHES
- MOUNTAIN VIEWS

BUILDING UNIT COUNT

1 BEDROOM	48
2 BEDROOM	10
OVERALL	58

TYPICAL LOWER LEVEL FLOOR UNIT COUNT

1 BEDROOM	6
2 BEDROOM	2

1 BEDROOM

2 BEDROOM

STAIR/ELEVATOR

AMENITY

EXTERIOR AMENITY



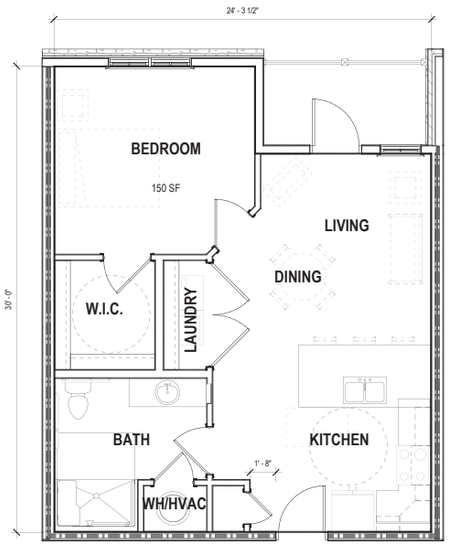
GROUND FLOOR PLAN | PARKING LOT ACCESS LEVEL

SCALE: 1/16" = 1'-0"



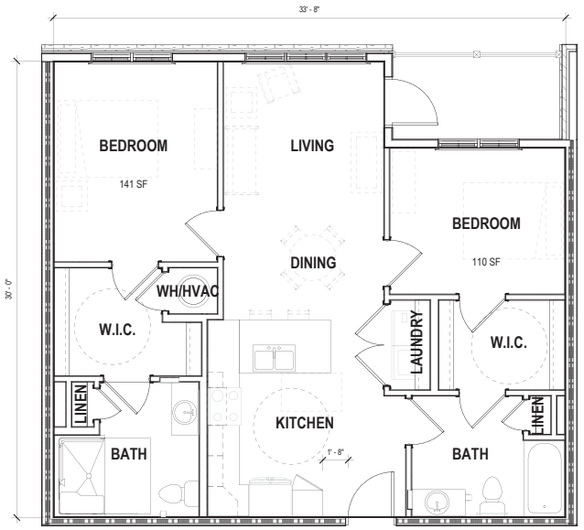
SECOND FLOOR PLAN | DEAVERVIEW ROAD STREET LEVEL

SCALE: 1/16" = 1'-0"



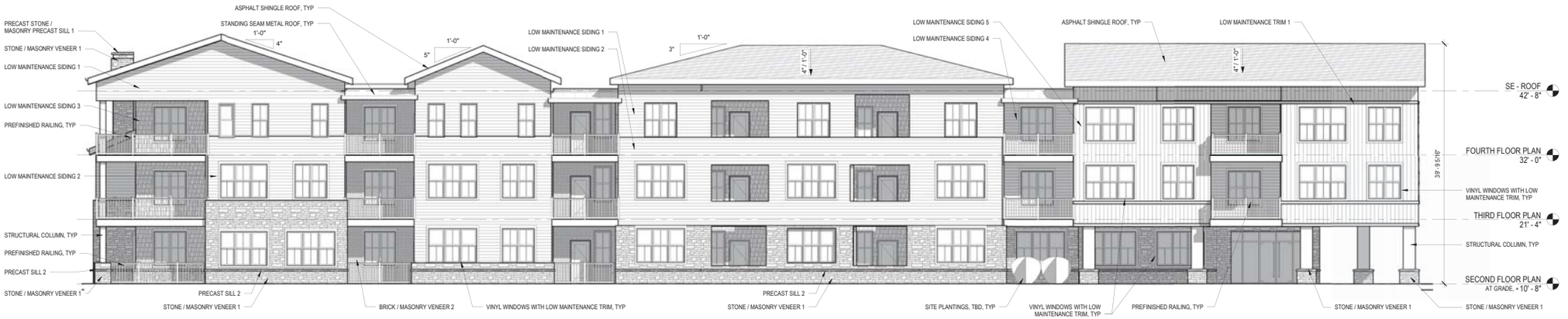
UNIT 1A: 665 HSF
SCALE: 1/4"=1'

COUNTER: 13'-9" LF
CLOSET: 12'-5" LF



UNIT 2B: 943 HSF
SCALE: 1/4"=1'

COUNTER: 14'-0" LF
CLOSET: 11'-3" LF



SOUTH ELEVATION
SCALE: 1/16"=1'-0"

Affordable Housing at Lakeshore Villas and Pentland Hills (Previously: 4%LIHTC Lakeshore Villas)

RFP for Coronavirus State and Local Fiscal Recovery Funds

Mountain Housing Opportunities, Inc

Robert Scott Dedman
64 Clingman Av, Suite 101
Asheville, NC 28801

O: 828 254-4030

Joe Quinlan

64 Clingman Av, Suite 101
Asheville, NC 28801

joe@mtnhousing.org
O: 828 254-4030 x 118
M: 828 776-1918
F: 828 254-0124

Application Form

Question Group

Buncombe County requests proposals for projects to help the community recover from and respond to COVID-19 and its negative economic impacts.

Buncombe County has been awarded $50,733,290 in Coronavirus State and Local Fiscal Recovery Funds (Recovery Funding), as part of the American Rescue Plan Act. To date, Buncombe County has awarded projects totaling $23,093,499, leaving a balance of $27,639,791 available to award.
Visit http://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundingwww.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfundinghttp://www.buncombecounty.org/recoveryfunding for details.

This infusion of federal resources is intended to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery.

Buncombe County is committed to investing these funds in projects that:

- Align to county strategic plan and community priorities
- Support equitable outcomes for most impacted populations
- Leverage and align with other governmental funding sources
- Make best use of this one-time infusion of resources
- Have a lasting impact

Proposals shall be submitted in accordance with the terms and conditions of this RFP and any addenda issued hereto.

Click here for the full terms and conditions of the RFP

Organization Type*

Nonprofit

Nonprofit documentation

If nonprofit, attach IRS Determination Letter or other proof of nonprofit status.

501(c)3 Letter.pdf

Name of Project.*

Affordable Housing at Lakeshore Villas and Pentland Hills (Previously: 4%LIHTC Lakeshore Villas)

New/Updated Proposal*

Is this a new project proposal or an updated version of a proposal submitted during the earlier (July 2021) Recovery Funding RFP?

Updated version of previously submitted proposal

Amount of Funds Requested*

$3,000,000.00

Category*

Please select one:

- Affordable Housing
- Aging/Older Adults
- Business Support/Economic Development
- Environmental/Climate
- Homelessness
- K-12 Education
- Infrastructure and/or Broadband
- Mental Health/Substance Use
- NC Pre-K Expansion
- Workforce

Affordable Housing

Brief Project Description*

Provide a short summary of your proposed project.

MHO is asking for a total of $3,000,000 for a two-pronged approach to the affordable housing crisis in Buncombe County. We are asking for $2,000,000 to support a new affordable rental development at 9999 Heywood Rd in Arden (Lakeshore Villas), which will provide 120 affordable rental units. We are also asking for $1,000,000 to support a new affordable homeownership development at 10 Pentland Hills Dr in Leicester, which will provide a mix of 36 single-family homes and 32 duplex units, for a total of 68 new units (at least 40 affordable).

Both sites were included in our original 1st round ARPA application. The plan for the Lakeshore Villas portion of this project is unchanged from our previous application request. Pentland Hills however, has changed. We have moved it out of our affordable rental pipeline and into affordable homeownership; therefore, the majority of this application will focus on Pentland Hills. Please refer to our previous application for details concerning Lakeshore.

Project Plan*

Explain how the project will be structured and implemented, including timeframe.

Lakeshore Villas remains on schedule to leverage the non-competitive 4% LIHTC program for creation of units, hinging only on attainment of sufficient gap funding for the May 13th, 2022 final application deadline. Because of the non-competitive nature of the 4% program Lakeshore Villas has already completed its pre-development and due diligence in full, has successfully completed the preliminary NCHFA 2022 tax credit application, and has expedited architectural schematic planning so that the project can move forward as soon as full funding is attained. This makes Lakeshore a singular opportunity to invest in virtually guaranteed affordable housing. The timeline and schedule under this strategy remains as follows:

Complete: Due diligence, pre-development, preliminary 2022 LIHTC Application
5/13/2022- Final LIHTC Application due, funding commitment letters required
August 2022- Tax Credit Award Confirmed
April 2023- Plans submitted for permitting
August 2023- Financial Closing and Construction Begins
Fall 2024- Construction Complete, Lease Up

At Pentland Hills, we will develop the 11-acre site with significant upgrades to and an extension of the road currently accessing the site. We will also be extending public water and sewer lines into the site and building all required stormwater infrastructure. Once infrastructure improvements are complete, we will begin construction of the homes. MHO plans to purchase the property at the end of April 2022, using short-term financing. If MHO is awarded ARPA funds for this project, $750,000 will go toward replacing that short-term financing. The remaining $250,000 will go toward the infrastructure improvements. With the land unencumbered and with some funds already committed to the development, we will approach an Asheville-area bank for the remaining development funds that we will need. Once the lots are buildable, their increased asset value will allow us to acquire construction financing. This is the financial model we used to develop Lillie Farm Cove in Weaverville, a recently completed 46-home subdivision.

Timeline for Pentland Hills:
April 2022 – purchase property
May 2022 thru December 2022 – zoning approval
March 2023 thru August 2023 – infrastructure improvements
September 2023 thru August 2025 – build the homes (homes to be built in 4 phases, with each group of 17 homes to be on the market every 6 months)

Statement of Need*

Describe the need that this project will address. Include data to demonstrate the need, and cite the source of the data.

Lakeshore Villas and Pentland Hills combined will help to address the ever-increasing need for affordable housing in our area. In addition, Pentland Hills, by providing homeownership opportunities to low-income families, will help to address the "wealth gap" that exists not just in Buncombe County but throughout our economy.

According to Frank Muraca, writing for the UNC School of Government (https://ced.sog.unc.edu/2022/01/what-we-know-about-covids-impact-on-affordable-housing-so-far/), 42% of low-income households in NC were cost-burdened by housing - before COVID. This means that these families were spending 30% or more of their total income just for housing. For households below 50% AMI, the numbers were even worse. Fully 66% of those families were cost burdened by housing. And, once again, this was before COVID.

For a full discussion of the existence of the wealth gap in our economy and the positive impact that affordable housing can have to reduce this gap, please see Jenny Schuetz's article posted on the website of the Brookings Institution (https://www.brookings.edu/research/rethinking-homeownership-incentives-to-improve-household-financial-security-and-shrink-the-racial-wealth-gap/).

Link to COVID-19*

Identify a health or economic harm resulting from or exacerbated by the public health emergency, describe the nature and extent of that harm, and explain how the use of this funding would address such harm.

The link between affordable housing and the COVID-19 pandemic can be evidenced by the fact that Buncombe County has included affordable housing as one of its ARPA funding categories. Returning to the UNC School of Government article cited above, Muraca shows that the economic harm resulting from COVID was extreme. As a result of COVID, unemployment in North Carolina rose to 14%, even worse than it was during the 2008 downturn. Rents increased throughout NC, with the largest increase occurring in Asheville (a 40% increase in Asheville as opposed to the next largest metro-area increase, which was 34% in Wake Forest). Muraca makes the case that each of these changes impacted low-income families hardest.

Home prices in the Asheville area have similarly soared. According to Redfin.com, the median cost of a home in the Asheville area in January 2020, just as COVID was beginning to spread, was $312,000. Now, two years into the pandemic, the median cost has risen to $406,250 - over a 30% increase. This trend continues to put homeownership further and further out of reach of low-income families.

Population Served*

Define the population to be served by this project, including volume and demographic characteristics of those served.

At Lakeshore Villas, the population served will be Buncombe County renters who are earning from below 30% AMI to 80% AMI. Current data from new tenant surveys across our portfolio reports ~20% of incoming renters identify as being homeless in their previous living situation. This means that 24 of the 120 new rental units are estimated to be occupied by those previously homeless.

At Pentland Hills, the population served for our affordable units will be Buncombe County families who are earning below 80% AMI. Since Pentland Hills is in a USDA-eligible area, many of our low-income homebuyers will be using USDA's Section 502 loans for their primary mortgage. USDA also requires that a qualifying family be first-time homebuyers - or can demonstrate that they do not currently live in adequate housing (so that a family who owns, for instance, a dilapidated trailer could still qualify).

Some of the homes at Pentland Hills will be listed and sold without income restrictions. We do this so that the neighborhood we create will be seen as a mixed-income neighborhood, not solely low-income. We also make use of the money earned on the unrestricted sales to provide soft-second financing to low-income families who need additional help in purchasing their homes. (More on this below.)

Results*

Describe the proposed impact of the project. List at least 3 performance measures that will be tracked and reported. If possible, include baselines and goals for each performance measure.

For both projects, there will be an impact to the local economy since each project, while under construction, will generate jobs and local spending. Even more importantly, each project will provide safe, well-constructed, affordable housing in areas close to jobs and shopping and other amenities for 120 renters

and 68 homebuyers in Buncombe County. A 3rd impact of each project is that all rental and homeownership units will be built to Energy Star standards. More energy-efficient housing helps us all in the fight against global warming.

Specific to Lakeshore Villas, performance measures to be tracked will be household wealth creation, job creation, and improved health & wellbeing. For more details, please see MHO's 1st round ARPA application.

Specific to Pentland Hills, the measures of success will boil down to 3 things: 1) did we build all the homes we set out to build, 2) were all the units identified as affordable actually sold to qualifying low-income families, and 3) did all the homes meet Energy Star standards.

Evaluation*

Describe the data collection, analysis, and quality assurance measures you will use to assure ongoing, effective tracking of contract requirements and outcomes.

For data collection methods at Lakeshore Villas, please see MHO's 1st round ARPA application.

For data collection methods at Pentland Hills, we will collect all pertinent income information for each low-income family purchasing an affordable unit. We will keep this information on file in our office and will use it to provide whatever report the County might require as proof that this measure of success was achieved. We will also keep on file the Energy Star certificate for each unit and provide them to the County as requested.

Equity Impact*

How will this effort help build toward a just, equitable, and sustainable COVID-19 recovery? How are the root causes and/or disproportionate impacts of inequities addressed?

The COVID-19 Pandemic and resulting economic strife has both highlighted and exacerbated the undue hardship low-income earners face due to systemic economic and social inequality in our community. National data confirms low income earners were hit disproportionately with greater wage disruption felt in combination with continued rent burden (https://www.americanprogress.org/article/expanding-supply-affordable-housing-low-wage-workers/) With affordable housing being among the top agents in social determinants of health, our proposal is based on the premise that well-located affordable housing - housing near jobs, school, recreational activities, and served by public transportation - is one of the strongest ways to address the root causes of the inequitable impacts of COVID-19. Harvard Professor Raj Chetty has demonstrated that generational economic mobility is strongly correlated with the poverty rate in which someone is raised, meaning one's zip code is strongly predictive of one's educational attainment and future earning potential. Affordable housing in areas of opportunity provides places for low-income families to stabilize, build a support network, and thrive.

Project Partners*

Identify any subcontractors you intend to use for the proposed scope of work. For each subcontractor listed, indicate:
1.) What products and/or services are to be supplied by that subcontractor and;
2.) What percentage of the overall scope of work that subcontractor will perform.

Also, list non-funded key partners critical to project.

For Lakeshore Villas, the main subcontractors will be WeaverCooke Construction and Partnership Property Management. Please see MHO's 1st round ARPA application for more details.

For Pentland Hills, during the infrastructure improvement phase MHO will be working with Civil Design Concepts, an Asheville-based civil engineering firm. The infrastructure work will be performed by a qualified sub-contractor who will be selected after we have completed a competitive bid process. On recent developments, we have used Tennoca Construction (based in Candler) and The Brigman Group (based in Asheville).

During the construction phase, MHO acts as the building contractor. All of our sub-contractors are locally based. Many are small businesses. A partial list of our sub-contractors includes: Turnkey Foundations, Tinajero Masonry, Whitted Electric, Mike's Heating & Cooling, Anchor Plumbing, Houser Construction, JS Williams Home Improvement, Gonzalez Drywall, Allied Insulation, Stollenmaier Landscaping, Pinon Painting, Vandemusser Design. In addition, we use local suppliers for all of our major material needs.

Capacity*

Describe the background, experience, and capabilities of your organization or department as it relates to capacity for delivering the proposed project and managing federal funds.

MHO has been a leader in affordable housing in Asheville and Buncombe County since 1988.

Specific to Lakeshore Villas, MHO has successfully completed every Low-Income Housing Tax Credit development that we have been awarded, totaling fourteen 9% LIHTC developments and one 4% LIHTC development.

Specific to Pentland Hills, MHO has successfully completed every affordable homeownership sub-division it has developed. These include subdivisions in Leicester, Weaverville, Black Mountain, Swannanoa, and Asheville. Our most recently completed subdivision was Lillie Farm Cove in Weaverville. This 46-home mixed-income subdivision was awarded a 2021 NC Housing Award from the Housing Finance Agency of NC.

Budget*

Provide a detailed project budget including all proposed project revenues and expenditures, including explanations and methodology. For all revenue sources, list the funder and denote whether funds are confirmed or pending. For project expenses, denote all capital vs. operating costs, and reflect which specific expenses are proposed to be funded with one-time Buncombe County Recovery Funds.

Download a copy of the budget form HERE. Complete the form, and upload it using the button below.

FINAL Recovery-Funds-budget-template (pentland hills Lakeshore Villas).3.xlsx

Special Considerations*

Provide any other information that might assist the County in its selection.

As mentioned above, at Pentland Hills at least 40 of the 68 homes will be sold to low-income families. The remaining homes will be listed and sold without income restrictions, and the money generated from those sales will be used to provide "soft-second" financing to the low-income buyers who cannot qualify for a large enough first mortgage to buy a home. MHO soft-second loans are equity sharing, but they require no monthly payments and there is no interest. If MHO receives $1,000,000 in ARPA funding for Pentland Hills, our ability

to provide these loans will increase, thus allowing us to sell more homes at Pentland Hills affordably and fewer on the open market. We believe a better balance of affordable versus non-income-restricted homes would be 48 affordable versus 20 non-restricted. The ARPA funds could go a long way to help make that happen. In the event that not all ARPA funds are needed for soft-second financing, they could be available to MHO for reinvestment in our next affordable homeownership development after Pentland Hills.

File Attachment Summary

Applicant File Uploads

- 501(c)3 Letter.pdf
- FINAL Recovery-Funds-budget-template (pentland hills Lakeshore Villas).3.xlsx

Internal Revenue Service
District Director

Department of the Treasury

P.O. BOX 941, RM 1112
ATLANTA, GA 30301

Date: FEB 01 1989

Employer Identification Number:
Applied For
Contact Person:
ROBERTA VAN METER
Contact Telephone Number:
(404) 331-4929

331-0185

MOUNTAIN HOUSING OPPORTUNITIES INC
C/O JAMES A BARRETT
38 SNELSON ROAD
ALEXANDER, NC 28701

Accounting Period Ending:
12-31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
7-25-88
Advance Ruling Period Ends:
12-31-92
Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code However, we have determined that you can reasonably be expected to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi)

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must submit to us information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and contributors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until the Service makes a final determination of your foundation status.

MOUNTAIN HOUSING OPPORTUNITIES INC

If notice that you will no longer be treated as a publicly supported organization is published in the Internal Revenue Bulletin, grantors and contributors may not rely on this determination after the date of such publication. In addition, if you lose your status as a publicly supported organization and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that the Service had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date such knowledge was acquired.

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of $100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

You are required to file Form 990, Return of Organization Exempt From Income Tax, only if your gross receipts each year are normally more than $25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of $10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed $5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unre-

lated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

Evidence submitted with your application indicates that you may engage in lobbying activities. Section 501(c)(3) of the Code specifically prohibits lobbying as a substantial part of your activities. If you do not wish to be subject to the test of substantiality under section 501(c)(3), you may elect to be covered under the provisions of section 501(h) of the Code by filing Form 5768 Election/Revocation of Election by an Eligible Section 501(c)(3) Organization to Make Expenditures to Influence Legislation. Section 501(h) establishes ceiling amounts for lobbying expenditures.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

Paul Williams
District Director

Department of the Treasury
Internal Revenue Service
Returns Program Mgmt Staff
P O Box 1055
Atlanta, Georgia 30370-0000

Date: DEC 07 1990

Date of Inquiry:
11/16/90
Refer Reply To:
RPM:EO:TPA
EIN:
58-1816998
FFN:
580095050

MOUNTAIN HOUSING OPPORTUNITIES, INC
POST OFFICE BOX 1671
ASHEVILLE, NC 28802-1671

Dear Taxpayer:

This is in response to your inquiry concerning the tax exempt status of your organization.

Our records indicate the organization was granted exemption from Federal income tax under section 501(c)(3) of the Internal Revenue Code by our letter dated February, 1989.

Our ruling letter further granted you an advance ruling that you can reasonably be expected to be a publicly supported organization described in section 170(b)(1)(A)(vi) of the Code. The advance ruling period ends on December, 1992 at which time we will contact you for further information so that we may determine whether you have met the requirements of the applicable support test during the advance ruling period.

Contributions to you are deductible as provided in section 170 of the Code.

The tax exempt status recognized by our letter referred to above is currently in effect and will remain in effect until terminated, modified or revoked by the Internal Revenue Service. Any change in your purposes, character, or method of operation must be reported to us so we may consider the effect of the change on your exempt status. You must also report any change in your name and address.

Thank you for your cooperation

Sincerely yours,

Cynthia Smith
Exempt Organizations Coordinator

Organization Name:	Mountain Housing Opport
Project Name:	Affordable Housing at Lak
Amount Requested:	$3,000,000

PENTLAND HILLS
Proposed Project Revenue Funder
Proposed Buncombe COVID Recovery Funds
Bank Financing (infrastructure)
MHO cash (infrastructure)
Bank Financing (home construction)
HOME Funds (home construction)
Buncombe County AHS loan (home construction)
MHO cash (home construction)
List other sources here

Proposed Project Expenses	Proposed Recovery Funds
Land acquisition	$ 750,000.00
Professional fees (engineering, surveying, legal)	
Infrastructure improvements (including contingency)	$ 250,000.00
staff costs	
permits & fees, environmental review	
development loan interest	
Home construction (phase one - 17 homes per phase)	
Home construction (phase two)	
Home construction (phase three)	
Home construction (phase four)	

LAKESHORE VILLAS
Proposed Project Revenue Funder
Proposed Buncombe COVID Recovery Funds
First Round Buncombe ARPA
LIHTC Equity
Permanent Loan

Deferred Developer Fee
Dogwood: Grant &/or Impact Investing
List other sources here
List other sources here

Proposed Project Expenses	Proposed Recovery Funds
Hard Costs	$ 2,000,000.00
Financing & Due Diligence	$ -
Legal & Compliance	$ -
Soft Costs	$ -
Bond Costs	$ -
Land	$ -
Reserves	$ -
List expenses here	
List expenses here	
List expenses here	

Coronavirus State and Local Fiscal Recovery Funds
Proposed Project Budget

unities, Inc.
eshore Villas and Pentland Hills (Previously: 4% LIHTC Lakeshore Villas)

	Amount	Confirmed or Pending?
	$ 1,000,000.00	Pending
	$ 2,572,625.00	Pending
	$ 100,000.00	Confirmed
	$ 12,360,000.00	Pending
	$ 300,000.00	Pending
	$ 300,000.00	Pending
	$ 300,000.00	Pending
Total	$ 16,932,625.00	

Other Funds	Total	Capital or Operating Expense?
	$ 750,000.00	Capital
$ 152,000.00	$ 152,000.00	Capital
$ 2,447,625.00	$ 2,697,625.00	Capital
$ 18,000.00	$ 18,000.00	Opertating
$ 30,000.00	$ 30,000.00	Capital
$ 25,000.00	$ 25,000.00	Capital
$ 3,315,000.00	$ 3,315,000.00	Capital
$ 3,315,000.00	$ 3,315,000.00	Capital
$ 3,315,000.00	$ 3,315,000.00	Capital
$ 3,315,000.00	$ 3,315,000.00	Capital
Total	$ 16,932,625.00	

	Amount	Confirmed or Pending?
	$ 2,000,000.00	Pending
	$ 2,313,846.00	Confirmed
	$ 9,943,363.00	Pending
	$ 8,806,289.00	Pending

	$ 200,000.00	Pending
	$ 1,266,556.00	Pending
	$ -	
	$ -	
Total	$ 24,530,054.00	

Other Funds	Total	Capital or Operating Expense?
$ 16,783,231.00	$ 18,783,231.00	Capital
$ 695,623.00	$ 695,623.00	Capital
$ 556,647.00	$ 556,647.00	Capital
$ 1,975,000.00	$ 1,975,000.00	Capital
$ 217,471.00	$ 217,471.00	Capital
$ 1,750,000.00	$ 1,750,000.00	Capital
$ 552,082.00	$ 552,082.00	Capital
$ -	$ -	
$ -	$ -	
	$ -	
Total	$ 24,530,054.00	

Notes

Notes

Notes

Notes
On-site Improvements, Building Construction, Contractor/Engineer/Architect Fees. NOTE: Materials costs are currently experiencing drastic price spikes making this line item a crucial expense for ARPA funding.
Attorney Fees, Tax Credit Allocation Fees, Organizational Fees
Permitting, Office, Property Management, FF&E, Playgrounds, Developer Fee, Misc.
Land was purchased in full via a portion of the first round ARPA award to Lakeshore.
Rent-up & Operating reserves as required by NCHFA

COVID Recovery Funding

Presented by

COVID Recovery Funding



Awards to Date from Initial RFP

Affordable Housing	$	8,294,231	5
Broadband Infrastructure	$	4,000,000	1
Small Business Economic Assistance	$	2,505,000	6
Mental Health/Substance Use Services	$	2,374,873	2
COVID-19 Public Health Expenses	$	1,543,714	2
Community Violence Interventions	$	1,262,500	2
Household Assistance	$	1,047,400	6
Premium Pay	$	1,040,000	1
Fund Administration	$	606,472	1
Education Assistance	$	419,309	1
	$	**23,093,499**	**27 projects**

Request for Proposals

Recommended Affordable Housing Awards

- The Affordable Housing Committee recommends the following based on these applicants submitting a Low Income Housing Tax Credit application on or before May 13, 2022.

Recommended Award	Organization	Project
$935,286	Asheville Housing Authority	Reimagining Deaverview Phase 1
$718,616	Mountain Housing Opportunities	Lakeshore Villas

Recommended Early Childhood Award

- The Early Childhood Committee recommends the following based on this 2-year pilot project launching for the 2022-2023 school year.

Recommended Award	Organization	Project
$3,201,546	Buncombe Partnership for Children	Building Capacity in Buncombe County to Expand NC Pre-K Availability & Accessibility

Request for Board Action

Consider approval of 3 COVID Recovery Funding awards:

- $935,286 for Asheville Housing Authority
- $718,616 for Mountain Housing Opportunities
- $3,201,546 for Buncombe Partnership for Children

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/03/2022

New Business

Department: Finance **Presenter(s): Don Warn**

Contact(s): Don Warn/Michael Frue

Subject: Resolution of Intent to Apply to the Local Government Commission for Approval of Bonds, Resolution Authorizing the Application to the Local Government Commission for Approval of the County's General Obligation Debt, and Resolution Making Certain Statements of Fact

Brief Summary: The County intends to pursue a referendum to issue General Obligation bonds for (1) acquisition and improvement of land or interests therein for conservation and protection of natural resources and preservation of farmland, including but not limited to, the development of greenways and trails for recreation purposes; and (2) to pay the capital costs of housing for the benefit of persons of low or moderate income, including construction of related infrastructure improvements and the acquisition of related land and rights-of-way in the amounts of $30 million and $40 million respectively.

For the issuance of General Obligation bonds, it is required to approve three resolutions. One establishing the intent to apply to the Local Government Commissioner (LGC) for approval of bonds, a second authorizing the application to the LGC and a third making certain statements of facts related to the bonds.

The resolution directs the County Manager and the Finance Director, individually and collectively, with advice from the Senior Staff Attorney and Bond Counsel to the County to file with the Local Government Commission an application for its approval of the General Obligation Open Space Bonds and General Obligation Housing Bonds

Recommended Motion & Requested Action: Approve the resolutions as presented.

RESOLUTION #22-05-06

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

* * *

A regular meeting of the Board of Commissioners (the "*Board*") of the County of Buncombe, North Carolina was duly held on May 3, 2022 at 5:00 p.m. the Commission Chambers, 200 College Street, Room 326, Asheville, North Carolina. Chairman Brownie Newman presiding.

The following members were present: Commissioners Newman, Edwards, Pressley, Whitesides, Wells, Beach-Ferrara, and Sloan

The following members were absent:

* * * * * *
* * *.

Commissioner **Newman** introduced the following resolution, a summary of which had been provided to each Commissioner, a copy of which was available with the Clerk to the Board of Commissioners and which was read by title:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS

***WHEREAS*,** the Board of Commissioners (the "*Board*") of the County of Buncombe, North Carolina (the "*County*") is considering the issuance of general obligation bonds of the County which shall be for the following purposes and in the following maximum amounts:

> $30,000,000 of bonds to pay the capital costs of acquisition and improvement of land or interests therein for conservation and protection of natural resources and preservation of farmland, including but not limited to, the development of greenways and trails for recreation purposes; and
>
> $40,000,000 of bonds to pay the capital costs of housing for the benefit of persons of low or moderate income, including construction of related infrastructure improvements and the acquisition of related land and rights-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Clerk to the Board of Commissioners is hereby directed to cause a copy of the "NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS" to be published in a newspaper of general circulation in the County.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

PASSED, ADOPTED AND APPROVED this 3rd day of May, 2022.

ATTEST

Lamar Joyner, Clerk

APPROVED AS TO FORM

County Attorney

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: Brownie Newman, Chairman

STATE OF NORTH CAROLINA)
) SS:
COUNTY OF BUNCOMBE)

I, Lamar Joyner, Clerk to the Board of Commissioners of the County of Buncombe, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled **"RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS"** adopted by the Board of Commissioners of the County of Buncombe, North Carolina in regular session convened on the 3rd day of May, 2022, as recorded in the minutes of the Board of Commissioners of the County of Buncombe, North Carolina.

WITNESS my hand and the seal of the County of Buncombe, North Carolina, this the 3rd day of May, 2022.

(SEAL)

Lamar Joyner

Lamar Joyner
Clerk to the Board of Commissioners
County of Buncombe, North Carolina

**NOTICE OF INTENTION TO APPLY TO THE
LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS**

NOTICE IS HEREBY GIVEN of intention of the undersigned to file application with the Local Government Commission, Raleigh, North Carolina for its approval of the issuance of general obligation bonds of the County of Buncombe, North Carolina which shall be for the following purposes and in the following maximum amounts:

> $30,000,000 of bonds to pay the capital costs of acquisition and improvement of land or interests therein for conservation and protection of natural resources and preservation of farmland, including but not limited to, the development of greenways and trails for recreation purposes; and
>
> $40,000,000 of bonds to pay the capital costs of housing for the benefit of persons of low or moderate income, including construction of related infrastructure improvements and the acquisition of related land and rights-of-way.

Any citizen or taxpayer of the County of Buncombe, North Carolina objecting to the issuance of any or all of said bonds, within seven (7) days after the date of publication of this notice, may file with the Local Government Commission, 3200 Atlantic Avenue, Longleaf Building, Raleigh, NC 27604, Attention: Secretary, and with the undersigned a written statement setting forth each objection to the proposed bond issue and such statement shall contain the name and address of the person filing it.

COUNTY OF BUNCOMBE, NORTH CAROLINA

/s/ Lamar Joyner
Clerk to the Board of Commissioners
County of Buncombe, North Carolina

RESOLUTION #22-05-07

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

* * *

A regular meeting of the Board of Commissioners (the "*Board*") of the County of Buncombe, North Carolina was duly held on May 3, 2022 at 5:00 p.m. the Commission Chambers, 200 College Street, Room 326, Asheville, North Carolina. Chairman Brownie Newman presiding.

The following members were present: Commissioners Newman, Edwards, Pressley, Whitesides, Wells, Beach-Ferrara, and Sloan

The following members were absent:

* * * * * *
* * *.

Commissioner **Newman** introduced the following resolution, a summary of which had been provided to each Commissioner, a copy of which was available with the Clerk to the Board of Commissioners and which was read by title:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA AUTHORIZING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE COUNTY'S PROPOSED GENERAL OBLIGATION BONDS AND TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION

***WHEREAS*,** the Board of Commissioners (the "*Board*") of the County of Buncombe, North Carolina (the "*County*") proposes to set a public hearing on the following Bond Orders entitled:

"BOND ORDER AUTHORIZING THE ISSUANCE OF $30,000,000 GENERAL OBLIGATION OPEN SPACE BONDS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA;" and

"BOND ORDER AUTHORIZING THE ISSUANCE OF $40,000,000 GENERAL OBLIGATION HOUSING BONDS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA;"

***WHEREAS*,** it is necessary, as a condition to the consideration and adoption of the Bond Orders, to submit an Application to the Local Government Commission for Approval of the Bonds, all in the manner required by The Local Government Bond Act.

***NOW, THEREFORE*,** be it resolved by the Board that the County Manager and the Finance Director of the County, individually and collectively, are hereby directed to file with the Local Government Commission an application for its approval of the General Obligation Open Space Bonds and General Obligation Housing Bonds hereinbefore described, on a form prescribed by said Commission, and (1) to request in such application that said Commission approve the County's use of Parker Poe Adams & Bernstein LLP of Raleigh, North Carolina, as bond counsel for the County and (2) to state in such application such facts and to attach thereto such exhibits in regard to such General Obligation Open Space

Bonds and General Obligation Housing Bonds and to the County and its financial condition, as may be required by said Commission.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

PASSED, ADOPTED AND APPROVED this 3rd day of May, 2022.

ATTEST

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

STATE OF NORTH CAROLINA)
) SS:
COUNTY OF BUNCOMBE)

I, Lamar Joyner, Clerk to the Board of Commissioners of the County of Buncombe, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled **"RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA AUTHORIZING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE COUNTY'S PROPOSED GENERAL OBLIGATION BONDS AND TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION"** adopted by the Board of Commissioners of the County of Buncombe, North Carolina in regular session convened on the 3rd day of May, 2022, as recorded in the minutes of the Board of Commissioners of the County of Buncombe, North Carolina.

WITNESS my hand and the seal of the County of Buncombe, North Carolina, this the 3rd day of May, 2022.

(SEAL)

Lamar Joyner
Clerk to the Board of Commissioners
County of Buncombe, North Carolina

RESOLUTION #22-05-08

EXTRACTS FROM MINUTES OF BOARD OF COMMISSIONERS

* * *

A regular meeting of the Board of Commissioners (the "*Board*") of the County of Buncombe, North Carolina was duly held on May 3, 2022 at 5:00 p.m. the Commission Chambers, 200 College Street, Room 326, Asheville, North Carolina. Chairman Brownie Newman presiding.

The following members were present: Commissioners Newman, Edwards, Pressley, Whitesides, Wells, Beach-Ferrara, and Sloan

The following members were absent:

* * * * * *
* * *.

Commissioner **Newman** introduced the following resolution, a summary of which had been provided to each Commissioner, a copy of which was available with the Clerk to the Board of Commissioners and which was read by title:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Buncombe, North Carolina (the "*County*") is considering the issuance of bonds of the County which shall be for the following purposes and in the following maximum amount:

> $30,000,000 of bonds to pay the capital costs of acquisition and improvement of land or interests therein for conservation and protection of natural resources and preservation of farmland, including but not limited to, the development of greenways and trails for recreation purposes; and
>
> $40,000,000 of bonds to pay the capital costs of housing for the benefit of persons of low or moderate income, including construction of related infrastructure improvements and the acquisition of related land and rights-of-way.

WHEREAS, certain findings of fact by the Board must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Section 159-52 the North Carolina General Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Board, meeting in open session on the 3rd day of May, 2022, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient to pay the capital costs of (1) acquisition and improvement of land or interests therein for

conservation and protection of natural resources and preservation of farmland, including but not limited to, the development of greenways and trails for recreation purposes and (2) housing for the benefit of persons of low or moderate income, including construction of related infrastructure improvements and the acquisition of related land and rights-of-way.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purposes. Estimates for the proposed construction and improvements have been carefully analyzed and determined by persons knowledgeable about the construction and improvements.

C. ***Past Debt Management Procedures and Policies.*** The County's debt management procedures and policies are good and have been carried out in compliance with law. The County employs a Finance Director to oversee compliance with applicable laws relating to debt management. The Board requires annual audits of County finances. In connection with these audits, compliance with laws is reviewed. The County is not in default in any of its debt service obligations. The County Attorney reviews all debt-related documents for compliance with laws.

D. ***Past Budgetary and Fiscal Management Policies.*** The County's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the Board before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the Board at regular Board meetings. The Finance Director presents financial information to the Board which shows budget to actual comparisons annually and otherwise as the County Manager deems necessary or as a member of the Board may request.

E. ***Increase in Taxes; Retirement of Debt.*** The increase in taxes, if any, necessary to service the proposed debt will not be excessive. The schedule for issuance anticipates issuing all of the bonds in one or more series during the seven years following the adoption of the bond orders.

F. ***Marketing of Bonds.*** The proposed bonds can be marketed at reasonable rates of interest.

G. ***Effective Date.*** This Resolution is effective immediately on its adoption

PASSED, ADOPTED AND APPROVED this 3rd day of May, 2022.

ATTEST

Lamar Joyner, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

STATE OF NORTH CAROLINA)
) SS:
COUNTY OF BUNCOMBE)

I, Lamar Joyner, Clerk to the Board of Commissioners of the County of Buncombe, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled **"RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE"** adopted by the Board of Commissioners of the County of Buncombe, North Carolina in regular session convened on the 3rd day of May, 2022, as recorded in the minutes of the Board of Commissioners of the County of Buncombe, North Carolina.

WITNESS my hand and the seal of the County of Buncombe, North Carolina, this the _____ day of May, 2022.

(SEAL)

Lamar Joyner
Clerk to the Board of Commissioners
County of Buncombe, North Carolina

KEY DATES

5/3	Board: Statements of Fact; Notice of Intent to Apply to LGC; Publication
5/16	Application to LGC
5/19	Board: Introduction of Bond Order; sets date of public hearing
6/7	Board: Public Hearing; Bond orders may be adopted; if adopted, sets Referendum
8/5	Ballot language may go to Board of Elections
11/8	Referendum

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

New Business

Department: Legal Dept. **Presenter(s):** Michael Frue/Brandon Freeman

Contact(s): Michael Frue/Brandon Freeman

Subject: An Ordinance Amending Certain Provisions of the County's Farmland Preservation Program to Comply with Session Law 2021-78

Brief Summary:

Chapter 58, Article III, of the Buncombe County Code of Ordinances created the Buncombe County Farmland Preservation Program, which was enacted to promote agricultural values and the general welfare of Buncombe County, and more specifically: to increase identity and pride in the agricultural community and its way of life; to encourage the economic and financial health of agriculture, horticulture and forestry; and to increase protection from non-farm development and other negative impacts on properly managed farms.

On July 2, 2021, the North Carolina General Assembly enacted Session Law 2021-78, which, among other things, refined the requirements to be certified as qualifying farmland and clarified that the required proximity buffer from the boundary line of any farm enrolled in a Voluntary Agricultural District or an Enhanced Voluntary Agricultural District is 1/2 mile.

The County Legal Department has worked with the County's Agriculture and Land Resources Division to draft suggested amendments to the County's Code of Ordinances that bring it in line with Session Law 2021-78.

Recommended Motion & Requested Action: Enact the Ordinance Amending Certain Provisions of the County's Farmland Preservation Program to Comply with Session Law 2021-78.

County Manager's comments and Recommendation: County Manager recommends approval.

An Ordinance Amending Certain Provisions of the County's Farmland Preservation Program to Comply with Session Law 2021-78

WHEREAS, Chapter 58, Article III, of the Buncombe County Code of Ordinances created the Buncombe County Farmland Preservation Program, which was enacted to promote agricultural values and the general welfare of Buncombe County, and more specifically: to increase identity and pride in the agricultural community and its way of life; to encourage the economic and financial health of agriculture, horticulture and forestry; and to increase protection from non-farm development and other negative impacts on properly managed farms; and

WHEREAS, on July 2, 2022, the North Carolina General Assembly enacted Session Law 2021-78, which, among other things, refined the requirements to be certified as qualifying farmland and clarified that the required proximity buffer from the boundary line of any farm enrolled in a Voluntary Agricultural District or an Enhanced Voluntary Agricultural District is 1/2 mile; and

WHEREAS, the Board of Commissioners has determined that it is in the best interest of the citizens and residents of Buncombe County to enact the following revisions to the County Code of Ordinances.

NOW THEREFORE, be it ordained by the buncombe county board of commissioners that:

1 Section 58-56(a)(1) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

(a) Requirements. To be eligible for certification the following requirements must be satisfied:

(1) Certification as qualifying farmland. To secure county certification as a qualifying farmland, a farm must be:

a. used for bona fide farm purposes, as that term is defined in G.S. 106-743.4(a) and G.S. 160D-903.

b. managed in accordance with the Soil Conservation Service defined erosion control practices that are addressed to highly erodible land; and

c. subject of a conservation agreement, as defined in G.S. 121-35, between the local government administering the voluntary agricultural district program and the owner of such land that

prohibits nonfarm use or development of such land for a period of at least 10 years, except for the creation of not more than three lots that meet applicable county and municipal zoning and subdivision regulations. The form of the conservation agreement shall be approved by the agricultural advisory board created under G.S. 106-739.

2 Section 58-60(b) of the Buncombe County Code of Ordinances is amended as follows:

(b) VAD or EVAD established. The county has established VAD or EVAD for farmland preservation to protect and preserve agricultural lands and activities. These VAD or EVAD have been developed and mapped by the county to inform all purchasers of real property, located within ½ mile of a VAD or EVAD, that certain agricultural activities, including, but not limited to, pesticide spraying, manure spreading, machinery operations, livestock operations, sawing, and similar activities may take place in these VAD or EVAD any time during the day or night. Maps and information on the location and establishment of these VAD or EVAD can be obtained from the county planning and development office.

3 If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

4 This ordinance is effective upon adoption.

Read, approved and adopted this 3rd day of May, 2022.

ATTEST

_____
LAMAR JOYNER, CLERK

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

BY: _____
BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM

_____
COUNTY ATTORNEY

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

New Business

Department: Legal Dept. **Presenter(s):** Michael Frue/Brandon Freeman

Contact(s): Michael Frue/Brandon Freeman

Subject: An Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138

Brief Summary:

On August 25, 2021, the North Carolina General Assembly enacted Session Law 2021-138, which prohibited criminal penalties for certain local ordinance violations, removed the legal presumption that local ordinances violations constituted misdemeanor offenses and required local governments to specify which violations of its ordinances constitute misdemeanor offenses, and provided new defenses for persons changed with criminal violations of local ordinances

The County Legal Department has worked with the County officials who administer the County's Code of Ordinances to draft suggested amendments to the County's Code of Ordinances that bring it in line with Session Law 2021-138, approximately thirty revisions in all.

Recommended Motion & Requested Action: Enact the Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138. This will require introduction at the first meeting and enactment at a subsequent meeting (Session Law 2021-138 mandates that "no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.").

County Manager's comments and Recommendation: County Manager recommends approval.

An Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138

_____

WHEREAS, on August 25, 2021, the North Carolina General Assembly enacted Session Law 2021-138, which prohibited criminal penalties for certain local ordinance violations, removed the legal presumption that local ordinances violations constituted misdemeanor offenses and required local governments to specify which violations of its ordinances constitute misdemeanor offenses, and provided new defenses for persons changed with criminal violations of local ordinances; and

WHEREAS, the County Legal Department and has worked with the County officials who administer the County's Code of Ordinances to draft the amendments contained herein, which are intended to ensure that the County's Code of Ordinances conforms with Session Law 2021-138 and to provide the County with the means to enforce the provisions of the same; and

WHEREAS, this Board has determined that it is in the best interest of the citizens and residents of Buncombe County to enact the following revisions to the County Code of Ordinances.

NOW THEREFORE, be it ordained by the buncombe county board of commissioners that:

1 Section 1-7 (General Provisions; General penalty) of the Buncombe County Code of Ordinances is amended as follows:

Sec. 1-7. General penalty.

(a) Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Code, or any ordinance of this county now in force or hereafter enacted, to which no specific penalty is affixed, shall be punished by a $50.00 civil penalty~~fine not to exceed $500.00, or shall be imprisoned for not more than 30 days,~~ for each offense.

(b) Any ordinance in this Code may be enforced by an appropriate legal remedy issuing from a court of competent jurisdiction. It shall not be a defense to the application of the county for equitable relief that there is an adequate remedy at law.

(c) Each day that any breach or violation of or any failure to comply with any provision or requirement of any section or subsection of this Code or any ordinance of this county now in force or hereafter enacted continues, or is allowed to continue, shall constitute a separate and distinct offense; but nothing contained in this section or this Code shall be construed to relieve,

or shall have the effect of relieving, any offender of any fine, imprisonment or penalty for repeated violations on any one day of any ordinance now in force or hereafter enacted, or any section or subsection of this Code.

(d) The imposition of a penalty under the provisions of this Code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted under this Code.

(e) If any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the county in addition to the imposition of a ~~fine or imprisonment~~civil penalty.

(f) Any provision of this Code or other ordinance of the county may be enforced by any one or more of the remedies authorized by G.S. 153A-123.

State law reference(s)—Violations of county ordinances deemed misdemeanors, G.S. 14-4, 153A-123; prescribing alternate methods for enforcement of ordinances and authorizing the making of each day's continuing violation a separate offense; injunction, G.S. 1-485 et seq.

2 Section 6-42 (Animals; Inspection, Interference, or Concealment) of the Buncombe County Code of Ordinances is amended as follows:

(a) *Inspections.* Whenever it is necessary to make an inspection to enforce any of the provisions of this article, or whenever the officer has reasonable cause to believe that there exists in any household or upon any premises any violation of this article, the officer is hereby empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon him by this article as follows:

(1) If such property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other persons having control of the property; and

(2) If such property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefore; and

(3) If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be located after due diligence, the officer may seek an appropriate warrant issued and served as provided by law.

(b) *Filing false reports.* It shall be unlawful for any person to file a false report with the department of animal control, or to provide false information to an officer involving any investigation of any reported violation of this article. ~~Any person found violating~~ A violation of this provision shall ~~be guilty of~~constitute a Class 3 misdemeanor ~~and shall be fined not more than~~as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment.

(c) *Frivolous or unfounded complaints.* It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with the department of animal control in order to intimidate or harass any member of such department or any animal owner,

or to otherwise hinder or interfere with any function of the department of animal control. A~~ny person found violating~~ violation of this provision shall ~~be guilty of~~constitute a Class 3 misdemeanor ~~and shall be fined not more than~~as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment.

(d) *Interference.* It shall be unlawful for any person to interfere with, hinder, resist, or obstruct the officer while the officer is carrying out any duty created under this article. A~~ny person found violating~~ violation of this provision shall ~~be guilty of~~constitute a Class 3 misdemeanor ~~and shall be fined not more than~~as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment.

(e) *Concealment of animal.* It shall be unlawful for any person to conceal any animal for the purpose of evading any federal, state or local law. A~~ny person found violating~~ violation of this provision shall ~~be guilty of~~constitute a Class 3 misdemeanor ~~and shall be fined not more than~~as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment. ~~In addition, the officer has the authority to seize the animal pursuant to this article.~~

3 Section 6-116 (Animals; Criminal Penalties) of the Buncombe County Code of Ordinances is amended as follows:

Violation of this article may subject the violator to criminal as well as civil action. In addition to the civil penalties or fees imposed under this article, violation of this article shall be a misdemeanor for which a criminal summons or warrant may be issued. ~~Any violator convicted of such~~ A violation of this Chapter shall ~~be punishable~~constitute a Class 3 misdemeanor as ~~provided~~set forth in N.C. Gen. Stat. §~~G.S. 14-4~~. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment. Each day's violation of this section is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this section does not relieve the violator of his liability for taxes, civil penalties or fees imposed under this article.

4 Section 14-79 (Massage Parlors and Health Salons; Hours of Operation) of the Buncombe County Code of Ordinances is amended as follows:

No masseur or masseuse or any person or party engaging in any of the businesses licensed by this article shall engage in such business, trade, profession, occupation or calling except within and between the hours of 8:00 a.m. and 10:00 p.m.; nor shall any operator of a massage parlor or establishment or business enumerated ~~in section 14-76~~ and not specifically excepted under this article, operate the same except within and between such hours. Violations of this or any other section of this article shall be considered under this article as an offense. ~~Persons found guilty of such violations shall be punished in~~

~~accordance with section 1-7.~~ A violation of this provision shall constitute a Class 3 misdemeanor as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment.

5 Section 14-92 (Massage Parlors and Health Salons; False Statements) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

It shall be unlawful for any person to willfully make any false statement on an application for a license under any section. A violation of this provision shall constitute a Class 3 misdemeanor as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment.

6 Section 14-130 (Adult Establishments; Violations and Penalties) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

A violation of this Article shall constitute a Class 3 misdemeanor as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment. Each day's violation of this section is a separate offense.

7 Section 22-28 (Ambulance Services; Penalties for Violation of Article) of the Buncombe County Code of Ordinances is amended as follows:

(a) It shall be unlawful~~a misdemeanor~~ for any person to obtain or receive ambulance service without intending at that time of obtaining or receiving such services to pay, if financially able, the necessary charges. A determination that the recipient of such services has failed to pay for the services rendered for 90 days after the request for payment, and that the recipient is financially able to do so, shall raise a presumption that the recipient of the services did not intend to pay for the services at the time they were obtained or received.

(b) Violations of this article, or the terms of any franchise granted under this article, shall be punishable by a civil penalty~~a misdemeanor, as provided by G.S. 14-4~~. Each such violation also shall subject the offender to a civil penalty in the amount of $100.00 for each separate breach of the franchise or violation of this article. This civil penalty must be paid within ten days after the hearing on the citation has been held as provided in subsection 22-44(b). If not so paid, such penalty may be recovered by the county as provided by G.S. 153A-123(c). If the civil penalty is not paid within the ten days, as provided for in this subsection, the county may suspend or revoke the franchise.

8 Section 26-33(a) (Air Pollution Control; Penalties and Remedies for Violation of Article) of the Buncombe County Code of Ordinances is amended as follows:

(a) Any person violating any of the requirements contained in this article shall be guilty of a Class 3 misdemeanor under N.C. Gen. Stat. § 14-4 and subject to a $500 maximum penalty~~, upon conviction, be punished in accordance with section 1-7~~. Each day in violation shall constitute a separate offense and shall be subject to the penalties provided by G.S. 143-215.3(A)(11)(E).

9 Section 26-138(1) (Junkyards; Penalties and Remedies for Violation of Article) of the Buncombe County Code of Ordinances is amended as follows:

(1) Violations of the provisions of this article or failure to comply with any of its requirements, including violations of any conditions and safeguards established, shall constitute a Class 3 misdemeanor as set forth in N.C. Gen. Stat. § 14-4. The maximum fine for a violation under this Chapter is $500.00 or a maximum 30 days imprisonment~~misdemeanor, punishable in accordance with section 1-7~~.

10 Section 26-283(e)(1) (Junked and Abandoned Vehicles; Enforcement Provisions) of the Buncombe County Code of Ordinances is amended as follows:

A violation of this article shall constitute a Class 3 misdemeanor, punishable by a fine of up to ~~$50.00~~$500.00 or a maximum 30 days imprisonment as provided in ~~G.S. 14-3(3) and~~ G.S. 14-4.

11 Section 26-402(g) (Stormwater Management; Remedies and Penalties) of the Buncombe County Code of Ordinances is deleted in its entirety and replaced with nothing.

12 Section 30-44 (Fire Prevention and Protection; Fire Marshal; Violation; Penalty) of the Buncombe County Code of Ordinances is amended as follows:

A violation of this article shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4~~be a misdemeanor punishable by a fine of not more than $50.00 or by imprisonment for not more than 30 days or by both such fines and imprisonment~~. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Also such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or person in charge shall not be deemed to relieve any of the others.

13 Section 34-38(a) (Flood Damage Prevention; Penalties for Violation) of the Buncombe County Code of Ordinances is amended as follows:

(a) Any person who violates any ~~Violation of the~~ provision~~s~~ of this article or fail~~sure~~ to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be subjected to a civil fine of up to $25,000.00~~ constitute a Class 1 misdemeanor~~. ~~Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $25,000.00 or imprisoned for not more than 120 days, or both.~~ Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Buncombe County from taking such other lawful action as is necessary to prevent or remedy any violation.

14 Section 38-2 (Historical Preservation Commission; Penalty for Violation of Chapter) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

(1) Any act constituting a violation of the provisions of this article or a failure to comply with any of its requirements shall subject the offender to a civil penalty of $100.00 per violation. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt.

(2) Each day that any violation continues after final notification by the administrator that such violation exists may be considered a separate offense for purposes of the penalties and remedies specified in this article.

(3) This article may also be enforced by any appropriate equitable action. Such remedy may include a court order of abatement as part of a judgment in the case. The abatement order may include removal of violation and other actions required to make the property comply with the provisions of this article at the owner's expense.

15 Section 46-1(f) (Manufactured Homes and Trailers; Entrance, Movement and Setup of all Pre-1976 Mobile Homes Within the County; Penalty) of the Buncombe County Code of Ordinances is amended as follows:

Penalty. With the exception of violations related to registration requirements adopted pursuant to N.C. Gen. Stat. § 153A-138, which may not be enforced via criminal penalty, a violation of this Chapter shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4~~Any person or persons violating the provisions of this section shall be guilty of a misdemeanor and shall be subject to fine and/or imprisonment as provided by G.S. 14-4(a) and shall be fined not more than $500.00~~. Any violation of this Chapter may be enforcer pursuant to Section 1-7 of the Buncombe County Code of Ordinances. Each day's continuing violation of this section shall be a separate and distinct offense.

16 Section 46-67(a) (Manufactured Homes and Trailers; Manufactured Homes Parks; False Statements; Penalty for Violation) of the Buncombe County Code of Ordinances is amended as follows:

> It shall be unlawful for any person to make any false statement or to submit any altered document in connection with or in support of any application for a permit to establish and operate a manufactured home park. Any violation of this section shall be punishable as set forth in Section 46-1(f)~~Any violation of this section shall be punishable as class 3 misdemeanor as provided in G.S. 14-4(a)~~.

17 Section 50-2(c) (Offenses and Miscellaneous; County Courthouse Property; Penalty for Violation of Section) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

> (c) *Penalty for violation of section.* A violation of this Section shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

18 Section 50-3(f) (Offenses and Miscellaneous; Regulating Entry into Courthouse) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

> (f) *Penalty for violation of section.* A violation of this Section shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

19 Section 50-4(e) (Offenses and Miscellaneous; Carrying of Concealed Handguns) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

> (e) *Penalty for violation of section.* A violation of this Section shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

20 Section 50-5(c) (Offenses and Miscellaneous; Certain Usage of County Property Prohibited; Signage) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

> (c) *Penalty for violation of section.* A violation of this Section shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

21 Section 54-1 (Parks and Recreation; Penalty for Violation of Chapter) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

A violation of this Chapter shall constitute a Class 3 misdemeanor, punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

22 Section 62-29(a) (Solid Waste Management; Penalties; Remedies for Violations of Article) of the Buncombe County Code of Ordinances is amended as follows:

(a)Report; notice; ~~warrant~~summons. Except as otherwise provided in this section, violations of this article shall be reported to the director of solid waste who shall thereupon investigate the matter and attempt an informal resolution of such violation. If no solution is reached, the director of solid waste may~~shall~~ cause notice to issue by personal service or registered or certified mail to the owner, occupier, tenant, lessee, or person in control of the property on which a violation exists. Such notice shall state the particulars of the violation, the date on which the violation was confirmed by the solid waste department, and shall state that such person has 15 days from receipt of the notice in which to remedy the violation. This section shall not prevent the director of solid waste from issuing a notice on discovery of a violation without having first had a report of a violation. After the expiration of the 15-day period, if the violation has not been corrected, the director of solid waste may~~shall~~ cause a criminal summons~~warrant~~ to issue. The owner, occupier, tenant, lessee, or person in control of the property on which the violation exists shall be guilty of a Class 3 misdemeanor punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4~~misdemeanor. The penalty for violation of this article shall be in accordance with section 62-33~~.

23 Section 62-30(d)(6) (Solid Waste Management; Storage; Collection; Transportation; Disposal) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

(6) *Penalty for violation of subsection.* A violation of subsection (d)(3), (d)(4) or (d)(5) of this section shall constitute a Class 3 misdemeanor punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

24 Section 62-33 (Solid Waste Management; Penalties) of the Buncombe County Code of Ordinances is amended as follows:

Any person, including an individual, owner, occupant, tenant, lessee, firm or business entity, and including any hauler, franchised collector, or other collector or provider, who violates the provisions of this article or any local or state health or solid waste rules or regulations adopted pursuant to this article shall be guilty of a Class 3 misdemeanor punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4 or~~misdemeanor and shall~~ be subject to a civil penalty in the amount of

$50.00 for the first violation, and a civil penalty of $100.00 for a second or subsequent violation.

25 Section 62-43 (Solid Waste Management; Franchise Collectors and Haulers; Penalties for Violation of Division) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

Any person who violates the provisions of this division or any local or state health or solid waste rules or regulations adopted pursuant to this division shall be guilty of a Class 3 misdemeanor punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

26 Section 62-75(c) (Solid Waste Management; Hazardous Waste; Enforcement; Penalties for Violation of Article) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

(c) *Criminal penalty.* Any person violating any provisions of this article or conditions of a county license or permit shall be guilty of a Class 3 misdemeanor punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4.

27 Section 70-6 (Subdivisions; Penalties for Violation of Chapter) of the Buncombe County Code of Ordinances is amended as follows:

Any person who, being the owner or agent of any land located within the planning jurisdiction of the county, thereafter subdivides ~~his~~ such land in violation of this chapter or transfers or sells land by reference to, exhibition of, or any other use of plat showing a subdivision and recorded in the office of the county register of deeds, shall be ~~guilty of a misdemeanor as set forth in G.S. § 160D-807 or as amended~~subject to a civil penalty in the amount of $100.00. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transactions from this penalty. The county, through its attorney or other official designated by the board of commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Building permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided. In addition to other remedies, a county may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct. Further, violators of this chapter shall be subject to the remedies as set forth in section 1-7. The county may also assess a $100.00 per-day civil penalty for each day that the plat or property is not in compliance with this chapter. Each day that such plat or property is not in compliance with this chapter shall constitute a separate and distinct offense.

Approval of an erosion control plan alone shall not constitute approval of a subdivision plan. Plan review fees shall be double the normal fee amount when land disturbing activity begins before preliminary approval of a subdivision is obtained from the county. Any land disturbing activity begun prior to preliminary approval of a subdivision shall be subject to a civil penalty of $100.00 per day. Each day the violation continues shall be considered a separate offense.

28 Section 70-68(i) (Subdivisions; Standards; Hillside Development Standards) of the Buncombe County Code of is amended as follows:

(i) *Enforcement.* Any person violating any provision of this section shall be subject to a civil penalty of not less than $100.00 per day and not to exceed $1,000.00 per day. Each day the violation continues shall constitute a separate violation. ~~Violations shall be subject to the provisions of G.S. 14-4.~~

29 Section 78-30 (Zoning; Watershed Protection) of the Buncombe County Code of Ordinances be deleted in its entirety and replaced with the following provision:

Any person violating any provisions of this article shall be guilty of a Class 3 misdemeanor punishable by a fine of up to $500.00 or a maximum 30 days imprisonment as provided in G.S. § 14-4. Each day that the violation continues shall constitute a separate offense.

30 Section 78-65 (Zoning; Penalties for Transferring Lots in Unapproved Subdivisions) of the Buncombe County Code of Ordinances is amended as follows:

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the county, thereafter subdivides his land in violation of this article or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this article and recorded in the office of the register of deeds, shall be subject to a civil penalty in the amount of $500.00~~guilty of a misdemeanor~~. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County of Buncombe may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this article.

31 If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

32 All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

33 This ordinance is effective upon adoption.

Read, approved and adopted this 3rd day of May, 2022.

ATTEST

_____
LAMAR JOYNER, CLERK

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

BY: _____
BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM

_____
COUNTY ATTORNEY

Amendments to Ordinance Enforcement Provisions

Presented by

Brandon Freeman

Legal Department

Session Law 2021-138

North Carolina Decriminalizes Most Local Ordinance Violations

On August 25, 2021, the North Carolina General Assembly enacted Session Law 2021-138, which:

- prohibited criminal penalties for certain local ordinance violations;
- removed the legal presumption that local ordinances violations constituted misdemeanor offenses, requiring instead that local governments specify which violations of their ordinances constitute misdemeanor offenses; and
- provided new defenses for persons charged with criminal violations of local ordinances.

Session Law 2021-138

North Carolina Decriminalizes Most Local Ordinance Violations

- Previously, the general rule was that "if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district . . . [such person] shall be guilty of a Class 3 misdemeanor." N.C. Gen. Stat. § 14-4(a).

- With the adoption of Session Law 2021-138, this is no longer the case. Now, criminal penalties for certain kinds of ordinances are prohibited altogether; and

- if a County wishes to use criminal penalties where still allowed, it must clearly specify which of its ordinances can be enforced with criminal penalties (because it can no longer rely on the "general rule").

Prohibited Enforcement

- ✓ No local government may impose criminal or infraction penalties for ordinances that:
  - Regulate planning and development, “except for those ordinances related to unsafe buildings”
  - Concern the regulation or licensure of businesses or trades
  - Concern stream-clearing programs
  - Regulate outdoor advertising
  - Limit or regulate solar collectors, cisterns, or rain barrels
  - Regulate trees
- ✓ Additionally, a county may not impose criminal or infraction penalties for ordinances related to the registration of mobile homes, house trailers, etc.

Specification; Adoption

As discussed, now both counties and cities may only attach misdemeanor or infraction penalties to ordinances "if the [local government] specifies such in the ordinance."

Further, "no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced."

An Ordinance Amending the Enforcement Provisions of Certain County Ordinances to Comply with Session Law 2021-138

- The County Legal Department and has worked with the County officials who administer the County's Code of Ordinances to draft amendments to the Code's enforcement provisions, which are intended to bring the County's Code of Ordinances into compliance with Session Law 2021-138.

- In all, County Staff recommends approximately thirty (30) ordinance revisions.

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/03/2022

New Business

Department:
Budget

Presenter(s):
John Hudson, Budget

Contact(s): John Hudson, Budget

Subject: Adjustments for Economic Growth- Occupancy Tax and Special Districts Tax

Brief Summary:
As the local economy continues to grow, the following amendments provide additional dollars to the FY2022 Budget to ensure coverage of distribution of revenue proceeds to our local partners.

S.L. 2001-162 dictates that Buncombe County act as a pass-through entity for distribution of occupancy tax revenues to the Tourism Development Authority. This amendment will increase available expense budget by $11,000,000 to ensure enough budget exists to pass through the growing occupancy tax revenues, along with the county's administrative collection fee, also covered under S.L. 2001-162.

The Special Taxing Districts Fund amendment will increase the available expense budget by $1,500,000 to accommodate for the distribution of sales tax proceeds to Fire Districts. For the FY2022 budget, the Board of Commissioners approved almost $9.4M for budgeted sales tax revenues in the Special Taxing Districts Special Revenue Fund for distribution to Fire Districts. This estimate was based on available data at the time of budget development and the current year's growth has so far exceeded those expectations. This amendment will increase the available expense budget by an additional $1.5 M for estimated additional sales tax revenue for distribution to Fire Districts per NCGS 105-472(b)(2).

Recommended Motion & Requested Action:
Approve budget amendments

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #22-05-09

BUNCOMBE COUNTY, NORTH CAROLINA
Occupancy Tax Special Revenue Fund

BOARD MEETING DATE: May 03, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 Occupancy Tax Fund as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY 2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 03rd day of May, 2022.

Requesting Department: Budget
Budget Amendment Item: Occupancy Tax Fund Adjustment for Growth

Description:
S.L. 2001-162 dictates that Buncombe County act as a pass-through entity for distribution of occupancy tax revenues to the Tourism Development Authority. This amendment will increase available expense budget by $11,000,000 to ensure enough budget exists to pass through the growing occupancy tax revenues, along with the county's administrative collection fee, also covered under S.L. 2001-162.

Funding Source:
No new funds are required as these dollars pass-through.

Exhibit A:	Increase (Decrease)	
Account Description	**Revenues**	**Expenditures**
Other Taxes & Licenses	$ 11,000,000	
Economic & Physical Development		$ 11,000,000
TOTAL	$ 11,000,000	$ 11,000,000

ATTEST:

Tamara Laymon
Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: Brownie Newman
Chairman of the Board

ORDINANCE #22-05-10

BUNCOMBE COUNTY, NORTH CAROLINA
Special Taxing Districts Fund

BOARD MEETING DATE: May 03, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 General Fund as outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 03rd day of May, 2022.

Requesting Department: Budget
Budget Amendment Item: Special Taxing Districts Fund adjustment for Growth

Description:
For the FY2022 budget, the Board of Commissioners approved almost $9.4M for budgeted sales tax revenues in the Special Taxing Districts Special Revenue Fund. This estimate was based on available data at the time of budget development and the current year's growth has so far exceeded those expectations. This amendment will increase the available expense budget by an additional $1.5M to estimated additional sales tax revenue for distribution to Fire Districts per NCGS 105-472(b)(2)

Funding Source:
Sales tax revenue distributed to special taxing districts (i.e., Asheville City Schools and Fire Districts).

Exhibit A:	Increase (Decrease)	
Account Description	**Revenues**	**Expenditures**
Public Safety Sales Tax	$ 1,500,000	$ 1,500,000
TOTAL	$ 1,500,000	$ 1,500,000

ATTEST:

Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By:

Chairman of the Board

Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 5/3/2022

New Business

Department:
Budget

Presenter(s):
John Hudson, Budget

Contact(s): John Hudson, Budget

Subject: Public School ADM Fund Adjustment for Growth

Brief Summary:
The Public School ADM Capital Fund amendment will increase the available expense budget by $3,500,000 to accomodate for the distribution of sales tax proceeds to schools, per Articles 40 and 42.

Recommended Motion & Requested Action:
Approve budget amendment

County Manager's Comments & Recommendation:
County Manager recommends as presented

ORDINANCE #22-05-11

BUNCOMBE COUNTY, NORTH CAROLINA
Public School ADM Capital Fund Project Ordinance

BOARD MEETING DATE: May 3, 2022

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2021-2022 Projects outlined below in Exhibit "A" to the budget,
NOW THEREFORE,

BE IT ORDAINED by the Board of Commissioners for the County of Buncombe as follows:

1. That the FY2021-2022 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 3rd day of May, 2022.

Project Name:	Public School ADM Fund Adjustment for Growth

Description:
The Public School ADM Capital Fund amendment will increase the available expense budget by $3,500,000 to accomodate for the distribution of sales tax proceeds to schools, per Articles 40 and 42.

Funding Source:
No new funds are required as these dollars pass-through.

Exhibit A:	**Increase (Decrease)**	
Account Description	**Revenues**	**Expenditures**
Fund 335 Administration	$ 3,500,000	$ 3,500,000
TOTAL	$ 3,500,000	$ 3,500,000

ATTEST:

Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE:

By: _____
Chairman of the Board