

Board of Commissioners' Agenda

February 7, 2023

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.

The meeting will broadcast via Facebook Live @Buncombegov.

Call To Order

▲top

Discussion / Adjustment / Approval To Follow Agenda

▲top

Consent Agenda ▲top

- [Approval of January 17, 2023 Special Meeting Minutes](#)
- [Approval of January 17, 2023 Briefing Meeting Minutes](#)
- [Approval of January 17, 2023 Special Meeting Minutes - Closed Session](#)
- [Approval of January 17, 2023 Regular Meeting Minutes](#)
- [Approval of January 25, 2023 Special Meeting Minutes](#)
- [Tax Collection Report](#)
- [Resolution Appointing Review Officers](#)
 - [Resolution](#)
- [Approval of Settlements Report](#)
 - [More Information](#)
- [Approval of Pre-Construction Services Contract with Vannoy Construction for Asheville City Schools](#)
 - [Contract](#)
- [Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens](#)
 - [Resolution](#)
- [Budget Amendment for Grant Award: COVID Support in Buncombe County Detention Facility \(BCDF\)](#)

- [Ordinance](#)
- [Budget Amendment for START Program Funding](#)
 - [Ordinance](#)

Public Comment

[▲top](#)

Good News [▲top](#)

- [Distinguished Budget Presentation Award - Government Finance Officers Association \(GFOA\)](#)
 - [More Information](#)

Presentations [▲top](#)

- [Black Legacy Month Proclamation](#)
 - [Proclamation](#)

Public Hearings

[▲top](#)

County Manager's Report [▲top](#)

- [MEET Team Bonus](#)

Old Business

[▲top](#)

New Business [▲top](#)

- [Resolutions Declaring the County’s Intent to Reimburse Itself for Capital Expenditures Incurred with Various County and School Capital Projects, Affordable House Projects, and Open Space Projects](#)
 - [Various County & School Capital Projects Resolution](#)
 - [Affordable House Projects Resolution](#)
 - [Open Space Projects Resolution](#)

- [Resolution Authorizing Additional Staff Work to Develop a Scope of Work for an Official Audit to Ensure Compliance with Applicable Regulations, Statutes, and Local Requirements to Cease Harm Impacting the African American Community](#)
 - [Resolution](#)
 - [More Information](#)
 - [Resolution Approving the Buncombe County Commissioners' Legislative Agenda for 2023](#)
 - [Resolution](#)
 - [More Information](#)
 - [Resolution in Support of the Buncombe County Board of Education Resolution Supporting Local Control of School Calendars](#)
 - [Resolution](#)
 - [More Information](#)
 - [Budget Amendment for Special Projects Fund - Community Reparations](#)
 - [Ordinances](#)
-

Board Appointments ▲top

- Parks, Greenways, & Recreation Advisory Committee
 - Carol Peterson
 - Ann Babcock
 - Derek Turno
 - Lena Richards
 - Stuart Cowles
 - Ally Howell
 - Kevin Conrecode
- Economic Development Coalition
 - Sabrina Rockoff

Announcements [▲top](#)

- February 21 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.
- February 21 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.

Closed Session / Open Session

[▲top](#)

Adjournment

[▲top](#)

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS’
REGULAR MEETING OF FEBRUARY 7, 2023 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 7, 2023, 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, Commissioner
- Martin Moore, Commissioner
- Parker Sloan, Commissioner
- Al Whitesides, Commissioner

Terri Wells, Vice Chair, was absent from the meeting.

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Mason Scott, Interim Finance Director; John Hudson, Budget Director; Sharon Burke, Human Resources Director; Jennifer Pike, Tax Collector; Tiffany Iheanacho, Justice Services Director; Sheriff Quentin Miller; Stoney Blevins, Health & Human Services Director; Tim Love, Intergovernmental Relations; Nathan Pennington, Planning Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Sloan motioned to approve the Consent Agenda and the remainder of the agenda. Commissioner Whitesides seconded and the motion passed 6-0.

- Approval of January 17, 2023 Special Meeting Minutes
- Approval of January 17, 2023 Briefing Meeting Minutes
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- Tax Collection Report
- Resolution Appointing Review Officers
 - Resolution
- Approval of Settlements Report
 - More Information
- Approval of Pre-Construction Services Contract with Vannoy Construction for Asheville City Schools
 - Contract
- Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens
 - Resolution
- Budget Amendment for Grant Award: COVID Support in Buncombe County Detention Facility (BCDF)
 - Ordinance
- Budget Amendment for START Program Funding
 - Ordinance

PUBLIC COMMENT

Allison Sewery, Scott Kuhlman, Chloette Kuhlman, Gary Thompson, Tefa Hallock, and Ande Flavelle expressed their concerns and disapproval for the Pinners Cove (rezoning) new construction project by KLP Pinners EAT, LLC.

Dede Styles thanked the Planning Board on the Comprehensive Plan process that included public input.

Jonathan Wainscott expressed support and made comments for the reparations resolution.

Carolyn Ward expressed concerns about the Comprehensive Plan but thanked the County for its efforts.

GOOD NEWS

- **Distinguished Budget Presentation Award - Government Finance Officers Association (GFOA)**

John Hudson, Budget Director, recognized the Budget team for the work in achieving the GFOA Award.

PRESENTATIONS

- **Black Legacy Month Proclamation**

Commissioner Moore read and presented the proclamation. Dr. Oarline Simmons and Joy Wilson accepted the proclamation and thanked the Board for their support.

COUNTY MANAGER’S REPORT

Sharon Burke, Human Resources Director, informed the Commissioners of the bonuses for the MEET (Meaningfully Engaging Equity Together) Team.

NEW BUSINESS

- **Resolutions Declaring the County's Intent to Reimburse Itself for Capital Expenditures Incurred with Various County and School Capital Projects, Affordable House Projects, and Open Space Projects**

Mason Scott, Interim Finance Director, explained the three reimbursement resolutions to designate the Finance Director to reimburse expenditures with proceeds of debt and per IRS regulations, counties must adopt a Reimbursement Resolution if they intend to spend currently available funds on capital projects that will be financed by the later issuance of bonds.

Commissioner Whitesides moved to approve the three resolutions as presented. Commissioner Edwards seconded and the motion passed 6-0.

- **Resolution Authorizing Additional Staff Work to Develop a Scope of Work for an Official Audit to Ensure Compliance with Applicable Regulations, Statutes, and Local Requirements to Cease Harm Impacting the African American Community**

Dakisha Wesley, Assistant County Manager, explained the immediate recommendations and key components from the resolution to cease harm impacting the African American community by conducting an official audit of the City and County.

Commissioner Whitesides moved to approve the resolution as presented. Commissioner Edwards seconded and the motion passed 6-0.

- **Resolution Approving the Buncombe County Commissioners' Legislative Agenda for 2023**

Tim Love, Intergovernmental Relations, stated that the Commissioners worked with Governmental Relations Firm Ward & Smith to develop a 2023 Legislative Agenda, which includes appropriations and policy priorities that will be pursued during the 2023 Biennium.

Commissioner Edwards moved to approve the resolution as presented. Commissioner Sloan seconded and the motion passed 6-0.

- **Resolution in Support of the Buncombe County Board of Education Resolution Supporting Local Control of School Calendars**

Chairman Newman explained that on January 12, 2023, the Buncombe County Board of Education passed a resolution supporting an amendment to the current school calendar law and requesting that local school boards have more calendar flexibility from the General Assembly.

Chairman Newman moved to approve the resolution as presented. Commissioner Edwards seconded and the motion passed 6-0.

- **Budget Amendment for Special Projects Fund - Community Reparations**

John Hudson, Budget Director, explained the budget amendment.

Commissioner Moore moved to approve the budget amendment as presented. Commissioner Whitesides seconded and the motion passed 6-0.

BOARD APPOINTMENTS

Chairman Newman moved to reappoint **Carol Peterson, Ann Babcock, Derek Turno, Lean Richards, Stuart Cowles, Ally Howell**, and appoint **Kevin Conrecode** to the **Parks, Greenways, & Recreation Advisory Committee**. Commissioner Edwards seconded and the motion passed 6-0.

Commissioner Beach-Ferrara moved to appoint **Sabrina Rockoff** to the **Economic Development Coalition**. Commissioner Moore seconded and the motion passed 6-0.

Commissioner Edwards moved to appoint **Dennis Fagnant** (Emergency Response/Disaster Preparedness Professional) to the **Independent Review Committee (Water Outage)**. Commissioner Sloan seconded and the motion passed 6-0.

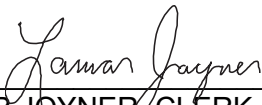
Chairman Newman moved to appoint, by general consensus of receiving the most votes, **Kim Murphy** (Residential Water Customer) to the **Independent Review Committee (Water Outage)**.

ANNOUNCEMENTS

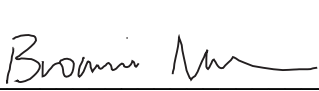
The Chairman made the following announcements:

- *February 21 @ 3 p.m. - Commissioners' Briefing at 200 College Street, Room 326 in downtown Asheville.*
- *February 21 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Commissioner Sloan moved to adjourn the meeting. Commissioner Moore seconded and the motion passed 6-0. The meeting was adjourned at 6:14 p.m.



LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS



BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS



Buncombe County Tax Collections

Jennifer Pike
Tax Collector

CONSENT

DEPARTMENT: Tax Collections

PRESENTER: Jennifer Pike

CONTACT: Jennifer Pike

SUBJECT: Approval of December 2022 Tax Collection Report

BRIEF SUMMARY:

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

The settlement for Mission Health/HCA for prior tax years will continue to be reported as a reduction for prior year collections. Adjustments to the total levy through the remainder of fiscal year 2023 will be due to registered motor vehicle levy and regular property value discoveries or releases.

As of December 31, 2022, the total levy billed for fiscal year 2023 is 77.54% collected, as compared to 75.51% for fiscal year 2022.

Below is Buncombe County year to date reporting for fiscal year 2023, as of December 31, 2022.

Current Year Collections

Fiscal Year 2023	Personal Property	Public Service	Real Estate	Motor Vehicles	Total
Total Levy	\$ 14,256,506.78	\$ 4,749,004.93	\$ 209,528,918.02	\$ 7,600,009.51	\$ 236,134,439.24
Amount Collected	\$ 10,525,577.02	\$ 1,015,199.24	\$ 163,976,131.27	\$ 7,572,998.33	\$ 183,089,905.86
Unpaid Balance	\$ 3,730,929.76	\$ 3,733,805.69	\$ 45,552,786.75	\$ 27,011.18	\$ 53,044,533.38
Interest Collected	\$ -	\$ -	\$ 44,988.94	\$ 55,799.29	\$ 100,788.23
FY23 Collection %	73.83%	21.38%	78.26%	99.64%	77.54%
FY22 Collection %	56.17%	13.83%	77.36%	99.67%	75.51%

Total fiscal year 2023 year to date collections, property tax and interest

\$ 183,190,694.09

Prior Year Collections

Prior Years 2013-2022	Personal Property	Real Estate	Total
Amount Collected	\$ 42,915.79	\$ (404,879.69)	\$ (361,963.90)
Interest Collected	\$ 5,946.58	\$ 16,910.06	\$ 22,856.64

Total prior year collections, fiscal year to date

\$ (339,107.26)

***Total property tax released December 2022 due to taxable value adjustments**

\$ 46,267.99

***Total refunds processed December 2022**

\$ 206,150.63

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



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 2/7/2023

Consent Agenda

Department: Planning

Presenter(s): Nate Pennington

Contact(s): Michael Frue

Subject: Resolution Appointing Review Officers

Brief Summary: Pursuant to GS 47-30.2, the county board of commissioners of each county is required to appoint by resolution one or more persons as review officers to review each map and plat before it is recorded and certify that it meets the statutory requirements for recording. The appointments periodically require an update to reflect staffing changes, and this resolution does so.

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

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

Prepared by and Return to: Michael C. Frue, Buncombe County
200 College Street
Asheville NC 28801

RESOLUTION #23-02-01

RESOLUTION APPOINTING REVIEW OFFICERS

WHEREAS, pursuant to GS 47-30.2, the Buncombe County Board of Commissioners is required to appoint by resolution one or more persons as review officers to review a plat before it is recorded and certify that it meets the statutory requirements for recording;

WHEREAS, this Board has previously appointed staff members from the Buncombe County and City of Asheville Planning Departments as review officers, and these appointments periodically require an update to reflect staffing changes; and

WHEREAS, the Buncombe County and City of Asheville Planning Departments have requested that the staff members listed in the attached Exhibit A be appointed.

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

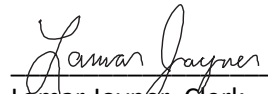
1. That the County employees identified in Exhibit A are hereby appointed to serve as review officers for Buncombe County.
2. That the City employees identified in Exhibit A are hereby appointed to serve as review officers for all plats submitted within the jurisdiction of the City of Asheville.
3. That this Resolution shall be recorded in the Office of the Register of Deeds after adoption and the Register of Deeds Office shall index in the Grantor Index in the name of each review officer shown on Exhibit A.

4. That upon discontinuing employment or otherwise assuming different job responsibilities with the County of Buncombe or the City of Asheville as applicable, the duties of an appointed individual shall cease.
5. That this resolution shall be effective upon its adoption.

This the 7th day of February, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

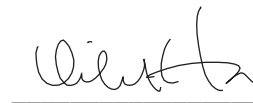


Lamar Joyner, Clerk

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney

EXHIBIT A

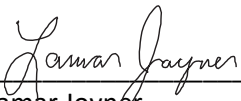
Plat Review Officers for Buncombe County:

Brad Burton	County Planning
Haylee Madfis	County Planning
Courtney Savannah Gibson	County Planning
Shannon Capezzali	County Planning
Gillian Phillips	County Planning
Nathan Pennington	County Planning
Matt Card	County Planning
Tiffany Mila White	County Planning
Jason Payne	County Planning
Jacob Compher	County Planning

Plat Review Officers for the City of Asheville

Jennifer Blevins	City Planning
Grainne Miser	City Planning
Sam Starr-Baum	City Planning
Haley Mahoney	City Planning
Tyler Kelley	City Planning
Stuart Rohrbaugh	City Planning

I, Lamar Joyner, duly appointed Clerk to the Board of Commissioners for Buncombe County, do hereby certify that the above individuals were duly appointed by the Board of Commissioners to serve as review officers on February 7th, 2023.



Lamar Joyner
Clerk to the Board



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 2/7/2023

Consent Agenda

Department: LEGAL

Presenter(s): MICHAEL FRUE

Contact(s): MICHAEL FRUE

Subject: SETTLEMENTS - FY2022 & 2Q FY2023

Brief Summary: General Statutes require settlements of any claim, judicial action, mediation, arbitration, or administrative procedure be entered into the minutes of the public body. NCGS §143-318.11(a)(3) reads, in part, "If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded."

Please note that not all matters come to the Board. The Board delegates authority for settlements of amounts up to \$30,000 to the Small Claims Committee. That team includes the Manager, Finance Director and Legal.

Recommended Motion & Requested Action: No action required.

County Manager's comments and Recommendation: Approval as presented.

Risk Management - Settlements by Category
Fiscal Year 2022

DATE	DEPT	EMPLOYEE OR CLAIMANT	PROVIDER	DESCRIPTION	CLAIM NUMBER/COURT FILE NUMBER	WORKERS COMPENSATION AMOUNT	AUTO LIABILITY AMOUNT	GENERAL LIABILITY AMOUNT
8/9/2021	Sheriff	(Redacted)	First Aid Collision, LLC	Property damage settlement due to motor vehicle accident			\$ 710.67	
8/9/2021	Sheriff	(Redacted)	EAN Holdings, LLC	Enterprise Rental Car due to motor vehicle accident			\$ 483.38	
8/18/2021	Emergency Services	Mark Rice	Mark Rice	Settlement of difference in Temporary Total Disability and Temporary Partial Disability calculation from 12/28/20-06/28/21.	NCIC 21-8202	\$ 2,329.19		
8/18/2021	Emergency Services	Mark Rice	C. David Gantt, PA	Settlement of difference in Temporary Total Disability and Temporary Partial Disability calculation from 12/28/20-06/28/21 (Attorney Portion of Settlement).	NCIC 21-8202	\$ 776.40		
9/3/2021	Recreation Services	(Redacted)	Kristina Crabtree	Settlement of windshield damage at Walnut River Park 7/15/21				\$ 235.04
9/29/2021	Sheriff	(Redacted)	Law Office of Eugene W. Ellison	Bodily injury settlement from motor vehicle accident			\$ 19,000.00	
10/4/2021	Sheriff	(Redacted)	Progressive	Property damage settlement due to motor vehicle accident			\$ 12,017.05	
10/8/2021	Sheriff	(Redacted)	JMSA Trucking Inc.	Property damage settlement due to motor vehicle accident			\$ 413.40	
11/18/2021	Sheriff	(Redacted)	Angela Cornette	Property damage settlement due to motor vehicle accident			\$ 1,630.07	
12/22/2021	Social Services	Daniel Wyatt	Brian Elston Law	Reimbursement from opposing counsel on clincher in WC matter.		\$ (9,250.00)		
1/19/2022	Sheriff	(Redacted)	Clerkin Sinclair & Mahfouz LLP	Property damage settlement due to motor vehicle accident			\$ 1,955.55	
2/21/2022	Sheriff	Jerry Burrell	Brian Ricci Ricci Law Firm	Workers compensation settlement (attorney portion of settlement)	NCIC 21-733996	\$ 42,500.00		
2/21/2022	Sheriff	Jerry Burrell	Jerry Burrell	Workers compensation settlement	NCIC 21-733996	\$ 127,500.00		
4/7/2022	General Services	(Redacted)	Daniel Eichensehr	Property damage settlement due to motor vehicle accident			\$ 1,339.32	
4/7/2022	Sheriff	Brad Bright	Hensley Cloninger & Greer PC	Lack of medical care settlement	21 CVS 1232			\$ 10,000.00
4/11/2022	Detention Center	(Redacted)	Ravi Patel	Property damage settlement due to motor vehicle accident			\$ 4,046.21	
4/12/2022	Recreation Services	(Redacted)	Lucille Rosberg	Playground injury bodily injury settlement				\$ 2,500.00

4/26/2022	Sheriff	(Redacted)	Pamela Davis	Property damage settlement due to motor vehicle accident			\$ 5,315.05	
5/12/2022	Sheriff	Samala Hirst	Samala Hirst	Property damage settlement due to motor vehicle accident			\$ 6,033.97	
6/13/2022	Detention Center	Cynthia Heaton	Knott & Boyle PLLC	Employment settlement	20 CVS 3247			\$ 470,000.00
6/13/2022	Detention Center	Cynthia Heaton	BHG Structured Settlements	Employment settlement	20 CVS 3247			\$ 225,000.00
6/13/2022	Detention Center	Cynthia Heaton	Sedgwick	Reimbursement from excess liability carrier for employment settlement.	20 CVS 3247			\$ (239,621.53)
6/22/2022	Sheriff	(Redacted)	Pamela Davis	Refund-Property damage settlement due to motor vehicle accident			\$ (1,245.50)	

TOTALS BY TYPE \$ 163,855.59 \$ 51,699.17 \$ 468,113.51

TOTALS FOR ALL SETTLEMENTS \$ 683,668.27

Risk Management - Settlements by Category
Fiscal Year 2023
July 1, 2022 through June 30, 2023

DATE	DEPT	EMPLOYEE OR CLAIMANT	PROVIDER	DESCRIPTION	CLAIM NUMBER/COURT FILE NUMBER	Buncombe County Net Expense		
						WORKERS COMPENSATION AMOUNT	AUTO LIABILITY AMOUNT	GENERAL LIABILITY AMOUNT
8/1/2022	Sheriff	(Redacted)	Joe Hudsons Collision Center	Damages to other party's vehicle from motor vehicle accident			\$ 926.96	
8/1/2022	Sheriff	(Redacted)	Joe Hudsons Collision Center	Damages to other party's vehicle from motor vehicle accident			\$ 2,711.41	
8/8/2022	Sheriff	Ernst, Todd	Annemarie Pantazis	WC Settlement	NCIC 21-731361	\$ 15,000.00		
8/8/2022	Sheriff	Ernst, Todd	Todd Ernst	WC Settlement	NCIC 21-731361	\$ 90,000.00		
8/12/2022	Sheriff	(Redacted)	Enterprise Rent A Car	Rental care for other party while their vehicle repaired (due to damages from motor vehicle accident)			\$ 881.32	
8/16/2022	EMS	Rice, Mark	Mark Rice	Compromise Settlement Agreement	NCIC 21-8202	\$ 9,784.98		
8/16/2022	EMS	Rice, Mark	C. David Gantt PA	Compromise Settlement Agreement	NCIC 21-8202	\$ 3,261.66		
8/18/2022	Sheriff	Hunter, Christopher	Pope McMillan PA	Employment Settlement 1: 21-CV-52 USDC WDNC				\$ 22,500.00
8/25/2022	Sheriff	(Redacted)	Joe Hudsons Collision Center	Damages to other party's vehicle from motor vehicle accident			\$ 1,519.94	
8/24/2022	Sheriff	Ernst, Todd	Leah Broker	WC Settlement	NCIC 21-731361	\$ 15,000.00		
10/10/2022	Landfill	(Redacted)	Procida, Markus	Landfill compactor hit customer's truck. Customer's truck was a total loss.			\$ 12,500.00	
10/12/2022	Sheriff	(Redacted)	Three Four Development Group	BCSO vehicle hit mailbox.			\$ 195.00	
10/26/2022	Sheriff	(Redacted)	Henson, Sammy Joe	BCSO vehicle rear-ended two vehicles during heavy traffic.			\$ 11,389.74	
10/26/2022	Social Services	(Redacted)	Nationwide	Contract worker rear-ended other driver while driving a County vehicle.			\$ 14,925.77	
11/23/2022	General Services	(Redacted)	Mills, Brenda	Debris while leaf blowing damaged city worker's vehicle				\$ 126.07
11/23/2022	General Services	(Redacted)	IANet Inc	Debris while leaf blowing damaged city worker's vehicle				\$ 49.95
12/8/2022	Sheriff	(Redacted)	Pursley Enterprises	Employee struck a parked car while driving.			\$ 4,465.68	

Buncombe County Net Expense								
DATE	DEPT	EMPLOYEE OR CLAIMANT	PROVIDER	DESCRIPTION	CLAIM NUMBER/COURT FILE NUMBER	WORKERS COMPENSATION AMOUNT	AUTO LIABILITY AMOUNT	GENERAL LIABILITY AMOUNT
12/8/2022	Health	Meinch, Travis	Meinch, Travis	Contested case with NCDHHS, BC and claimant regarding septic permit.	22 DHR 2363			\$ 15,750.00 (A)
12/9/2022	Transfer Station	(Redacted)	Graham, Melvin	Transfer Station driver rear-ended other vehicle. Other vehicle total loss.			\$ 420.00	
12/9/2022	Transfer Station	(Redacted)	Graham, Melvin	Transfer Station driver rear-ended other vehicle. Other vehicle total loss.			\$ 13,511.97	
12/15/2022	Sheriff	(Redacted)	Altamirano, Rodolfo	BCSO employee struck two vehicles during heavy traffic.			\$ 4,353.81	
12/23/2022	General Services	(Redacted)	Mills, Brenda	Debris while leaf blowing damaged city worker's vehicle				\$ 212.72
Payment Pending	Sheriff	Estate of Matthew Maienza	Barbour, Searson, Jones and Cash LLC	Settlement and release for wrongful death claim				\$ 500,000.00 (B)
TOTALS BY TYPE						\$ 133,046.64	\$ 67,801.60	\$ 538,638.74
TOTALS FOR ALL SETTLEMENTS						\$ 739,486.98		

(A) NC DHHS has reimbursed Buncombe County for \$ 15,750.00 of the settlement, which is reflected in Fund 484 revenues.

(B) Claim # L003576380 settled in mediation on 12-09-2022. The payment is in process. The total settlement is \$1,250,000.00 (County self-insured retention is \$500,000.00).



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 2/7/2023

Consent Agenda

Department: General Services

Presenter(s): Ronnie Lunsford

Contact(s): Ronnie Lunsford

Subject: Pre-Construction Services Contract with Vannoy Construction for Asheville City Schools

Brief Summary: The School Capital Fund Commission has previously approved the following projects for Asheville City Schools:

- Asheville High School Arts Building HVAC Piping and Abatement
- Asheville High School Main Building Water and Sewer Upgrades
- Asheville High School Auditorium Renovation
- Asheville High School Varsity Gym Bleacher and Lighting Replacement
- Lucy Herring Campus Wide Renovations
- Montford North Star Academy Water and Sewer Line Replacement

General Services recommends Construction Manager at Risk (CMAR) services to complete these projects since they have similar scopes, require similar subcontractors for trades, and are mostly located on the campus of Asheville High School. CMAR services will also help mitigate fluctuating costs in the current construction market. Pre-construction services are the first step forward in this process and include the following:

- Cost estimating
- Value engineering
- Project scheduling
- Developing scopes of work
- Preparing bid packages
- Other services necessary for project completion

In November of 2022, General Services released an RFQ seeking CMAR services for the above-mentioned projects. Statements of Qualifications were received and scored by members of Buncombe County General Services and Asheville City Schools. Vannoy

Construction scored the highest of the statements received. As a result, staff met with and negotiated a pre-construction services contract with Vannoy Construction for \$138,900. Vannoy Construction will work closely with the design team to develop the complete scopes of work, provide cost estimates throughout design, develop bid packages, and ensure that the projects are completed within budget and satisfactorily for Buncombe County and Asheville City Schools.

Recommended Motion & Requested Action: Recommend executing the CMAR Pre-Construction contract with Vannoy Construction.

County Manager's comments and Recommendation: Approve as presented

**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

**ACS MULTIPLE BUILDINGS PROJECT
PRECONSTRUCTION SERVICES CONTRACT**

THIS AGREEMENT is made and entered into this the 23rd day of January 2023, by and between **BUNCOMBE COUNTY** and **JAMES R. VANNOY AND SONS CONSTRUCTION CO., INC.** (hereinafter referred to as Vannoy Construction).

WHEREAS, Buncombe County needs the services of a Construction Manager At Risk for Preconstruction Services associated with the design and development of the ACS Multiple Buildings Project on the campus of Asheville High School, Montford North Star Academy, and Lucy Herring Campus; and

WHEREAS, the facility will be funded through sales tax revenues exclusively dedicated to capital improvement projects for Asheville City Schools; and

WHEREAS, Buncombe County requested Statements of Qualifications from parties interested in providing Construction Manager At-Risk services for the project; and

WHEREAS, proposals were received on December 1, 2022, and based on the proposals submitted, the County has determined that the team of Vannoy Construction will provide the best combination of qualifications and experience necessary to perform the services of a Construction Manager At-Risk on this project; and

WHEREAS, Vannoy Construction accepts a relationship of trust and confidence between Vannoy Construction and Buncombe County and undertakes to act as Buncombe County's fiduciary in matters related to the project; and

WHEREAS, Vannoy Construction agrees to furnish their best skills and best judgment to cooperate with Buncombe County, Asheville City Schools, and the Architect during the design of the project and in all ways to further the interests of Buncombe County, Asheville City Schools, and the project; and

WHEREAS, Vannoy Construction agrees to furnish efficient engineering reviews and business administration during the Preconstruction Services phase of this project.

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

Preconstruction Services. Preconstruction services shall be provided in accordance with the Fee Proposal for Preconstruction Services submitted by Vannoy Construction, advertisements, and the "Request for Proposals for Construction Manager at Risk Services and Providing a Guaranteed Maximum Price for the ACS Multiple Buildings Project," which documents are hereby incorporated by reference.

Payments to CMAR. Buncombe County will compensate Vannoy Construction for Preconstruction Services in the amount of One hundred thirty-eight thousand and nine hundred dollars (\$138,900.00), which shall be payable as outlined in the Fee Proposal upon satisfactory completion of preconstruction services described in this agreement.

Mediation. Any claim, dispute, or other matter in question arising out of or related to this Agreement shall be subject to voluntary non-binding mediation as a condition precedent to the institution of legal or equitable proceedings by either party. If the parties are unable to agree upon a certified mediator to hear their dispute, the President of the Buncombe County Bar Association shall name a mediator to hear the matter.

The parties shall equally share the mediator's fee. The mediation shall be held in Asheville at a location designated by the mediator selected to hear the matter.

Legal Proceedings. Claims, disputes and/or other matters in question between the parties that are not resolved by mediation shall be heard in the North Carolina General Courts of Justice in Asheville, Buncombe County, North Carolina, which said Court shall have jurisdiction to hear any dispute between the parties arising out of this agreement. The Parties hereby agree that this paragraph establishes exclusive and sole jurisdiction for any legal proceeding in Buncombe County, North Carolina.

Termination without Cause. The County may terminate this contract without cause by giving 14 days written notice to the Contractor. In that event, all finished or unfinished deliverable items prepared by the Contractor under this contract shall, at the option of the County, become its property and the Contractor shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made.

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

JAMES R. VANNOY AND SONS CONSTRUCTION CO., INC.

BY:

TITLE: _____

BUNCOMBE COUNTY

BY:

TITLE: _____

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

X

Buncombe County Finance Director



January 20, 2023

Attn: Mr. Ronald Lunsford

Buncombe County Government
40 McCormick Place
Asheville, NC 28801

Dear Mr. Lunsford,

Thank you for the opportunity to be a part of the team on the Asheville City Schools Multiple Buildings Project. We would propose a total preconstruction fee of \$138,900.00 for the proposed scope totaling six (6) projects broken down as follows;

Asheville High School Arts Bldg (HVAC, Piping & Abatement) - \$18,846.00
Asheville High School Main Bldg Water and Sewer - \$37,588.00
Asheville High School Auditorium Renovation - \$57,691.00
Asheville High School Varsity Gym Bleachers and Lighting - \$5,500.00
Montford North star Water and Sewer Line Replacement - \$2,500.00
Lucy Herring Campus wide Renovations - \$16,775.00

If this are acceptable, we would submit a schedule of values for each project based value of the work to complete and scope involved at each building/campus.

We intend to continue our work with the owner and design team providing budgets at each stage while reviewing the construction documents and providing review related comments to ensure we have clear and well-defined contract documents for bidding and construction. We will provide value engineering as part of this process and set up related bid documents in the form of a bid manual containing all the necessary documents to bid the project including but not limited to bid package, scopes of work, allowances, unit prices, alternates, overall project schedule, site utilization plan, required bid forms, and other bid related information. We will advertise for bidder prequalification, prequalify bidders, propose a prequalified bidders list to the owner, bid the project publicly and select the lowest qualified bidders under the direction of the owner.

If this proposal is acceptable please let us know and your office or we can draft a preconstruction contract reflecting the budget and fee amounts. Again, we appreciate the opportunity to provide our services on this project and look forward to its successful completion.


Respectfully
TJ Hollars
Senior Project Manager
Vannoy Construction



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 2/7/2023

Consent Agenda

Department: Tax Collections

Presenter(s): Jennifer Pike

Contact(s): Jennifer Pike

Subject: Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens

Brief Summary:

Pursuant to N. C. General Statute 105-369(a) the first Monday in February of each year, the tax collector must report the total amount of unpaid taxes for the current fiscal year that are liens on real property to the governing body. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. Advertisement of current year delinquent real property tax liens is a required step in the collection process and is not an indicator real property has begun or will go through foreclosure proceedings due to delinquent property tax. Currently planning for the advertisement to run in May.

[View Delinquent Current Year Property Tax Liens Document.](#)

Recommended Motion & Requested Action: Adoption of resolution

County Manager's comments and Recommendation: Recommends Approval

RESOLUTION #23-02-02

RESOLUTION ORDERING THE ADVERTISING OF DELINQUENT
REAL ESTATE PROPERTY TAX LIENS

WHEREAS, N.C. Gen. Stat. § 105-369(a) requires that a county tax collector report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property; and

WHEREAS, upon receipt of said report, pursuant to that same statute, the governing body must order the tax collector to advertise the tax liens; and

WHEREAS, the Buncombe County Tax Collector has reported to this board the total amount of unpaid taxes for the current fiscal year that are liens on real property.

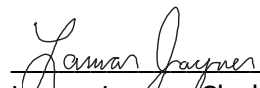
NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

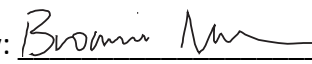
1. That the Buncombe County Tax Collector is hereby ordered to advertise the tax liens by posting a notice of the liens at the Buncombe County Courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit, in conformity with N.C. Gen. Stat. § 105-369.
2. That this resolution be effective upon adoption.

Adopted this 7th day of February, 2023.

ATTEST

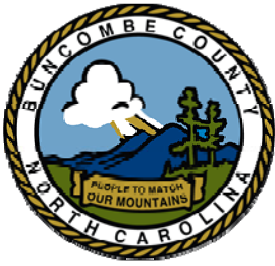
BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE


Lamar Joyner, Clerk

By: 
Brownie Newman, Chairman

APPROVED AS TO FORM


County Attorney



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: February 7, 2023

Consent Agenda

Department: Sheriff's Office

Presenter(s): John Hudson, Budget Director

Contact(s): Sheriff Quentin Miller & Elizabeth Russell, Grants Specialist

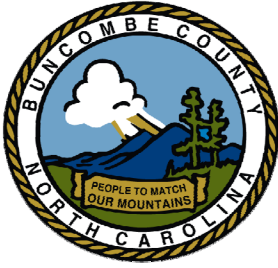
Subject: Grant Award: COVID Support in Buncombe County Detention Facility

Brief Summary: The Sheriff's Office has applied for and been awarded funding through the North Carolina Department of Health and Human Services, Division of Public Health for COVID-19 Support in County Confinement Facilities in the amount of \$89,994. The funding will be used to purchase sanitization equipment, provide professional decontamination services, purchase educational posters and publications, and provide pandemic illness preparedness training to staff. The grant award runs through May 31, 2024.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-02-03



BUNCOMBE COUNTY, NORTH CAROLINA
Grant Projects Ordinance

BOARD MEETING DATE: February 7, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 Grants 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of February, 2023

Granting Agency:	NC Dept of Health and Human Services, Division of Public Health
Grant Name:	COVID Support in BCDF

Description: The Sheriff's Office has applied for and been awarded funding through the North Carolina Department of Health and Human Services, Division of Public Health for COVID-19 support in County Confinement Facilities in the amount of \$89,994. The funding will be used to purchase sanitization equipment, provide professional decontamination services, purchase educational posters and publications, and provide pandemic illness preparedness training to staff. The grant award runs through May 31, 2024.

Funding Source:
NC Dept of Health and Human Services, Division of Public Health. No County funding required.

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
COVID Support in BCDF	\$ 89,994	\$ 89,994
TOTAL	\$ 89,994	\$ 89,994

ATTEST:

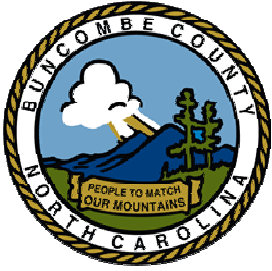
**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**



Clerk to the Board

By: 

Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: February 7, 2023

Consent Agenda

Department: Health and Human Services

Presenter(s): John Hudson, Budget

Contact(s): Stoney Blevins, Health and Human Services Director
Rebecca Smith, Social Work Division Director

Subject: START Program Funding

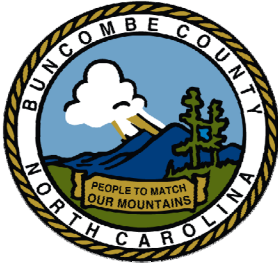
Brief Summary: In 2018, the Family First Prevention Services Act (FFPSA or Family First) was passed. One of the foundational goals of the law is to keep more children safely at home by providing high-quality prevention services to families. It also allows states extend reimbursement to cover certain services related to preventing foster care placements, including expanding and enhancing family-centered interventions that improve outcomes for children and families affected by substance use disorder.

Starting October 2022, the State will begin reimbursing for such services, currently up to \$110,509, including those provided through the Sobriety Treatment and Recovery Teams (START) program. The START program is an intensive child-welfare based intervention that alligns with FFPSA goals and serves high risk families with parental substance use and young children. Since 2017, Buncombe County HHS has been implementing the START program. With the recent federal legislative changes, the State will now reimburse for a portion of contracted services to support this program.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-02-04



BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: February 7, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of February, 2023

Requesting Department: Health and Human Services
Budget Amendment Item: START Program Funding

Description: In 2018, the Family First Prevention Services Act (FFPSA or Family First) was passed. One of the foundational goals of the law is to keep more children safely at home by providing high-quality prevention services to families. It also allows states extend reimbursement to cover certain services related to preventing foster care placements, including expanding and enhancing family-centered interventions that improve outcomes for children and families affected by substance use disorder.

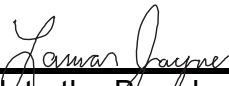
Starting October 2022, the State will begin reimbursing for such services, including those provided through the Sobriety Treatment and Recovery Teams (START) program. The START program is an intensive child-welfare based intervention that alligns with FFPSA goals and serves high risk families with parental substance use and young children. Since 2017, Buncombe County HHS has been implementing the START program. With the recent federal legislative changes, the State will now reimburse for a portion of contracted services to support this program.

Funding Source: NC Department of Health and Human Services

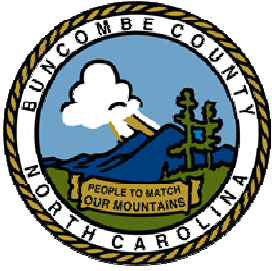
Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 100 - DSS - Restricted Intergovernmental Revenue	\$ 110,509	
Fund 100 - DSS - Expenditures		\$ 110,509
TOTAL	\$ 110,509	\$ 110,509

ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: February 7, 2023

Good News

Department: Budget

Presenter(s): John Hudson, Budget

Contact(s): John Hudson, Budget Director

Subject: 2023 GFOA Distinguished Budget Presentation Award

Brief Summary: Continuing a running streak of 27 consecutive years, Buncombe County is pleased to announce the Fiscal Year 2023 adopted budget received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award.

The Distinguished Budget Presentation Award reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. To receive the budget award, staff had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as a:

- Policy document
- Financial plan
- Operations guide
- Communications device

To earn the award, budget documents must be rated as proficient or outstanding in all four categories.



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**Buncombe County
North Carolina**

For the Fiscal Year Beginning

July 01, 2022

Christopher P. Morill

Executive Director



**The Government Finance Officers Association
of the United States and Canada**

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

**Finance department
Buncombe County, North Carolina**



The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards

Executive Director

Christopher P. Morill

Date: **November 21, 2022**



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 2/7/2023

Presentations

Department: Equity & Human Rights

Presenter: Mylon Patton

Contact: Dakisha Wesley

Subject: Black Legacy Month Proclamation

Brief Summary: Recognition of Black Legacy in Buncombe County for February 2023. Equity and Inclusion Workgroup members Mylon Patton and Joy Wilson will be joined by Dr. Oralene Simmons, chair of the MLK Association of Asheville and Buncombe Buncombe County to accept the proclamation.

County of Buncombe
Proclamation

Black Legacy Month

WHEREAS, Buncombe County is committed to creating an inclusive community that celebrates diversity and ensures all residents have equitable opportunities to lead healthy, peaceful, safe and sustainable lives; and

WHEREAS, in honoring the cultures, traditions and accomplishments of Black and African Americans that have shaped our country, we also acknowledge our nation's history of colonialism that has inflicted slavery, discrimination, deprivation, violence and genocide upon Black people; and

WHEREAS in 1926, Carter G. Woodson and Minister Jesse E. Moorland laid the foundation for Black History Month because the achievements of Black Americans were all but erased from national history and underrepresented in important policy decisions; and

WHEREAS in 1976, President Gerald Ford made Black History Month a national observance; and

WHEREAS, during Black History Month, we celebrate the many achievements and contributions made by Black Americans like Nina Simone, Roberta Flack, E.W. Pearson, and Isaac Dickson to Buncombe County's economic, cultural, spiritual, and political development; and

WHEREAS, we honor the memory of the millions of enslaved Africans who died during the Transatlantic Slave Trade; and

WHEREAS, by transitioning from looking back on history and celebrating the legacy of our Black and African American community members, we create a culture of mutual respect; and

WHEREAS, the legacy of Black leadership has long been a bedrock of Buncombe County, including at Stephens-Lee High School, the "Castle on the Hill" that served 900 Black students, where Elynora M. Foster was a member of the faculty and was known as the first African American woman in Asheville to receive a master's degree; and

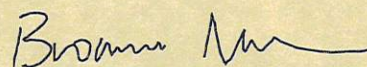
WHEREAS, we call our community's attention to the continued need to battle racism and to build a society that lives up to its democratic ideals through resolutions like the declaration of racism as a public health and safety crisis and the implementation of our Racial Equity Action Plan; and

WHEREAS, Buncombe County joins the City of Asheville in our commitment to reparations; and

WHEREAS, the Buncombe County Libraries, including the Buncombe County Special Collections, offer curated content for all ages about Black legacy, not just in February, but year-round; and

WHEREAS, we seek to repair the trauma of past oppression and broken trust by celebrating the legacy of Black cultures and voices striving together to build a future of shared hope and promise for all;

NOW, THEREFORE, BE IT RESOLVED, that on this 7th day of February 2023, the Buncombe County Board of Commissioners does hereby proclaim February 2023 as **Black Legacy Month**, a time to celebrate the rich and diverse cultures of Black and African American people, to raise awareness about our shared history, to recognize that truth must come before reconciliation, and to acknowledge the important contributions that Black and African American people have made to our community and our nation.



Brownie Newman, Chairman
Buncombe County Board of Commissioners



MEET Team Bonus

Presented by

Sharon Burke

Human Resources



About the MEET Team

- MEET = Meaningfully Engaging Equity Together
- Created equity training infrastructure for Buncombe County staff
- Currently comprised of 9 employees
- Spent 20+ months creating and develop training
- Included virtual coffee chats and a 4-part in-person class
- Delivered 36 modules between April 2021 and November 2022
 - 258 employees have participated in one or more modules



Personnel-Ordinance

Article III. Pay Plan, Section 4

A. The County Manager has the authority to award bonuses and incentive payments up to one thousand dollars per person subject to availability of funds in the departmental appropriations. These funds are to be used to reward employees and teams who have done work that exceeds the expectations of their job description and is outside their normal job duties and impacts the efficiency and effectiveness of the agency. All bonuses and incentive payments will be reported to the Board at a regular meeting of the Board of Commissioners no later than sixty days from the award.



Bonus Awarded

- 5 of the 9 employees worked outside their job duties for over 1 ½ years
- Extreme commitment to the County's core values
- Bonus of \$1,000 will be paid



MEET Team Members



Jennifer Aviles

*Administrative
Coordinator III*



Sarah Gransee

*Library Branch
Services Manager*



Tiffany Iheanacho

*Justice Services
Director*



Joey Robison

*Employee Engagement &
HR Communications Manager*



Kasey Swing

Training Officer



Richard Bell

*Organizational
Development Manager*



Leonard Jones

*Community
Development Specialist*



Hector Salgado

*Foundational Equity &
Inclusion Specialist*



Andy Zoller

*Centralized Data Entry
Supervisor*



MEET Team Members Receiving Bonus*



- Andy
Zoller -

*Centralized
Data Entry
Supervisor*



- Jennifer
Aviles -

*Administrative
Coordinator III*



- Leonard
Jones -

*Community
Development
Specialist I*



- Sarah
Gransee -

*Library
Branch
Services
Manager*



- Tiffany
Iheanacho -

*Justice
Services
Director*

**Excludes employees where this work was part of their job duties*





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 2/7/2023

New Business

Department: Finance

Presenter(s): Mason Scott

Contact(s): Mason Scott, Interim Finance Director

Subject: Multiple Resolutions Declaring the County's Intent to Reimburse Itself for Capital Expenditures Incurred with Various County and School Capital Projects, Affordable House Projects, and Open Space Projects

Brief Summary: The reimbursement resolution designates the Finance Director to declare on behalf of the Board of Commissioners their official intent to reimburse expenditures with proceeds of debt. We anticipate spending operating funds for various projects, then reimbursing the County in amounts not to exceed amounts outlined below.

Amount	For various...	Reimbursed from
\$47 million	School & County Projects	Limited Obligation Bond Series
\$16 million	Affordable Housing Projects	\$40 million GO bond authorization
\$5.6 million	Open Space Projects	\$30 million GO bond authorization

Additional information: Per IRS regulations, counties must adopt a Reimbursement Resolution if they intend to spend currently available funds on capital projects that will be financed by the later issuance of bonds. This allows us to proceed with these projects, then issue the bonds later in the fiscal year once the actual project costs have been determined by bidding, and possible change orders. This is possible if a county has sufficient fund balance to cash flow the projects, then reimburse county operating funds when the bonds are issued.

The process of adopting a reimbursement resolution helps with the bond issue approval from the Local Government Commission (LGC). The LGC is hesitant to allow the issue of bonds without definite projects with firm costs. The LGC may accept architect's or engineer's estimates on construction projects, but they strongly prefer actual bids in hand. By moving ahead with the projects prior to bond approval we will have definite projects with firm costs to satisfy the LGC requirements.

Recommended Motion & Requested Action: Approve resolution as submitted.

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

RESOLUTION #23-02-05

Extract of Minutes of a regular meeting of the Board of Commissioner of the County of Buncombe, North Carolina held at 200 College Street, Suite 326, Asheville, North Carolina, at 5:00 p.m. on February 7, 2023.

* * *

The following members were present: Newman, Beach-Ferrara, Edwards, Moore, Sloan, Whitesides

The following members were absent: Wells

Also present:

* * *

Commissioner Whitesides moved that the following resolution (the “*Resolution*”), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS SCHOOL AND COUNTY PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023

WHEREAS, the Board of Commissioners of the County of Buncombe, North Carolina (“*County*”) intends to finance construction or improvements to certain County facilities, including, among others, emergency management facilities and placement of solar appliances on certain schools and other public buildings and, pursuant to requests from the Buncombe County Board of Education and Asheville City Board of Education, has determined that it is in the best interests of the County to finance improvements to various school facilities located in the County;

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the “*Obligations*”) to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the “*Original Expenditures*”), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a

portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by the County to pay for all or a portion of the costs of the Project is \$47,000,000.

Section 2. ***Compliance with Regulations.*** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Whitesides, seconded by Commissioner Edwards, the foregoing resolution entitled **"RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS SCHOOL AND COUNTY PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023"** was duly adopted by the following vote:

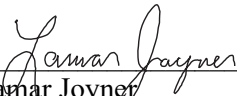
AYES: Newman, Beach-Ferrara, Edwards, Moore, Sloan, Whitesides

NAYS:

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

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, DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS SCHOOL AND COUNTY PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023**” adopted by the Board of Commissioners of the County of Buncombe, North Carolina, at a meeting held on the 15th day of February, 2022.

WITNESS my hand and the corporate seal of the County of Buncombe, North Carolina, this the 7th day of February, 2022.



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

RESOLUTION #23-02-06

Extract of Minutes of a regular meeting of the Board of Commissioner of the County of Buncombe, North Carolina held at 200 College Street, Suite 326, Asheville, North Carolina, at 5:00 p.m. on February 7, 2023.

* * *

The following members were present: Newman, Beach-Ferrara, Edwards, Moore, Sloan, Whitesides

The following members were absent: Wells

Also present:

* * *

Commissioner Whitesides moved that the following resolution (the “*Resolution*”), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS COUNTY AFFORDABLE HOUSING PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023

WHEREAS, the Board of Commissioners of the County of Buncombe, North Carolina (the “Board”) has ascertained and hereby determines that it is necessary 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, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the “*Obligations*”) to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the “*Original Expenditures*”), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by the County to pay for all or a portion of the costs of the Project is \$16,000,000.

Section 2. ***Compliance with Regulations.*** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Whitesides, seconded by Commissioner Edwards, the foregoing resolution entitled **"RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS COUNTY AFFORDABLE HOUSING PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023"** was duly adopted by the following vote:

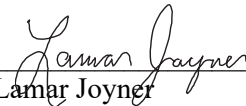
AYES: Newman, Beach-Ferrara, Edwards, Moore, Sloan, Whitesides

NAYS:

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

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, DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS COUNTY AFFORDABLE HOUSING PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023**” adopted by the Board of Commissioners of the County of Buncombe, North Carolina, at a meeting held on the 7th day of February, 2023.

WITNESS my hand and the corporate seal of the County of Buncombe, North Carolina, this the 7th day of February, 2023.



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

RESOLUTION #23-02-07

Extract of Minutes of a regular meeting of the Board of Commissioner of the County of Buncombe, North Carolina held at 200 College Street, Suite 326, Asheville, North Carolina, at 5:00 p.m. on February 7, 2023.

* * *

The following members were present: Newman, Beach-Ferrara, Edwards, Moore, Sloan, Whitesides

The following members were absent: Wells

Also present:

* * *

Commissioner Whitesides moved that the following resolution (the “*Resolution*”), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS COUNTY OPEN SPACE PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023

WHEREAS, the Board of Commissioners of the County of Buncombe, North Carolina (the “Board”) has ascertained and hereby determines that it is necessary 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

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the “*Obligations*”) to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the “*Original Expenditures*”), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by the County to pay for all or a portion of the costs of the Project is \$5,600,000.

Section 2. ***Compliance with Regulations.*** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Whitesides, seconded by Commissioner Edwards, the foregoing resolution entitled **"RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS COUNTY OPEN SPACE PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023"** was duly adopted by the following vote:

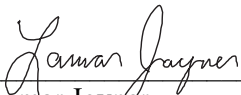
AYES: Newman, Beach-Ferrara, Edwards, Moore, Sloan, Whitesides

NAYS:

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

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, DECLARING THE INTENT OF THE COUNTY OF BUNCOMBE, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH VARIOUS COUNTY OPEN SPACE PROJECTS FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2023**” adopted by the Board of Commissioners of the County of Buncombe, North Carolina, at a meeting held on the 7th day of February, 2023.

WITNESS my hand and the corporate seal of the County of Buncombe, North Carolina, this the 7th day of February, 2023.



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



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 2/7/2023

New Business

Department: County Manager's Office

Presenter(s): DK Wesley

Contact(s): DK Wesley, Assistant County Manager

Subject: Authorization to Develop a Scope of Work for an Official Audit in Response to the Community Reparations Commission's Immediate Recommendation to cease harm impacting the African American community

Brief Summary: At its December 5, 2022 meeting, the Community Reparations Commission unanimously approved an immediate recommendation for Buncombe County and the City of Asheville to stop further harm by ceasing the repetition of institutional processes that lead to racially disparate outcomes. This recommendation included conducting an official audit to ensure compliance with federal and state laws, regulatory bodies, codes of conduct, court orders, and consent decrees.

The intent from the Community Reparations Commission is for the County and City to select an independent third-party firm to conduct the audit. The proposed resolution directs the County Manager to work collaboratively with City of Asheville and the Community Reparations Commission to develop a scope of work, which will ultimately be used in a formal solicitation to select a firm to conduct the audit. The proposed resolution also commits and provides assurances that necessary and reasonable action will be taken to address intentional and unintentional harm committed against the African American community. Upon resolution adoption, County staff will work collaboratively to finalize the scope of work and advertise a solicitation for selection of a firm. Upon audit completion, the resolution directs the County Manager to review audit findings and evaluate remediation opportunities.

Recommended Motion & Requested Action: Authorize the County Manager to develop a scope of work for an official audit in response to the Community Reparations Commission's Immediate Recommendation to cease harm impacting the African American Community.

County Manager's comments and Recommendation: Approve as recommended.

RESOLUTION NO. 23-02-08

RESOLUTION AUTHORIZING ADDITIONAL STAFF WORK TO DEVELOP A SCOPE OF
WORK FOR AN OFFICIAL AUDIT TO ENSURE COMPLIANCE WITH APPLICABLE
REGULATIONS, STATUTES, AND LOCAL REQUIREMENTS TO CEASE HARM IMPACTING
THE AFRICAN AMERICAN COMMUNITY.

WHEREAS, there has been increased attention to Racial Equity by Buncombe County Government – including adoption of the Racial Equity Action Plan and declaration of racism as a public health and safety crisis; and

WHEREAS, on August 4, 2020, the Board of Commissioners of Buncombe County adopted a resolution supporting community reparations for Black People in Buncombe County, apologizing to the Black community - including descendants of people who were enslaved in Buncombe County - and seeking to make amends for Buncombe County's participation in and sanctioning of the enslavement of Black people; enforcement of segregation and racist, discriminatory policies and practices during that era; urban renewal program that harmed multiple, successful black communities; appoint representatives to and fully participate in the new Community Reparations Commission created by the City of Asheville; and

WHEREAS, that August 2020 Board resolution directed county staff, including the then newly-formed Equity and Inclusion Workgroup, to continue prioritizing racial equity in the implementation of the Buncombe County Strategic plan, including but not limited to the following urgent priority areas for Black residents of Buncombe County:

- Expanding access to quality early childhood education and taking other steps to reduce the opportunity and achievement gap in the local public school systems;
- Increasing Black home ownership, business ownership and other strategies to support upward mobility and build generational wealth within the Black community;
- Reducing health disparities, including infant mortality;
- Reducing racial disparities in the justice system.; and

WHEREAS, on December 5, 2022, the Community Reparations Commission, unanimously approved an immediate recommendation for the City of Asheville and Buncombe County to

stop further harm by ceasing the repetition of institutional processes that lead to racially disparate outcomes; and

WHEREAS, the immediate recommendation included conducting an official audit to ensure compliance with federal and state laws, regulatory bodies, codes of conduct, court orders, and consent decrees to allow for the acceptance of guarantees that the City and County have ceased to inflict further harm on the African American community; and

WHEREAS, the City and County acknowledges compliance does not, in full, eliminate negative impacts to the African American Community and the City and County have implemented measures intended to cease further harm on the African American community to include the creation of the Equity & Inclusion Department and Equity and Human Rights Office, respectively; and utilization of equity analysis tools to evaluate policies, procedures and decisions; and

WHEREAS, the magnitude of the effort and the intent from the Community Reparations Commission, an independent third-party firm (s) will need to be selected to conduct the audit as described by the immediate recommendation;

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

1. The Buncombe County Board of Commissioners commits and provides assurances that it will take necessary and reasonable action to address harm due to intentional and unintentional policies, programs, practices and procedures that produce disparities as well as racially and gender-based discriminate outcomes in Education, Health Care, Housing, Economic Development and Justice as identified or discovered from the audit or during the process.

2. Buncombe County Board of Commissioners also commits to take measures to create and/or strengthen the following:

- Confidence building between government and African Americans;
- Truth seeking mechanisms and processes; and
- Timely accountability of the dispensation of the Community Reparations Commission's immediate recommendations.

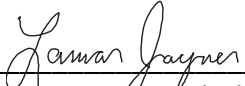
3. The Buncombe County Board of Commissioners directs the County Manager to work collaboratively with City of Asheville and the Community Reparations Commission to develop a solicitation that includes a formal scope of work to implement the immediate recommendation approved by the Community Reparations Commission at its December 5, 2022 meeting. The

scope of work should include a financial assessment and policy assessment for programmatic areas related to governmental operations.

4. Upon audit completion, the Buncombe County Board of Commissioners directs the County Manager to review the findings and evaluate and prioritize remediation opportunities.

This the 7th day of February 2023.

ATTEST



Lamar Joyner, Clerk

**BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE**

BY: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney



Community Reparations Commission (CRC)

Consideration of Immediate Recommendation & Response Plan



Presentation Outline

- Overview of Immediate Recommendation
- Major Resolution Tenets
- Response Plan
- Process Components
- Discussion & Request for Board Action



Immediate Recommendation

- Recommended that the County and City provide assurance and take effective measures to end ongoing and current harms due to intentional and unintentional policies, programs, practices, and procedures.
- Called for the County and City to conduct an audit to ensure compliance with federal and state laws, regulatory bodies, Codes of Conduct, Court Orders, and Consent Decrees.
 - The audit will demonstrate that the cessation of harm has occurred and prevent further harm or threats to African Americans.
- Recommended that the County and City promote and enforce codes of conduct and ethical norms and take ongoing measures to foster:
 - Confidence building between government and African Americans
 - Truth seeking mechanisms and processes
 - Timely accountability of the dispensation of recommendations



County and City Resolution

- Describes the CRC vote taken on Dec. 5 approving the immediate recommendation
- Commits and provides assurances that the City will take necessary and reasonable action to address harm due to intentional and unintentional policies, programs, practices and procedures that produce disparities as well as racially and gender-based discriminate outcomes in Education, Health Care, Housing, Economic Development and Justice.
- Summarizes the call to conduct an official audit to ensure compliance with federal and state laws, regulatory bodies, codes of conduct, court orders, and consent decrees to allow for the acceptance of guarantees that the County and City have ceased to inflict further harm on the African American community.
- Directs County and City staff to collaborate with the CRC to develop a scope of work and formal solicitation to select a firm to conduct the recommended audit.
- Upon audit completion, commits to reviewing and prioritizing audit findings to remediate the perpetuation of further harm.



County and City Response Plan

- ✓ **Dec. 5** - CRC adopted Immediate Recommendation
- ✓ **Dec. 6-Jan. 6** - County and City staff developed implementation plan and drafted resolution
- ✓ **Jan. 9** - Reviewed implementation plan and discussed draft resolution with CRC
- ✓ **Jan. 17** - County Commission and City Council Equity & Engagement Committee receive briefing and provide feedback on draft resolution authorizing staff to work with CRC to develop audit scope of work and begin process of selecting a firm to conduct the audit
- ✓ **Jan. 24** - City Council to consider adoption of draft resolution
- **Feb. 7** - County Commission to consider adoption of draft resolution
- **Feb. 20** - County and City staff to review draft scope of work with CRC
- **Mar. 20** - County and City staff to finalize scope of work with CRC
- **Spring 2023** - Finalize and advertise solicitation and select firm to conduct audit
- **Summer 2023** - Finalize audit and review and prioritize recommendations
- **Ongoing** - Monthly updates and feedback sessions with CRC and coordinate with Impact Focus Areas



Key Process Components

- **Scope of Work:** Detailed description of the work, milestones, and timeline necessary to fully complete the recommended audit.
- **Solicitation:** Public advertisement for vendors to review scope of work and submit responses that will be vetted to consider the best qualified firm to conduct the requested audit and prepare the findings report.
- **Audit Report:** Detailed overview of key findings from the audit prepared by the selected firm to include detailed recommendations on policy and operational revisions needed to ensure cessation of further harm.
- **Evaluation and Prioritization:** County and City staff, in coordination with the CRC, to review findings from the Audit Report and prioritize opportunities to ensure the cessation and prevention of future harm.
- **Audit Resources:** Funding to conduct the audit would come from previously approved County and City Reparations resources.



Discussion & Request for Board Action

Authorize the County Manager to develop a scope of work for an official audit in response to the Community Reparations Commission's Immediate Recommendation to cease harm impacting the African American Community





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 2/7/2023

New Business

Department: County Manager

Presenter(s): Timothy Love

Contact(s): Timothy Love

Subject: Resolution Approving the Buncombe County Commissioners' Legislative Agenda for 2023

Brief Summary: Buncombe County Commissioners have worked with Governmental Relations Firm Ward & Smith to develop a 2023 Legislative Agenda. The Legislative Agenda includes appropriations and policy priorities that will be pursued during the 2023 Biennium.

Recommended Motion & Requested Action: Approve resolution as presented.

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

RESOLUTION #23-02-09

RESOLUTION APPROVING THE BUNCOMBE COUNTY COMMISSIONERS' LEGISLATIVE AGENDA FOR 2023

-
- WHEREAS, Buncombe County Commissioners have worked with Governmental Relations Firm Ward & Smith to develop a 2023 Legislative Agenda;
- WHEREAS, this Legislative Agenda includes appropriations and policy priorities that will be pursued during the 2023 Biennium; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to pursue these legislative Agenda goals.

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

1. That the Buncombe County 2023 Legislative Agenda is established as follows:

Appropriations Priorities

- Seek state funding for State Employees, including K-12 and Community College education, and related capital needs.
- Seek additional state funding and/or direct earmarks for water quality, flood resiliency, and stormwater mitigation projects in the French Broad River basin.
- Seek and advocate for additional state funding to address the Innovation Waiver slots waiting list for IDD individuals in the Buncombe community.
- Seek state funding resources for repairs and improvements to McCormick Field.

Policy Priorities

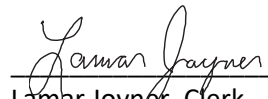
- Seek additional state funding support for early childhood education and Pre-K programs including simplifying or modifying the subsidy formula for Buncombe County.
- Oppose any proposals that would limit local government ability to regulate short-term rentals or online marketplaces.
- Seek authorization of a General Assembly study for property tax relief and related exemptions for permanent residents of the State of North Carolina.
- Continue to evaluate methods to modernize NC House Occupancy Tax guidelines to meet the evolving visitation and infrastructure needs of Buncombe County.

- Seek additional state investment in broadband including the re-allocation of unspent State or Federal funds to the GREAT Grant program, as well as additional flexibility for local government investment in broadband infrastructure.
2. That all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
3. That this resolution shall be effective upon its adoption.

This the 7th day of February, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE



Lamar Joyner, Clerk

BY 

Brownie Newman, Chairman

Approved as to form:



County Attorney



Buncombe County Board of Commissioners

Chairman

Brownie Newman

District 1

Terri Wells
Al Whitesides

District 2

Jasmine Beach-Ferrara
Martin Moore

District 3

Amanda Edwards
Parker Sloan

Buncombe County Commissioners 2023 Legislative Agenda

Appropriations Priorities

- Seek state funding for State Employees, including K-12 and Community College education, and related capital needs.
- Seek additional state funding and/or direct earmarks for water quality, flood resiliency, and stormwater mitigation projects in the French Broad River basin.
- Seek and advocate for additional state funding to address the Innovation Waiver slots waiting list for IDD individuals in the Buncombe community.
- Seek state funding resources for repairs and improvements to McCormick Field.

Policy Priorities

- Seek additional state funding support for early childhood education and Pre-K programs including simplifying or modifying the subsidy formula for Buncombe County.
- Oppose any proposals that would limit local government ability to regulate short-term rentals or online marketplaces.
- Seek authorization of a General Assembly study for property tax relief and related exemptions for permanent residents of the State of North Carolina.
- Continue to evaluate methods to modernize NC House Occupancy Tax guidelines to meet the evolving visitation and infrastructure needs of Buncombe County.
- Seek additional state investment in broadband including the re-allocation of unspent State or Federal funds to the GREAT Grant program, as well as additional flexibility for local government investment in broadband infrastructure.





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 2/7/2023

New Business

Department: Commissioners

Presenter(s): Brownie Newman

Contact(s): Brownie Newman

Subject: Resolution in Support of the Buncombe County Board of Education Resolution
Supporting Local Control of School Calendars

Brief Summary: On January 12, 2023, the Buncombe County Board of Education passed a resolution supporting an amendment to the current school calendar law and requesting that local school boards have more flexibility in the start date of the school calendar and urging the General Assembly to grant local boards of education greater calendar flexibility.

RESOLUTION #23-02-10

RESOLUTION IN SUPPORT OF
THE BUNCOMBE COUNTY BOARD OF EDUCATION
RESOLUTION SUPPORTING LOCAL CONTROL OF SCHOOL CALENDARS

- WHEREAS, on January 12, 2023 the Buncombe County Board of Education passed a resolution supporting an amendment to the current school calendar law and requesting that local school boards have more flexibility in the start date of the school calendar;
- WHEREAS, state law establishes a statewide, mandatory start and end date for all school districts to start no earlier than the Monday closest to August 26 and the end date is no later than the Friday closest to June 11;
- WHEREAS, the school calendar law resulted in school starting no earlier than August 29 for the 2022-2023 school year, and no earlier than August 28 for the 2023-2024 school year, and, as a result, the schools within Buncombe County are unable to complete the first semester until mid to late January;
- WHEREAS, parents overwhelmingly support a school calendar where the Fall semester ends in December; and
- WHEREAS, December 12, 2022, the North Carolina House Select Committee on An Education System for North Carolina's Future found that the current school calendar law is not best suited to the needs of students and educators and that local boards of education should be given greater calendar flexibility.

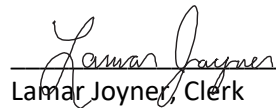
NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

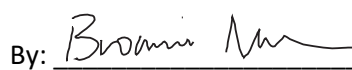
1. That the Buncombe County Board of Commissioners supports the Buncombe County Board of Education and urges the General Assembly to grant local boards of education greater calendar flexibility.
2. That this resolution be effective upon adoption.

Adopted this 7th day of February, 2023.

ATTEST

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE


Lamar Joyner, Clerk

By: 
Brownie Newman, Chairman

APPROVED AS TO FORM


County Attorney

RESOLUTION BY THE BUNCOMBE COUNTY
BOARD OF EDUCATION SUPPORTING
LOCAL CONTROL OF SCHOOL CALENDARS

WHEREAS, the North Carolina law provides the Buncombe County Board of Education powers of supervision and control of the public schools located within Buncombe County;

WHEREAS, local control over establishing school calendars is an integral component of school system supervision and the administrative powers with which the Buncombe County Board of Education has been vested;

WHEREAS, in 2004 the North Carolina General Assembly set a statewide, mandatory start and end date for all school districts (the school calendar law);

WHEREAS, the North Carolina General Assembly amended the school calendar law in 2012 to further restrict the starting date for schools;

WHEREAS, the mandated school start date is no earlier than the Monday closest to August 26 and the end date is no later than the Friday closest to June 11;

WHEREAS, the school calendar law resulted in school starting no earlier than August 29 for the 2022-2023 school year, and no earlier than August 28 for the 2023-2024 school year;

WHEREAS, a late August start date means the schools within Buncombe County are unable to complete the first semester until mid to late January;

WHEREAS, the school calendar law requires high school students to take first semester exams after the winter break, which negatively impacts students and faculty and further, is an inefficient use of instructional time;

WHEREAS, the school calendar law does not align with community college and university calendars, making it nearly impossible for high school students who graduate at the end of the first semester to enroll in college courses in January because college courses start before or at the same time as high school students complete final exams;

WHEREAS, exams for Advanced Placement classes are given on the same day nationwide, and the current calendar law shortens the amount of time that Buncombe County students have to learn the material and prepare before the exam;

WHEREAS, it is well-documented through multiple studies that children will experience a phenomenon known as learning loss during breaks, which has a disproportionate impact on low-income children;

WHEREAS, with little flexibility built into the calendar, scheduling make-up days is extremely challenging, increasing the likelihood of using unpopular days like spring break and Saturdays as make-up days;

WHEREAS, with little flexibility built into the calendar, scheduling workdays and professional development during the school year for faculty and staff is almost impossible during the Fall semester and remains challenging in the Spring semester, despite the significant increase in areas which faculty and staff are required by law to receive training (e.g., LETRS);

WHEREAS, fall sports and band programs have not changed to coincide with the State-mandated school calendar causing some football and band events to occur before school begins;

WHEREAS, neither charter schools nor private schools are required to follow the school calendar law;

WHEREAS, allowing schools to start earlier in August will not impact the overall length of the summer break as the school year will also end earlier;

WHEREAS, parents overwhelmingly support a school calendar where the Fall semester ends in December;

WHEREAS, local school boards are better equipped to understand the balancing act of meeting the community's needs and maximizing student success;

WHEREAS, restoring local control of school calendars will allow the Buncombe County Board of Education to meet the calendar preferences of Buncombe County's families, educators, and businesses in our community while allowing for innovative experimental approaches to improve student achievement; and

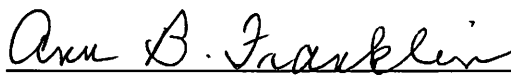
WHEREAS, on December 12, 2022, the North Carolina House Select Committee on An Education System for North Carolina's Future issued its finding that the current school calendar law is not best suited to the needs of students and educators and that local boards of education should be given greater calendar flexibility; the Select Committee recommended the "General Assembly take action and change the school calendar law."

NOW THEREFORE BE IT RESOLVED, that the Buncombe County Board of Education supports an amendment to the current school calendar law, providing local school boards more flexibility in the start date of the school calendar; and

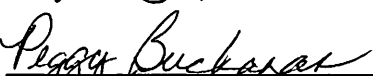
BE IF FURTHER RESOLVED that:

1. The Chair and Superintendent are authorized to disseminate this Resolution to members of the North Carolina Legislature.
2. The Board encourages parents, students, and other community members to contact their North Carolina Legislators to advocate for calendar flexibility.
3. The Board requests the Buncombe County Commissioners, and other local governments within Buncombe County, to adopt a resolution advocating calendar flexibility.

Adopted by the Buncombe County Board of Education this 12th day of January 2023.


Ann B. Franklin, Chair


Amy Churchill, Vice Chair


Peggy Buchanan, Member


Rob Elliot, Member


Judy Lewis, Member


Kim Plemmons, Member


Amanda Simpkins, Member



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: February 7, 2023

New Business

Department: Governing Body

Presenter(s): John Hudson, Budget

Contact(s): Avril Pinder, County Manager

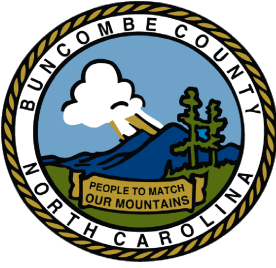
Subject: Special Projects Fund - Community Reparations

Brief Summary: The Board of Commissioners established \$2,000,000 to fund community reparations efforts in the General Fund. These amendments move those dollars to the Special Projects Fund to ensure and track long-term funding of these efforts.

Recommended Motion & Requested Action: Approve budget amendment

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

ORDINANCE #23-02-11



BUNCOMBE COUNTY, NORTH CAROLINA
General Fund

BOARD MEETING DATE: February 7, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of February, 2023

Requesting Department: Governing Body
Budget Amendment Item: Establish Reparations Fund

Description:

The Board of Commissioners established \$2,000,000 to fund community reparations efforts in the General Fund. This amendment moves these dollars to allow for an interfund transfer to the Special Projects Fund.

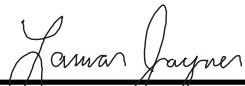
Funding Source:

Existing dollars.

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Fund 100 - General Government		\$ (2,000,000)
Fund 100 - Interfund Transfer		\$ 2,000,000
TOTAL	\$ -	\$ -

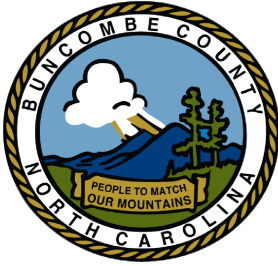
ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board

ORDINANCE #23-02-12



BUNCOMBE COUNTY, NORTH CAROLINA
Special Projects Ordinance

BOARD MEETING DATE: February 7, 2023

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2022-2023 Special 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 FY2022-2023 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 7th day of February, 2023

Project Name: Reparations Fund

Description:

The Board of Commissioners established \$2,000,000 to fund community reparations efforts in the General Fund. This amendment creates the Reparations Fund project in the Special Projects Fund.

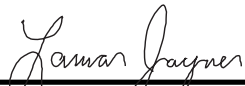
Funding Source:

General Fund Transfer

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Reparations Fund	\$ 2,000,000	\$ 2,000,000
TOTAL	\$ 2,000,000	\$ 2,000,000

ATTEST:

**BOARD OF COMMISSIONERS FOR
THE COUNTY OF BUNCOMBE:**


Clerk to the Board

By: 
Chairman of the Board