

Board of Commissioners' Agenda

September 17, 2024

Briefing Meeting:

Prior to the Regular Meeting, the Commission will hold a Commission Briefing starting at 3:00 p.m. in the first floor conference room.

The Commission does not vote at the Briefing Meeting and there is not public comment.

September 17, 2024 Materials:

- [Agenda](#)
- [Presentation](#)

Regular Meeting:

The Regular Meeting will begin at 5:00 p.m. in the first floor conference room, located at 200 College Street.

Public Comment is taken at the beginning of the meeting.

Call To Order

[▲top](#)

Discussion / Adjustment / Approval To Follow Agenda

[▲top](#)

Consent Agenda [▲top](#)

- [Approval of the August 22, 2024, special meeting minutes](#)
- [Approval of the September 3, 2024, combined Briefing and Regular meeting minutes](#)
- [Approval of the September 4, 2024, special meeting minutes](#)
- [Resolution authorizing Pyrotechnic Experts for firework display on September 28, 2024, at the Biltmore Estate](#)
 - [Resolution](#)
- [Resolution authorizing the intent to accept bid for the sale of surplus County property located Unadilla Avenue in Asheville](#)
 - [Resolution](#)
- [Budget Amendment to enhance and expand Adoption Promotion Funds](#)
 - [Budget Amendment](#)
- [Budget Amendment for the Home and Community Block Grant agreement to provide services to older adults in Buncombe County](#)
 - [Budget Amendment](#)
- [Approval of request to waive occupancy tax penalty in the amount of \\$53.45 for Cloud Nine Farm](#)
 - [Excerpt of Buncombe County Tourism Development Authority August 28 meeting minutes](#)
- [Resolution authorizing execution of an easement to the Metropolitan Sewerage District of Buncombe County for the Weaverville Pump Station and Force Main Improvements](#)
 - [Resolution](#)

- [Easement Map](#)
 - [Plan Sheets](#)
 - [Easement Agreement - PIN 9721-75-9383](#)
 - [Easement Agreement - PIN 9721-94-2726](#)
 - [Easement Agreement - PIN 9721-95-9833](#)
 - [Easement Plat- PIN 9721-95-9833](#)
 - [Easement Plat- PIN 9721-75-9383](#)
 - [Easement Plat - PIN 9721-91-2726](#)
10. [Resolution authorizing the County Manager to execute a lease agreement with the State of North Carolina Department of Adult Correction for office space located at 60 Court Plaza](#)
- [Resolution](#)
 - [Lease Agreement](#)

Public Comment

▲top

Good News ▲top

- 1. [3CMA National Awards](#)
- 2. [2024 Youth Election Sticker Contest Winner](#)
 - [More information](#)

Presentations ▲top

- 1. [Proclamation recognizing National Manufacturing Month](#)
 - [Proclamation](#)
- 2. [Proclamation recognizing Hispanic and Latino Heritage Month](#)
 - [Proclamation](#)
- 3. [Health and Human Services Board update](#)

Public Hearings ▲top

- 1. [FY 2026 Annual Section 5311 Administrative and Capital Grant Applications](#)
 - [Resolution](#)
 - [Summary Memorandum](#)
 - [More information](#)

County Manager's Report

▲top

Old Business ▲top

- [1. Budget Amendment and approval of the Enka Recreation construction contract with Civil Design Concept and to accept grant award funding from the Buncombe County Tourism Development Authority](#)
 - [◦ Budget Amendment](#)
 - [◦ More information](#)
- [2. Resolution authorizing the amendment of an interlocal agreement between Buncombe County and the City of Asheville expanding the availability of emergency shelter beds and the approval of COVID Recovery Funding project reallocations](#)
 - [◦ Resolution](#)
 - [◦ Amendment to Local Agreement](#)
 - [◦ More information](#)
- [3. Approval of proposed changes to the Buncombe County Health Plan for 2025](#)
 - [◦ More information](#)
 - [◦ Appendix](#)

New Business [▲top](#)

- [1. Budget Amendments to the General Fund, 911 Special Revenue Fund, and the Mountain Mobility Special Revenue Fund for Fiscal Year 2024 Budget carryforwards](#)
 - [◦ Budget Carryforward Ordinance for General and 911 Special Revenue Fund](#)
 - [◦ Budget Carryforward Ordinance for Capital Projects Fund](#)
- [2. Resolution Amending the Title VI Plan and Authorizing the Chairperson to execute 1\) Title VI Plan Review and Approval Document; 2\) Title VI Nondiscrimination Agreement; and 3\) Necessary U.S. DOT Title VI Assurances for Mountain Mobility](#)
 - [◦ Resolution](#)
 - [◦ Mountain Mobility Title VI Plan Management Review Report](#)
 - [◦ Exhibit A: Draft Mountain Mobility Title VI Plan](#)
 - [◦ Exhibit B: Plan Review Adoption](#)
 - [◦ Exhibit C: Title VI Nondiscrimination Agreement](#)

Board Appointments [▲top](#)

September 17 Appointments - [Applicant Information](#)

- **Mountain Community Capital Fund** - 1 appointment - *Requirement:* must be a County Staff person
- **Buncombe County Tourism Development Authority** - 1 appointment- *Requirement:* Owner or operator of a hotel, motel, bed and breakfast, with 100 or fewer rental units

Announcements [▲top](#)

- The next Briefing and Regular meeting will be held on October 1 with the Briefing starting at 3:00 pm and the regular meeting at 5:00 p.m.

Closed Session / Open Session

[▲top](#)

Adjournment

[▲top](#)

MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
SPECIALLY CALLED MEETING ON AUGUST 22, 2024.

BE IT REMEMBERED: That the Board of Commissioners held a Special Meeting on August 22, 2024, at the Harrah's Cherokee Center in downtown Asheville, North Carolina at 9:00 a.m. where and when the following business was transacted. The Specially Called meeting had two parts, the first was a joint meeting with the Asheville City School and Buncombe County Board School Board Members and the second was a Strategic Plan Retreat.

Present: Chairman Brownie Newman; Vice-Chair Parker Sloan; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Amanda Edwards; Commissioner Martin Moore by phone.

Absent: Commissioner Jasmine Beach-Ferrara

Chairman Newman, Ann Franklin, Chair of the Buncombe County School Board and George Sieburg, Chair of the Asheville City School Board welcomed board members and called the meeting to order. The three Boards discussed their shared purpose; specifically, why is success in the local educational system important to you and the community? The following priorities were discussed by Board members:

- Each child to have opportunities
- Traditional public schools to be THE choice
- Successful school systems have impact on quality of life in BC
- To have an environment where all types of diversity come together to learn, model behavior, and grow together
- Grow economy, grow generations
- To see kids walk across the stage at graduation
- Strong economy, high cost of failure
- To provide high quality education with high stakes due to funding
- To create a just/equitable environment
- Figure out the math, values, and transparency problem
- Strong community
- Generational success
- Strong social determinants of health
- Grow next generation, strong students with skills necessary to thrive
- Economic development
- Change to lift folks out of poverty
- Confidence – students to discover who they are
- Believe in community where everyone can thrive, especially marginalized communities
- Strong school system for kids
- Future depends on an educated community
- Providing critical social services that help the community thrive

Following that discussion, the Board members went on to discuss future strategic priorities; specifically, what do you want to achieve for our local educational system for the next 5 years? The following priorities were identified and discussed by the Board members:

- More strategic budgeting, more conversations, discussions around priorities
- Multiyear budgeting
- Have more conversations – identifying needs throughout the year
- Pressure on State Legislature, hold the state accountable
- Do a better job planning
- Focus on teacher recruitment and retention
- Raise wages
- Place education into all priorities/conversation, making sure its part of all initiatives
- Focus on marketing and advertising our local education system
- Educate the community on budget process, budget shortfalls, and let the community see how the state legislature is reducing funding
- Maintain healthy relationships
- Pre-school for all kids

To close out the joint meeting, the three Boards identified and agreed upon the following next steps

- Regroup in January to review the consolidation feasibility study and begin budget conversations
- Majority agreed the retreat was helpful and would like to do it again.

The joint School Board meeting adjourned at 11:56 a.m.

Following a lunch break, the Board of Commissioners reconvened the Banquet Hall for the Strategic Plan Retreat. Strategy and Innovation staff provided background on the strategic plan to date, and informed that today's objective is to finalize goals and targets. The Commissioners reviewed the proposed objectives, goals, and targets for each of the Foundational Focus Areas, which are: Growth & Development; Economic Development; Education; Community Health; Public Safety; Energy & Environment; and Foundational. Following discussion of each goal, Strategy and Innovation staff explained next steps which is to continue gathering community and employee feedback through meetings and events and that the Commissioner's would review the compiled information again in October.

The Strategic Plan Retreat adjourned at 3:50 p.m.

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
BRIEFING MEETING OF SEPTEMBER 3, 2024, AT 3:00 p.m.**

BE IT REMEMBERED: That the Board of Commissioners met to hold a Briefing Meeting on September 3, 2024, in the first-floor conference room at 200 College Street in downtown Asheville, North Carolina at 3:00 p.m. where and when the following business was transacted.

Present: Chairman Brownie Newman; Vice-Chair Parker Sloan; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Amanda Edwards; Commissioner Martin Moore; Commissioner Jasmine Beach-Ferrara.

Absent: none.

The Chairman called the meeting to order at 3:00 p.m. and provided opening statements.

Continuum of Care Shelter Recommendation

Lacy Hoyle, Homeless Program Manager provided background and that today's recommendations are in response to the National Alliance to End Homelessness (NAEH) recommendations regarding shelter. The Continuum of Care issued a Request for Proposals for low barrier shelter capacity and the following three proposals were submitted: 1) Haywood Street Respite with a total request of \$1,621,712; 2) Safe Shelter with a total request of \$1,296,902; and 3) Salvation Army with a total request of \$980,987. Hoyle explained that the next step is for the Board of Commissioners to vote to obligate ARPA funding for shelter projects at the next regular meeting on September 17, 2024.

Sale of Surplus Real Property

Michael Frue, Senior Attorney explained that the County has the authority to receive and negotiate offers to purchase its property and that a deposit and offer for the tax value was made for County owned property on Unadilla Avenue in Asheville. He provided the background and next steps for the sale. The Commissioners will review again and vote on a Resolution of Intent for approval of the sale which will also authorize and direct advertisement for upset bids. If there are no upset bids, then upon payment of the purchase price a nonwarranty deed will be delivered making the sale final.

Enka Recreation – Design Contract and Grant Approval

Allison Daines, Parks and Recreation Director provided background on the Enka Recreation Destination which has been underdevelopment since 2018. The TDA, MPO and Buncombe County Commissioners have all contributed and significant improvements have been made. Accomplishments of the Enka Recreation Destination project include 3 turf fields, lighting and more. She explained that at the September 17 regular Commissioner's meeting, the Board will vote to 1) accept the TPDF award for the Enka Recreation Destination – Phase II; 2) approve budget amendment for the Enka Recreation Destination – Phase II; and approve the design contract with CDC for Design Services.

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF SEPTEMBER 3, 2024, AT 5:00 p.m.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on September 3, 2024, in the first-floor conference room at 200 College Street in downtown Asheville, North Carolina at 5:00 p.m. where and when the following business was transacted.

Present: Chairman Brownie Newman; Vice-Chair Parker Sloan; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Amanda Edwards; Commissioner Martin Moore; and Commissioner Jasmine Beach-Ferrara.

Absent: None.

The Chairman called the meeting to order at 5:08 p.m. and provided opening statements.

CONSENT AGENDA

Commissioner Moore moved to approve the consent agenda as presented. Commissioner Edwards seconded the motion, and it was carried unanimously.

1. Approval of the August 20, 2024 Regular meeting minutes
2. Approval of the July 2024 Tax Collection Report

PUBLIC COMMENT

Gay Weberg spoke about the Short-Term Rental (STR) Task Force and requested to have a professional property manager represented on the task force.

Mark Bastin spoke about the STR task force and requested that all core stakeholders, including a professional property manager be represented on the task force.

Randall Blankenship spoke about their concern about pace of STR task force and encouraged the Board to slow this down the process.

OLD BUSINESS

Adoption of the Schedule of Values for 2025 Reappraisal

Keith Miller, Tax Assessor provided background on the 2025 Reappraisal Schedule of Values. He explained that pursuant to NCGS 105-317(C)(3), the Board of Commissioners have final approval of the Schedules, Standards, and Rules (Schedule of Values). The Board held a public hearing at the last meeting and this vote is to approve the Schedule of Values as presented. If adopted, Notice of the order shall be advertised once a week for four successive weeks. He then explained the next steps for property owners.

Commissioner Wells made the motion to adopt the Schedule of Values for the 2025 Reappraisal and to direct staff to publish legal Notice of the final approval of the Schedule of Values. The motion was seconded by Commissioner Edwards, and it was carried unanimously.

NEW BUSINESS

Budget Amendment to approve appropriation of Medicaid Hold Harmless funds and approval of reallocation of ARPA funds for Broadband Match

Elizabeth Odderstol explained that Buncombe County participated in the State's Completing Access to Broadband (CAB) program. As part of this process, the State awarded a broadband infrastructure project to Bellsouth Telecommunications for fiber expansion and Buncombe County is required to provide a financial match based on statutory guidance. She explained that additional funds are required above the ARPA allocation due to the State's reconfiguration of funds and that staff have identified two sources to resolve the shortage: (1) Reallocation of ARPA funds and (2) Medicaid Hold-Harmless Funds. Buncombe County has received Medicaid hold-harmless funds from the State, which are unrestricted funds and reflect previously county-owned sales tax proceeds increasing above state Medicaid expenses. \$411,408 is needed to cover the remaining shortage of funds. In 2021, Buncombe County was awarded \$50,733,290 in Coronavirus State and Local Fiscal Recovery Funds via the American Rescue Plan Act (ARPA) to invest toward recovery from COVID-19 and its negative economic impacts. These funds were awarded on a rolling basis to projects by Commissioners as selected via multiple Request for Proposals (RFP) processes. Additionally, Medicaid Hold-Harmless Funds Buncombe County has received Medicaid hold-harmless funds from the State, which are unrestricted funds and reflect previously county-owned sales tax proceeds increasing above state Medicaid expenses. \$411,408 is needed to cover the remaining shortage of funds. Commissioner Wells clarified the federal funding piece and why this has a funding gap. Commissioner Wells made the motions to 1) approve Reallocation of ARPA funds for Broadband Match; 2) approve the Budget Amendment for Broadband Match; and 3) authorize the County Manager to execute NCDIT CAB MOU for Buncombe-Bellsouth Project. The motions were seconded by Commissioner Whitesides and were carried unanimously.

Health Care Update and Proposed Changes

Larry Reece, Benefit Consultant from USI Insurance Services provided an update about how the County Health plan is doing so far in calendar year 2024; reviewed forecasted costs for calendar year 2025; and made recommendations for plan program cost and design changes for the Board's consideration. He explained that at the six-month mark in the 2024-2025 calendar year, medical and RX claims costs are 4.6% higher than originally forecasted. Considering the balance between protecting a comprehensive health care plan that is experiencing long-term rising costs and the responsibility to be good stewards of public funds, staff proposed that the County cover \$1.4 million of the forecasted \$1.8 million rise in costs while working with health care plan participants to cover the remaining \$400,000. Furthermore, Staff identified potential opportunities for covering this gap through increasing some biweekly premium costs, increasing the Standard Plan co-insurance rate, and by removing Glucagon-Like Peptide-1 (GLP-1) drugs prescribed for weight loss (such as Wegovy) from the plan. He explained that over the past year, the County spent more than \$400,000 on GLPs prescribed for non-diabetic use, making GLPs the County's highest traditional drug expenditure. He further explained that the proposed plan will no longer cover GLP-1 and GIP-GLP1 agonist medications for the purpose of weight loss effective 1/1/25. These medications will still be covered for those members managing diabetes. He explained the factors that were considered when making this decision, which include: over the most recent 12 months, the County Spent over \$495,000 on these prescription drugs; 1 of 3 people stop using GLP-1s for weight loss due to side effects; research on the long term effectiveness of this class of drugs for weight loss is limited at this time; and that patients

seem to regain weight after stopping these medications. He also highlighted that the County Health Plan does cover other weight loss medications including: Phentermine, Qsymia, Benzphetamine, Diethylprop, Lomaira, Contrave, Zenical. The Commissioners discussed the presented data and other relevant findings. The Board requested more information, including co-pay options, options for phasing out or discontinuing coverage, and the associated cost and savings. The discussion was scheduled to be continued at the September 17, 2024 regular meeting.

BOARD APPOINTMENTS

- The Board appointed Kirk Richie to the Economic Development Commission
- The Board appointed Bruce Schlesinger to the Land Conservation Advisory Board.
- The Board appointed Nicole Stalling Juvenile Crime Prevention Council and appointed current community member seat, Angel Redmond to the Parks and Rec designee seat.
- The Board requested to hold Tourism Development Authority interviews on September 17 at 2:30 p.m.

CLOSED SESSION

Michael Frue, Senior Attorney advised the Board that there were four matters to discuss in closed session pursuant to G.S. 143-318.11(a)(3) for a potential legal matter; G.S. 143-318.11(a)(3) for current litigation related to Buncombe County vs. TeamHealth Eastern Tennessee District 22CVS420 and Brevard, Buncombe County and City of Asheville vs. HCA Western District; G.S. 143-318.11(a)(6) for a personnel matter; and G.S. 143-318.11(a)(6) for an economic development matter. Frue further advised that staff is looking for direction on these matters and no action would be taken. Commissioner Whitesides made the motion to go into closed session; the motion was seconded by Commissioner Sloan and carried unanimously.

MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS'

EMERGENCY MEETING OF SEPTEMBER 4, 2024, AT 4:30 p.m.

BE IT REMEMBERED: That the Board of Commissioners met to hold an Emergency Meeting on September 4, 2024, in the first-floor conference room at 200 College Street in downtown Asheville, North Carolina at 4:30 p.m.

Present: Chairman Brownie Newman; Vice-Chair Parker Sloan; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Amanda Edwards; Commissioner Jasmine Beach-Ferrara; Commissioner Martin Moore by phone.

Absent: none.

Chairman Newman called the meeting to order at 4:30 p.m. and provided opening statements. Michael Frue, Senior Attorney provided the Board with the motion to go into closed session pursuant to NCGS 143-318.11(a)(6) for a personnel matter. Commissioner Whitesides made the motion to go into closed session; Commissioner Sloan seconded the motion, and it was carried unanimously. The board resumed in open session to adjourn the meeting at 6:55 p.m.



Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 9/17/2024

Consent Agenda

Department: Emergency Services

Presenter(s): Kevin Tipton Fire Marshal

Contact(s): Kevin Tipton Fire Marshal

Subject: Resolution Approving Pyrotechnic Experts for Fireworks Display

Brief Summary: Request from Caleb Webb and Pyrotecnico for a fireworks display on September 28th, 2024 at The Biltmore Estate at 1 Lodge St. Asheville, N.C. 28803.

Recommended Motion & Requested Action: Approval of display and issuance of resolution.

RESOLUTION APPROVING PYROTECHNICS EXPERTS FOR CONDUCTING
FIREWORKS DISPLAYS

- WHEREAS, pursuant to NCGS §§ 14-410 and 14-413 the Board of Commissioners is authorized to review and approve the qualifications of persons applying for approval as pyrotechnics experts for the purpose of conducting fireworks displays; and
- WHEREAS, application has been made by Pyrotecnico Fireworks, Inc. for pyrotechnic displays;
- WHEREAS, the Fire Marshal has reviewed and determined that the application meets the standards set forth in the general statutes and the required proof of insurance has been provided; and
- WHEREAS, this Board is of the opinion that the application received to conduct firework pyrotechnic displays should be approved.

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

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

NAME	LOCATION	DATE
Pyrotecnico & Caleb Webb	The Biltmore Estate 1 Lodge Street Asheville, NC 28803	September 28, 2024

That should inclement weather prevent the presentation of said display on said date(s), then the pyrotechnics display may be rescheduled to a postponement date with the consent of the fire Marshal or designee.

2. That pursuant to NCGS §§ 14-410 and 14-413 this Board finds that the above-named individual/company is a qualified pyrotechnic expert for the purpose of conducting fireworks displays.

ADOPTED this the 17th day of September, 2024.

ATTEST



Sarah Gross, Clerk to the Board

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By:



Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/3/2024

New Business

Department: County Management / Legal

Presenter(s): Michael Frue, Senior Attorney

Contact(s): Michael Frue, Senior Attorney

Subject: Sale of Surplus County Real Property

Brief Summary:

Pursuant to NCGS §160A-269 a county has the authority to receive and negotiate offers to purchase its property. The County owns real property located on Unadilla Avenue in Asheville, PIN # 964862169000000, and this property was acquired via a tax foreclosure in September 1974. The parcel has an area of approximately 1,742 square feet and it is undevelopable. The Assessor lists the value of this property at \$2,000 and the County has received a bid in that amount.

Recommended Motion & Requested Action: Approve the Resolution of Intent to Accept Bid for the Sale of Surplus County Property.

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

RESOLUTION # 24-09-04

RESOLUTION OF INTENT TO ACCEPT BID FOR THE SALE OF SURPLUS COUNTY PROPERTY

-
- WHEREAS, pursuant to NCGS §160A-269 a county has the authority to receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids;
- WHEREAS, the County is the listed owner real property described in the tax records of Buncombe County as PIN 964862169000000 located on Unadilla Avenue in Asheville;
- WHEREAS, the property was acquired by the County following a tax foreclosure in September 1974 and it is an area of approximately 1,742 square feet and is undevelopable;
- WHEREAS, the County has no use for this property;
- WHEREAS, The Assessor lists the value of this property at \$2,000 and the County has received an offer to purchase this property in the amount of \$2,000; and
- WHEREAS, this Board desires to declare its intent to accept this bid and convey said property, and, hereby authorizes the Clerk to advertise the property for any upset bid in accordance with GS §160A-269.

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

1. That this Board hereby declares its intent to accept this offer for this property and hereby directs the Clerk to the Board to publish a notice of the offer in accordance with NCGS §160A-269.
2. That the County Manager, or her designees, are hereby authorized to accept this or any further offer that conforms to this resolution and to proceed with a sales transaction in accordance with NCGS §160A-269.
3. That upon receipt of the balance of the high bid for this surplus property, and by and with the approval of County Legal Services, the Chair and County Manager, or either one of them, are hereby authorized to execute a non-warranty deed to the high bidder as well as any other documents necessary to effectuate such transaction.

4. 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.
5. That this resolution shall be effective upon its adoption.

This the 17th day of September, 2024.

ATTEST



Sarah Gross, Clerk

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 17, 2024

Consent Agenda

Department:

Health and Human Services

Presenter(s):

John Hudson, Budget Director

Contact(s):

Colleen Bridger, Interim HHS Director
Rebecca Smith, Social Work Division Director

Subject:

Adoption Promotion Program Fund

Brief Summary:

Adoption Promotion Funds are used to enhance and expand adoption programs, to secure permanent homes for children in foster care with special needs who are harder to place, and to encourage partnerships between public and private agencies to achieve permanency for children in a timely manner. These funds may be carried over multiple fiscal years and are therefore budgeted in the multi-year grants fund. Buncombe County Health and Human Services has been allocated \$113,130 for adoptions completed between June 1, 2023 and May 31, 2024.

Recommended Motion & Requested Action:

Approve budget amendment

County Manager's Comments & Recommendation:

County Manager recommends as presented



BUNCOMBE COUNTY, NORTH CAROLINA

Grant Projects Ordinance

BOARD MEETING DATE: September 17, 2024

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2024-2025 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 FY2024-2025 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 17th day of September, 2024

Granting Agency:	Health and Human Services
Grant Name:	Adoption Promotion Program Fund

Description:

Adoption Promotion Funds are used to enhance and expand adoption programs, to secure permanent homes for children in foster care with special needs who are harder to place, and to encourage partnerships between public and private agencies to achieve permanency for children in a timely manner. These funds may be carried over multiple fiscal years and are therefore budgeted in the multi-year grants fund. Buncombe County Health and Human Services has been allocated \$113,130 for adoptions completed between June 1, 2023 and May 31, 2024.

Funding Source: NC Office of the Controller
CFDA Listing: 93.558 Temporary Assistance for Needy Families

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Restricted Intergovernmental Revenue	\$ 113,130	
Expenditures		\$ 113,130
TOTAL	\$ 113,130	\$ 113,130

ATTEST:

Anah Mraw

Clerk to the Board

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

By: *Broomie*

Chairman of the Board



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 17, 2024

Consent Agenda

Department:

Health and Human Services

Presenter(s):

John Hudson, Budget Director

Contact(s):

Colleen Bridger, Interim HHS Director
Rebecca Smith, Social Work Division Director

Subject:

Home and Community Care Block Grant

Brief Summary:

The Home and Community Care Block Grant is a grant agreement managed between local Area Agencies on Aging, the Board of County Commissioners, and community service providers. Buncombe County partners with Land-of-Sky Regional Council and the Buncombe Aging Services Alliance (BASA) to provide services to the older adults of Buncombe County.

For FY25, Buncombe County Health and Human Services was initially awarded \$244,364 as the lead agency in administering In-Home Aide services and has received an additional \$36,674 bringing total funding for FY25 to \$274,133.

Recommended Motion & Requested Action:

Approve budget amendment

County Manager's Comments & Recommendation:

County Manager recommends as presented



BUNCOMBE COUNTY, NORTH CAROLINA

Grant Projects Ordinance

BOARD MEETING DATE: September 17, 2024

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2024-2025 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 FY2024-2025 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 17th day of September, 2024

Granting Agency:	Health and Human Services
Grant Name:	Home and Community Care Block Grant

Description:

The Home and Community Care Block Grant is a grant agreement managed between local Area Agencies on Aging, the Board of County Commissioners, and community service providers. Buncombe County partners with Land-of-Sky Regional Council and the Buncombe Aging Services Alliance (BASA) to provide services to the older adults of Buncombe County.

For FY25, Buncombe County Health and Human Services was initially awarded \$244,364 as the lead agency in administering In-Home Aide services and has received an additional \$36,674 bringing total funding for FY25 to \$274,133.

Funding Source:	North Carolina Division of Aging
CFDA Listing:	93.044 Special Programs for Aging Support Services and Senior Centers

Exhibit A: Account Description	Increase (Decrease)	
	Revenues	Expenditures
Restricted Intergovernmental Revenue	\$ 36,674	
Expenditures		\$ 36,674
TOTAL	\$ 36,674	\$ 36,674

ATTEST:

A handwritten signature in black ink, appearing to read "Sarah Evans".

Clerk to the Board

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

By: A handwritten signature in black ink, appearing to read "Bromm".

Chairman of the Board

Meeting Date: September 17, 2024

Consent Agenda

Department: Tax Collections

Presenter(s): Jennifer Pike

Contact(s): Jennifer Pike, Tax Collector

Subject: Request to waive occupancy tax penalty for Cloud Nine Farm

Brief Summary:

Cloud Nine Farm has requested a waiver of Occupancy Tax penalty incurred. On August 20th at 11:39PM, Janet Peterson of Cloud Nine Farm attempted to pay Occupancy Tax for July 2024 through the online payment portal. According to her, the site froze and then resulted in an error message just as she was entering payment, preventing her from completing payment on time. The late reporting and payment resulted in penalties assessed in the amount of \$53.45. A two-step process is required for granting a penalty waiver, approval by both the Buncombe County Tourism Development Authority (BCTDA) and Buncombe County Board of Commissioners. The BCTDA has recommended waiving the \$53.45 in penalties since it was under \$500 and a first-time occurrence. Following approval, Buncombe County Tax Collections will remove the penalties currently showing as a balance on Cloud Nine Farm's account.

Recommended Motion & Requested Action:

Approval of Occupancy Tax penalty waiver, in the amount of \$53.45, for Cloud Nine Farm.

County Manager's comments and Recommendations:

County Manager recommends approval as presented.

Buncombe County Tourism Development Authority
A Joint Meeting of the Public Authority and Nonprofit Corporation

Explore Asheville – 27 College Place, Asheville

Excerpts from the Board Meeting Minutes
Wednesday, August 28, 2024

Present (Voting): Brenda Durden, Chair; Matthew Lehman, Vice Chair; HP Patel, Kathleen Mosher, Larry Crosby, Michael Lusick, Lucious Wilson, Elizabeth Putnam

Absent (Voting): Scott Patel

Present (Ex-Officio): Asheville Vice Mayor Sandra Kilgore, Buncombe County Commissioner Terri Wells

Absent (Ex-Officio): None.

Staff: Vic Isley, Dodie Stephens, Tiffany Thacker, Julia Simpson, Ashley Greenstein, Josh Jones, Ali Wainright, Kimberly Puryear, Luisa Yen, Mike Kryzanek, Jennifer Kass-Green, Jay Curwen

BC Finance: Melissa Moore

Legal Counsel: Sabrina Rockoff, McGuire, Wood & Bissette

In-Person Attendees: Randy Claybrook, Asheville Bed & Breakfast Association
Olivia Ward, OnWard Digital Media
Megan Rogers, Asheville Independent Restaurant Association
John Ellis, Prior BCTDA Board Member
Pat Moran, Mountain Xpress

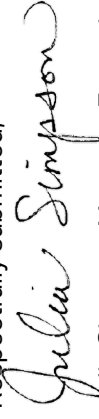
Online Attendees: Carli Adams, Sha'Linda Pruitt, Anna Harris, McKenzie Provost, Sarajane Case, Connie Holliday; Explore Asheville
Megan Roush, MMGY Global
Jim Muth, TPDF Committee
Angel Holloway, Lion's Mane Consulting
Andrew Celwyn, Herbiary
Chris Smith, Asheville Buncombe Regional Sports Commission
Summer Casiano, Tanger Asheville
Diane Rogers, Pinecrest Bed & Breakfast
Brad Durden, Asheville Hotel Group
Lacy Cross, Movement Bank
Felicia Sonmez, Blue Ridge Public Radio

Penalty Waiver Update – Cloud 9

Durden said Explore Asheville staff received a penalty waiver request on August 22, 2024, from Cloud 9 for \$53.45, the sum of one-time late filing and payment fees. She noted the owners' rationale for the late payment of occupancy taxes for July 2024 was a technical glitch with the county's online portal. Buncombe County staff verified a failed payment attempt was logged by their system; they also confirmed there were no other records of late filings or payments for the property. The supporting documentation and correspondence were shared with the board in advance for review.

Durden then explained that precedent was set that gave authority to the president & CEO to approve penalty waiver requests if the amount was \$500 or less and it was the property's first late offense. Since Cloud 9's request met those criteria, Durden said Isley would manage the two-step process. The waiver request would need to be reviewed by the Buncombe County Commissioners next.

Respectfully submitted,

A handwritten signature in cursive script that reads "Julia Simpson".

Julia Simpson, Manager, Executive & Strategy



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 17, 2024

Consent Agenda

Department: Legal & Risk

Presenter(s): Amy Broughton

Contact(s): Amy Broughton

Subject: Resolution Authorizing Execution of an Easement to the Metropolitan Sewerage District of Buncombe County for the Weaverville Pump Station and Force Main Piping Improvements

Brief Summary:

The Weaverville Pumping System, consisting of Weaverville Pump Station #1, Weaverville Pump Station #2, and approximately 19,500 linear feet of associated force main piping between Station #1, Station #2, and the District's Water Reclamation Facility, was originally constructed in 1983. Multiple projects have been undertaken over the years to update, enlarge, and repair the stations and force main piping. Both stations, as well as their associated force main piping, are slated for replacement/upgrade, to increase hydraulic capacity of the system. Construction is scheduled to commence in October 2024. MSD is requesting three permanent easements and nine construction easements over Buncombe County property in order to complete the upgrade and repairs. The easements would cover County-owned tracts of land encompassing Weaverville Pump Stations 1, 2, and 3, and land on, or adjacent to, Hidden Falls Drive, Goldview Road, Wiley Drive, Old Marshall Highway, Canoe Lane, and Riverside Drive. The project is expected to be completed in approximately twenty months.

Recommended Motion & Requested Action:

Adopt the proposed Resolution Authorizing Execution of an Easement to the Metropolitan Sewerage District of Buncombe County for the Weaverville Pump Station and Force Main Improvements

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

RESOLUTION # 24-09-07

RESOLUTION AUTHORIZING EXECUTION OF AN EASEMENT TO THE METROPOLITAN SEWERAGE DISTRICT OF
BUNCOMBE COUNTY FOR THE WEAVERVILLE PUMP STATION AND FORCE MAIN PIPING IMPROVEMENTS

WHEREAS, the Weaverville Pumping System, consisting of Weaverville Pump Station #1, Weaverville Pump Station #2, and approximately 19,500 linear feet of associated force main piping between Station #1, Station #2, and the District's Water Reclamation Facility, was originally constructed in 1983. Multiple projects have been undertaken over the years to update, enlarge, and repair the stations and force main piping;

WHEREAS, due to population growth and system use, Weaverville Pump Stations #1 and #2 as well as their associated force main piping, are slated for upgrades and repairs to increase hydraulic capacity of the system:

WHEREAS, MSD is planning to replace Weaverville Pump Station #1 and Weaverville Pump Station #2 which necessarily includes replacing approximately 18,000 linear feet of sewer line and sewer construction on or near Hidden Falls Drive, Goldview Road, Wiley Drive, Old Marshall Highway, Canoe Lane, and Riverside Drive beginning in October 2024;

WHEREAS, Buncombe County ("County") is the owner of three tracts of land in north Buncombe County encompassing Weaverville Pump Stations #1 and #2 and land on, or adjacent to, Hidden Falls Drive, Goldview Road, Wiley Drive, Old Marshall Highway, Canoe Lane, and Riverside Drive;

WHEREAS, MSD requires three permanent easements and nine temporary construction easements on the stated Buncombe County tracts of land to complete the necessary repairs;

WHEREAS, pursuant to N.C.G.S. § 160A-273, a county has the authority to grant easements over, through, under, or across any county property; and

WHEREAS, this Board believes that it is in the best interests of the citizens and residents of the County to grant necessary easements to MSD.

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

1. That by and with the approval of County Legal Services, the Chairman and County Manager, or either of them, are hereby authorized to execute the attached easements

and any other documents necessary to effectuate the replacement of Weaverville Pump Station #1, Weaverville Pump Station #2, and force main piping improvements.

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 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 17th day of September, 2024.

ATTEST



Sarah Gross, Clerk to the Board

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: 

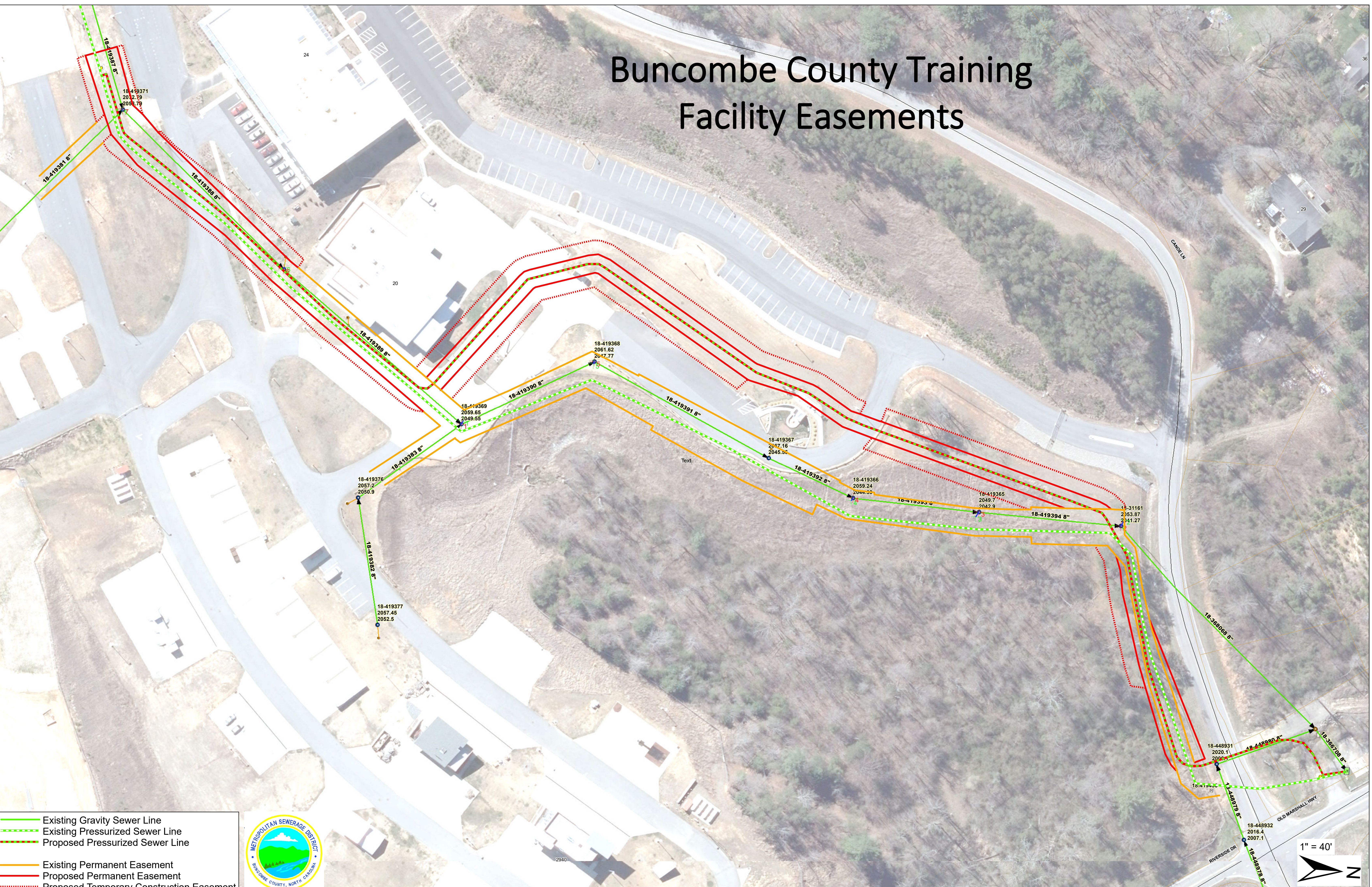
Brownie Newman, Chairman

APPROVED AS TO FORM

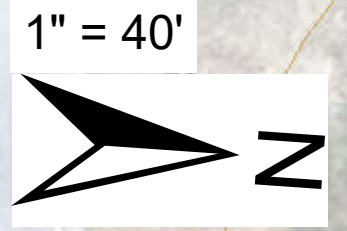


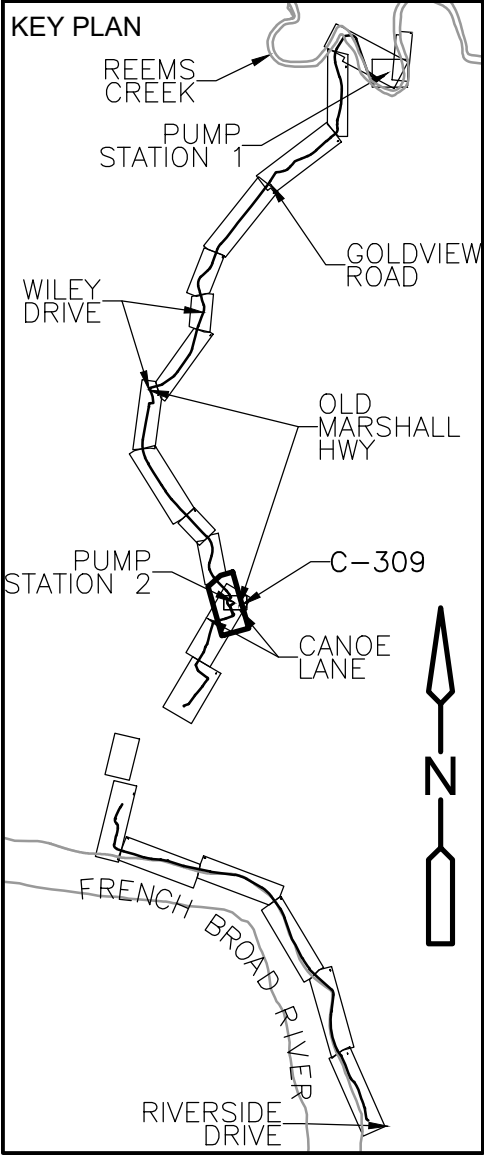
County Attorney

Buncombe County Training Facility Easements

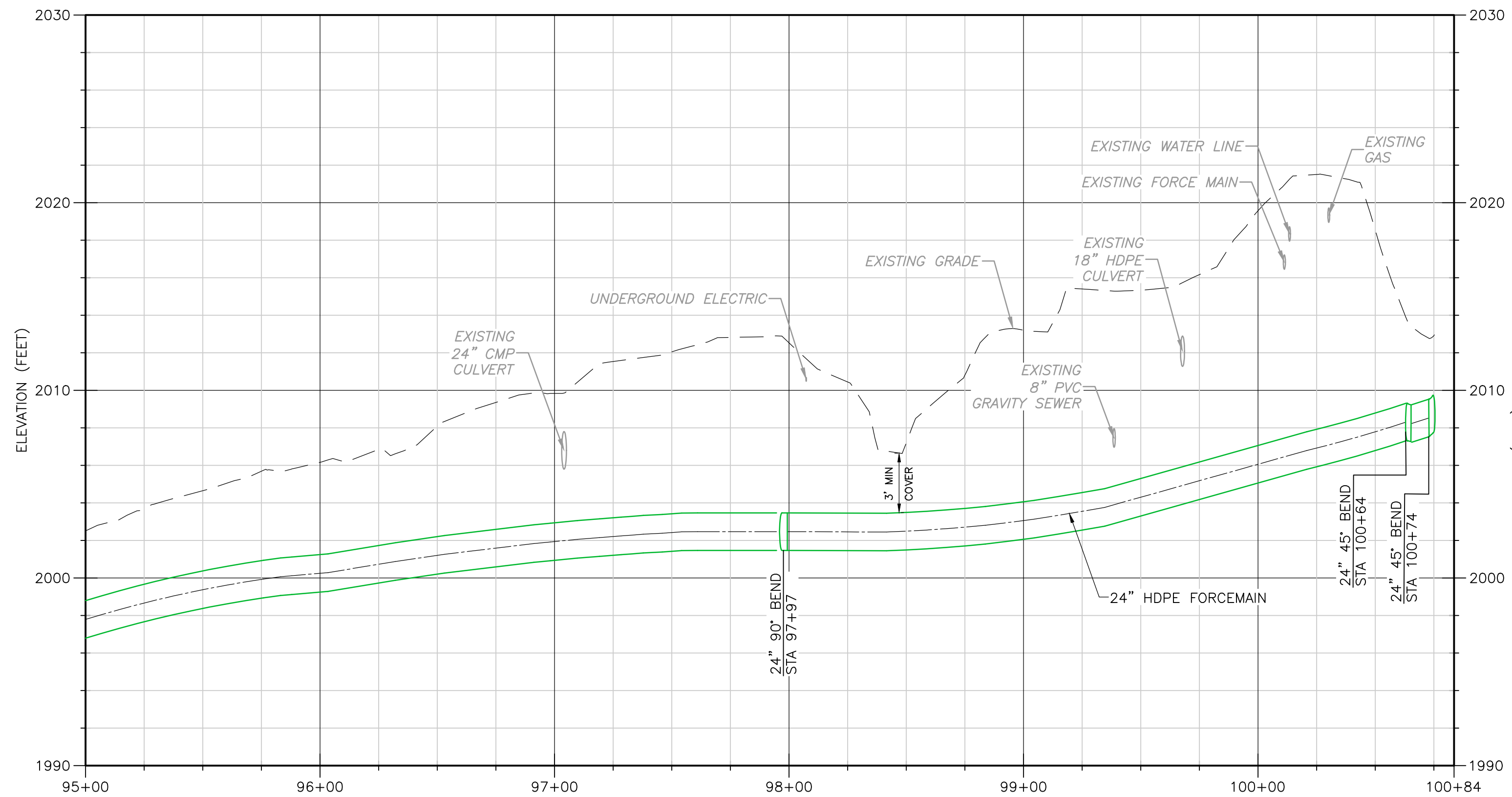


- Existing Gravity Sewer Line
- Existing Pressurized Sewer Line
- Proposed Pressurized Sewer Line
- Existing Permanent Easement
- Proposed Permanent Easement
- Proposed Temporary Construction Easement



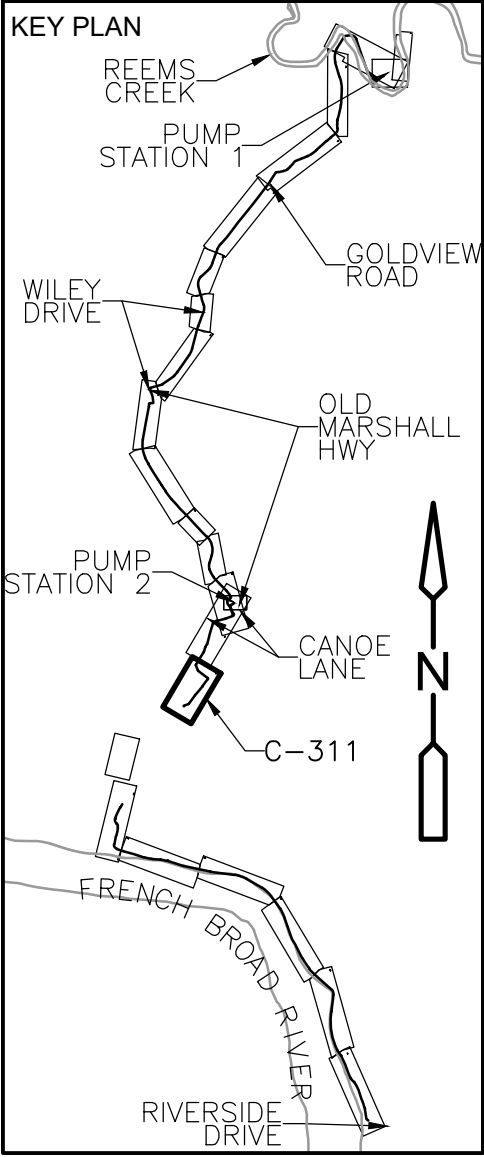


1. CONTRACTOR MUST CLEAR PE AREAS. CONTRACTOR MAY CLEAR TCE AND LOD AREAS ONLY AS NECESSARY TO ACCOMPLISH WORK.
2. CONTRACTOR MUST PROVIDE ACCESS TO PRIVATE PROPERTIES AT ALL TIMES.
3. FORCEMAIN PIPE AND FITTINGS TO BE FUSIBLE 24" HDPE, DIPS, DR11.
4. EXISTING 20' PERMANENT EASEMENT IS OFFSET 10' EITHER SIDE OF EXISTING FORCEMAIN.
5. THE CONTRACTOR SHALL CONFINE ALL WORK TO RECORDED EASEMENTS. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR REPAIRS OF ANY KIND FOR DAMAGES RESULTING FROM THE CONTRACTOR'S CONSTRUCTION ACTIVITIES. REPLACE IN KIND, RELOCATE OR REPAIR AS NECESSARY ALL ROADS, STRUCTURES, LANDSCAPING, WALLS, FENCES OR ANY MANMADE PRIVATE PROPERTY. RESTORATION SHALL BE TO AS GOOD OR BETTER CONDITION THAN EXISTED PRIOR TO CONSTRUCTION.
6. USE CUTOFF WALLS ANYWHERE PIPES ARE ON SLOPES >20%
CD
7. REMOVE INTERFERING PORTIONS OF EXISTING FORCEMAIN AS NECESSARY FOR CONSTRUCTION. ALL OTHER TO BE ABANDONED IN PLACE.
8. CONTRACTOR MUST PROVIDE VEHICULAR ACCESS ALONG ROADS (KEEP MIN. ONE LANE OPEN) AND DRIVEWAYS DURING CONSTRUCTION.
9. CONTRACTOR SHALL COORDINATE WITH PRIVATE UTILITY COMPANIES TO TEMPORARILY SECURE, TEMPORARILY RELOCATE, OR PERMANENTLY RELOCATE PRIVATE UTILITIES AS REQUIRED TO PERFORM THE WORK.
10. PROTECT ROADWAY CULVERTS AT FORCEMAIN CROSSINGS.
11. THE EX. FM TRANSITIONS FROM 18" DIP TO 20" HDPE AT THE POINT OF CONNECTION SHOWN. THIS LOCATION IS APPROXIMATE, BASED ON RECORD INFORMATION AND FIELD CONDITIONS COULD VARY SLIGHTLY. REMOVE THE DIP/HDPE TRANSITION AND FUSE THE EXISTING 20" AND PROPOSED 24" HDPE WITH A 24"x20" REDUCER.
12. SHALLOW BURY BYPASS PIPING WHEN CROSSING DRIVEWAYS.
13. THE LIMITS OF DISTURBANCE (LOD) ALONG OLD MARSHALL EXTENDS FROM CENTERLINE OF PAVEMENT TO NO MORE THAN 10 FEET (10') OFF THE EDGE OF PAVEMENT.



HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1" = 5'

				DESIGNED BY: <u>R. NANCE—GONZALEZ</u>		 4600 Park Road Charlotte, NC 28203 Tel: (704) 342-4546	MSD OF BUNCOMBE COUNTY, NORTH CAROLINA	WEAVERVILLE PUMP STATION AND FORCE MAIN SYSTEM IMPROVEMENTS	OLD MARSHALL HWY FORCEMAIN PLAN AND PROFILE STA 95+00 THRU STA 100+75	PROJECT NO. 20176-265366
				DRAWN BY: <u>L. VIDYAVATHI</u>						FILE NAME: C309FMPP.DWG
				SHEET CHK'D BY: <u>M. POLLARD</u>						SHEET NO.
				CROSS CHK'D BY: <u>C. KOLKHORST</u>						C-309
REV. NO.	DATE	DRWN	CHKD	REMARKS		APPROVED BY: <u>M. POLLARD</u>				
						DATE: <u>JUNE 2023</u>				



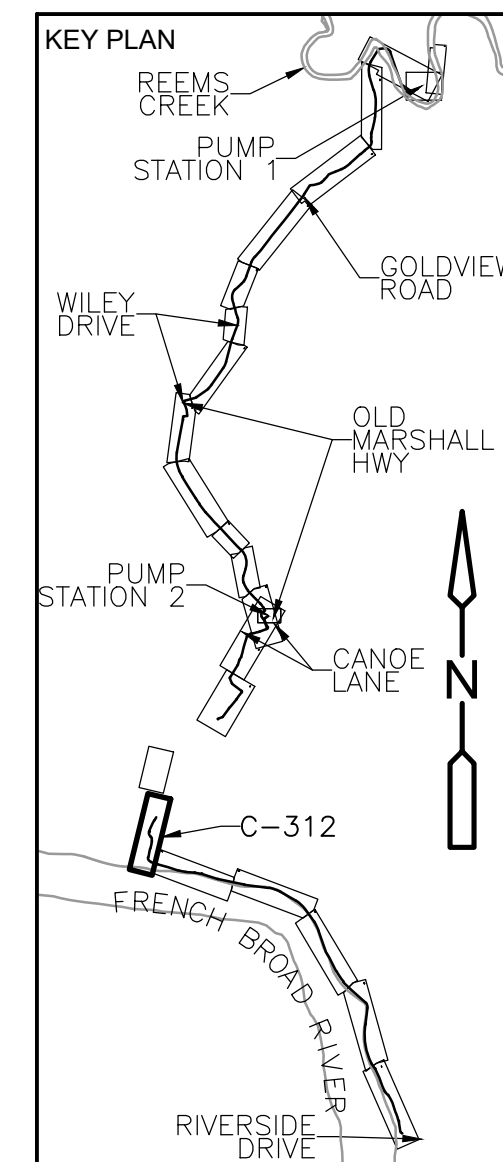
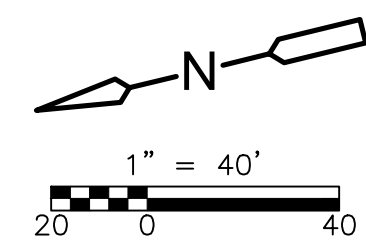
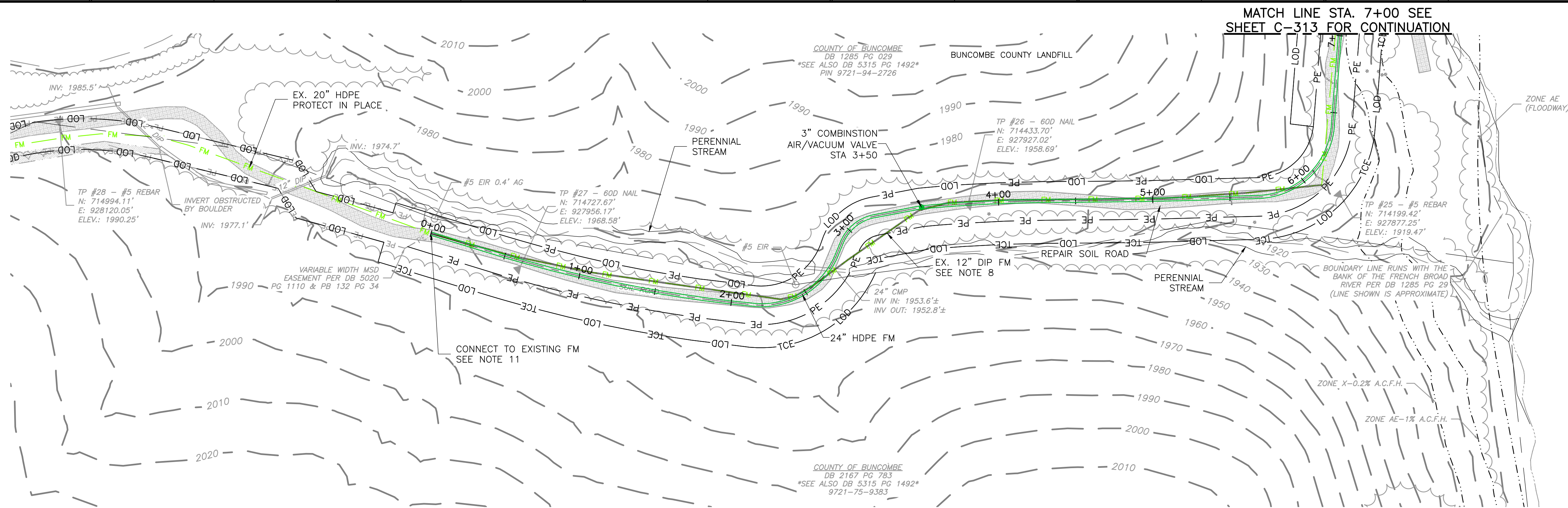
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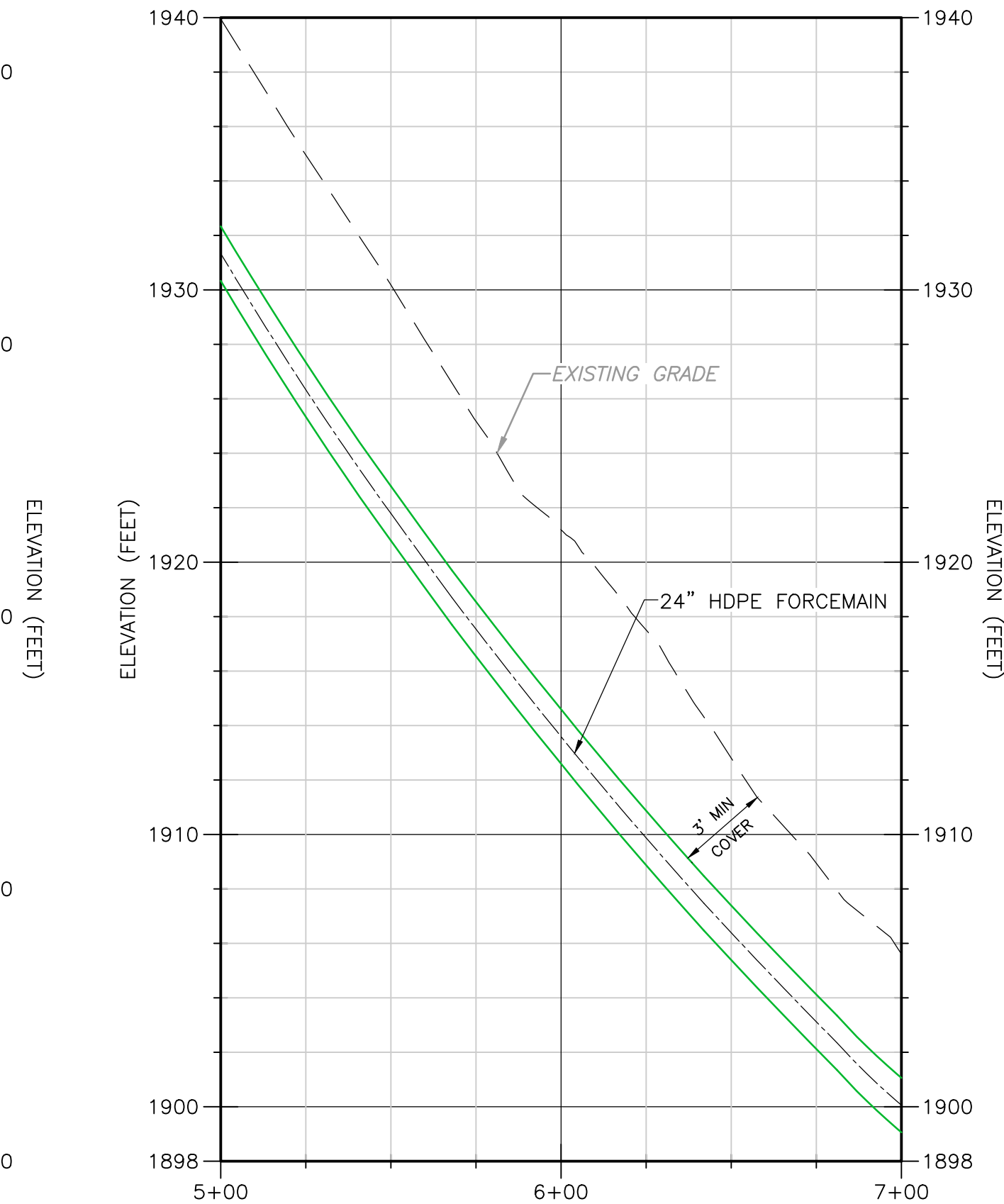
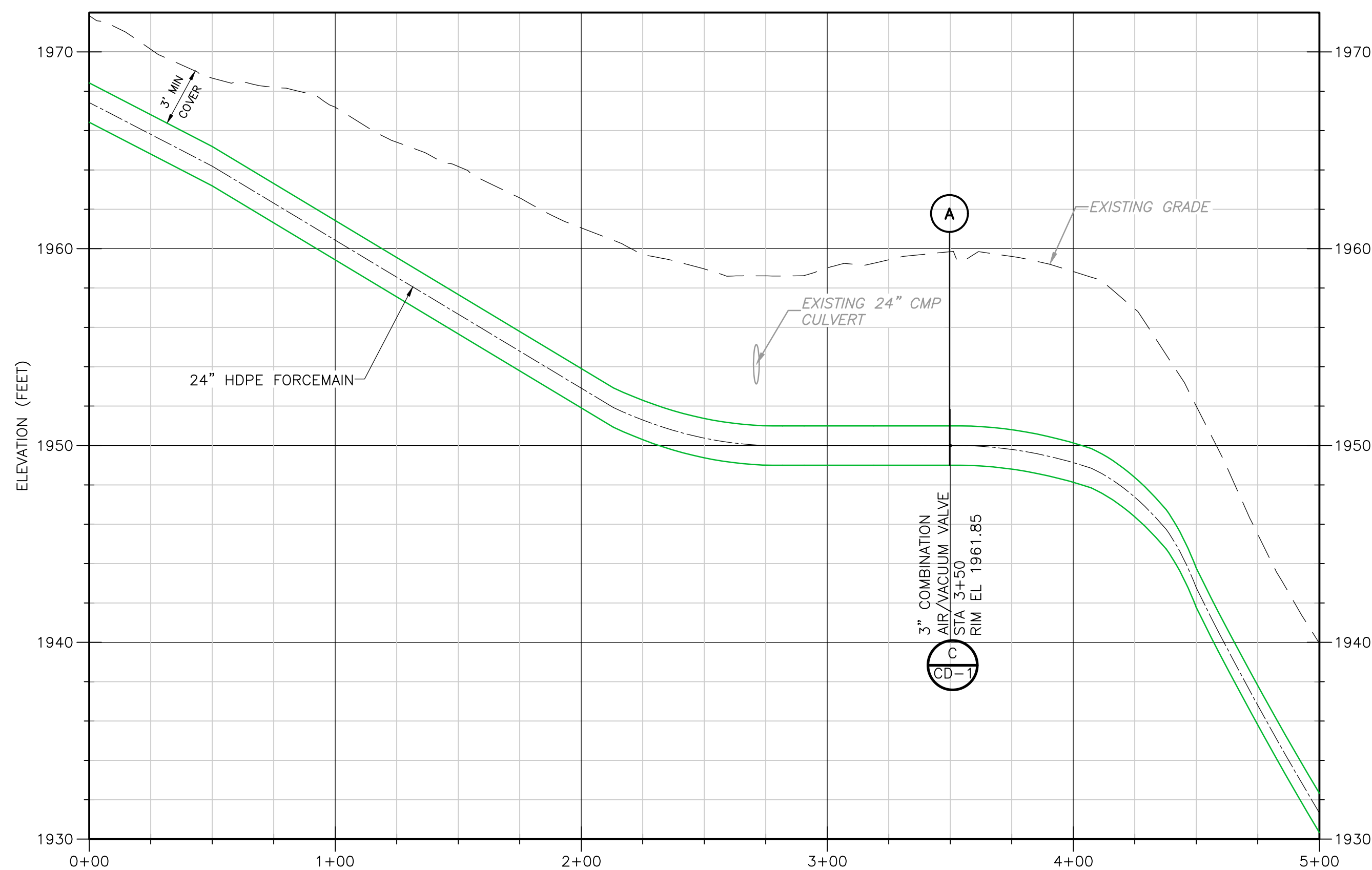
**CDM
Smith**
4600 Park Road
Charlotte, NC 28203
Tel: (704) 342-4546

PROJECT NO. 20176-265366
FILE NAME: C311FMPP.DWG

SHEET NO.
C-311



- NOTES:**
1. CONTRACTOR MUST CLEAR PE AREAS. CONTRACTOR MAY CLEAR TCE AND LOD AREAS ONLY AS NECESSARY TO ACCOMPLISH WORK.
 2. CONTRACTOR MUST PROVIDE ACCESS TO PRIVATE PROPERTIES AT ALL TIMES.
 3. FORCEMAIN PIPE AND FITTINGS TO BE FUSIBLE 24" HDPE, DIPS, DR11.
 4. EXISTING 20" PERMANENT EASEMENT IS OFFSET 10' EITHER SIDE OF EXISTING FORCEMAIN.
 5. THE CONTRACTOR SHALL CONFINE ALL WORK TO RECORDED EASEMENTS. THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR REPAIRS OF ANY KIND FOR DAMAGES RESULTING FROM THE CONTRACTOR'S CONSTRUCTION ACTIVITIES, REPLACE IN KIND, RELOCATE OR REPAIR AS NECESSARY ALL ROADS, STRUCTURES, LANDSCAPING, WALLS, FENCES OR ANY MANMADE PRIVATE PROPERTY. RESTORATION SHALL BE TO AS GOOD OR BETTER CONDITION THAN EXISTED PRIOR TO CONSTRUCTION.
 6. USE CUTOFF WALLS ANYWHERE PIPES ARE ON SLOPES $>20\%$.
 7. REMOVE INTERFERING PORTIONS OF EXISTING FORCEMAIN AS NECESSARY FOR CONSTRUCTION. ALL OTHER TO BE ABANDONED IN PLACE.
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 10. THE EX. FM TRANSITIONS FROM 20" HDPE TO 12" DIP WITH A 20x12 REDUCER AT THE POINT OF CONNECTION SHOWN. THIS LOCATION IS APPROXIMATE, BASED ON RECORD INFORMATION AND FIELD CONDITIONS. MAY VARY SLIGHTLY. REMOVE THE REDUCER AND USE THE EXISTING 20" AND PROPOSED 24" HDPE WITH A 24x20 REDUCER.



REV. NO.	DATE	DRWN	CHKD	REMARKS

DESIGNED BY:	<u>R. NANCE-GONZALEZ</u>
DRAWN BY:	<u>L. VIDYAVATHI</u>
SHEET CHK'D BY:	<u>M. POLLARD</u>
CROSS CHK'D BY:	<u>C. KOLKHORST</u>
APPROVED BY:	<u>M. POLLARD</u>
DATE:	<u>JUNE 2023</u>



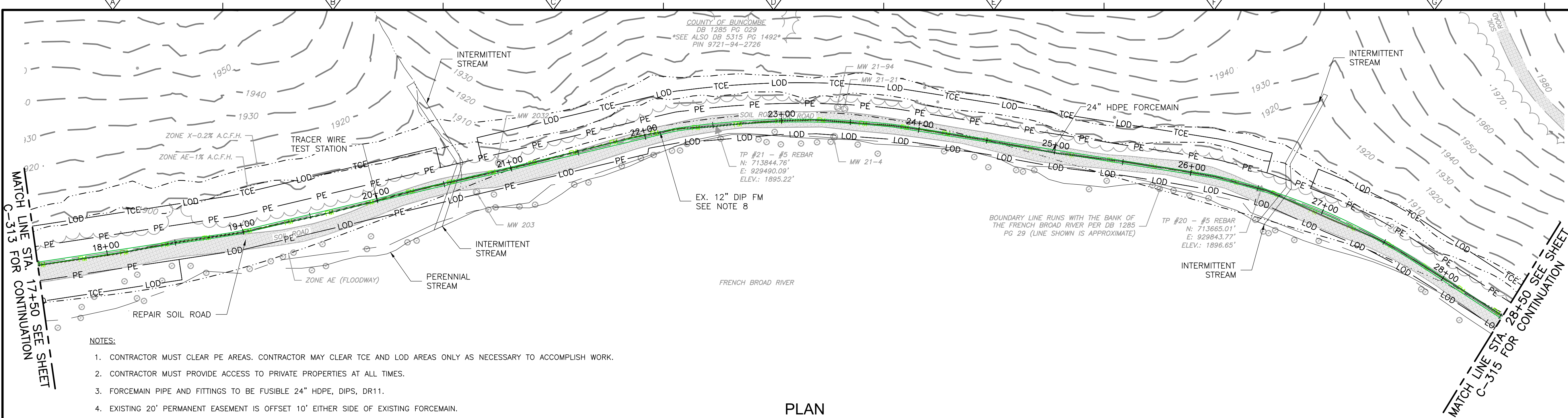
MSD OF BUNCOMBE COUNTY, NORTH CAROLINA

WEAVERVILLE PUMP STATION AND
FORCE MAIN SYSTEM IMPROVEMENTS

FRENCH BROAD RIVER FORCEMAIN
PLAN AND PROFILE
STA 0+00 THRU STA 7+00

PROJECT NO. 20176-265366
FILE NAME: C312FMPP.DWG
SHEET NO.
C-312

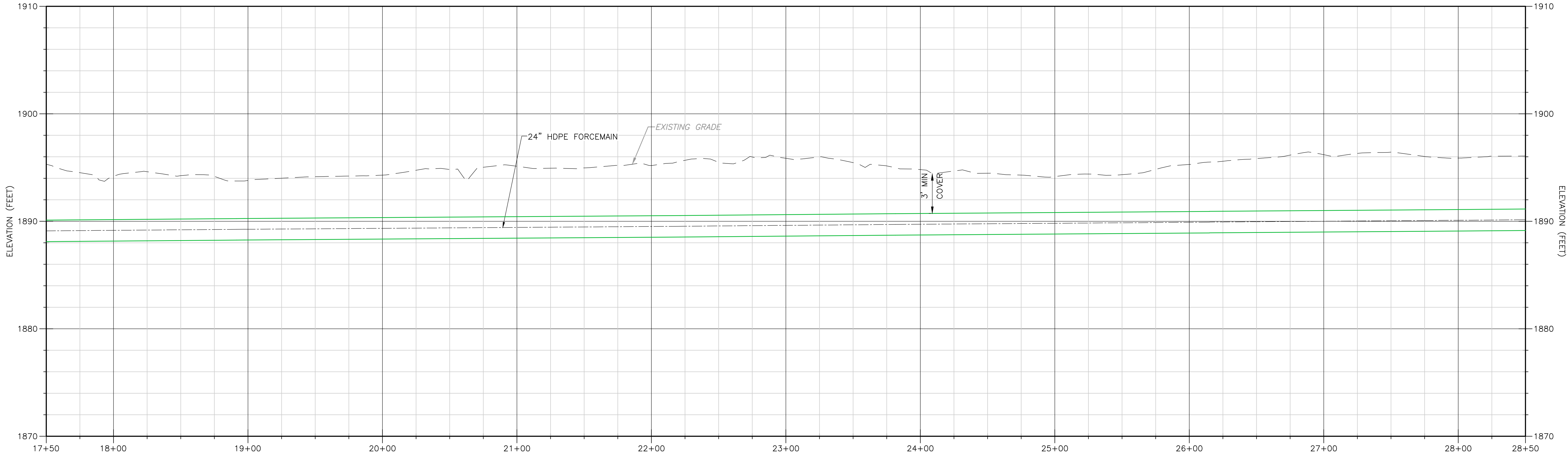
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NOTES:

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PLAN



PROFILE

HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1" = 5'

REV. NO.	DATE	DRWN	CHKD	REMARKS

DESIGNED BY: R. NANCE-GONZALEZ
DRAWN BY: L. VIDYAVATHI
SHEET CHK'D BY: M. POLLARD
CROSS CHK'D BY: C. KOLKHORST
APPROVED BY: M. POLLARD
DATE: JUNE 2023

CDM Smith
4600 Park Road
Charlotte, NC 28203
Tel: (704) 342-4546

MSD OF BUNCOMBE COUNTY, NORTH CAROLINA
WEAVERVILLE PUMP STATION AND
FORCE MAIN SYSTEM IMPROVEMENTS

FRENCH BROAD RIVER FORCEMAIN
PLAN AND PROFILE
STA 17+50 THRU STA 28+50

PROJECT NO. 20176-265366
FILE NAME: C314FMPP.DWG
SHEET NO.
C-314



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/17/2024

Consent Agenda

Department: Justice Services

Presenter(s): Michael C. Frue, Senior Attorney

Contact (s): Lindsay Holland, Interim Director

Subject: Approval of lease agreement – Department of Adult Corrections

Brief Summary: For many years Buncombe County has leased approximately 14,732 square feet of space on floors 10, 11, 12, and 13 of 60 Court Plaza to the Department of Adults Corrections of the State of North Carolina for use in its local operations. The current lease is expiring, and the State has requested renewal for a new term of three years beginning October 1, 2024, through September 30, 2027. During the term of said lease, the Lessee shall pay to the Lessor as rental for said premises the sum of \$1.00 per annum.

Recommended Motion & Requested Action:

Approve the attached resolution authorizing execution of a lease with the State of North Carolina Department of Adult Correction.

County Manager's Comments and Recommendation:

County Manager recommends approval.

RESOLUTION # 24-09-08

RESOLUTION AUTHORIZING EXECUTION OF A LEASE WITH
THE STATE OF NORTH CAROLINA DEPARTMENT OF ADULT CORRECTION

- WHEREAS, Buncombe County owns and operates the Courthouse located at 60 Court Plaza in downtown Asheville;
- WHEREAS, for many years Buncombe County has leased approximately 14,732 square feet of space on floors, 10, 11, 12 and 13 to the Department of Adult Correction of the State of North Carolina for use in its local operations;
- WHEREAS, the current lease is expiring and the State has requested renewal for a new term of three years beginning October 1, 2024 through September 30, 2027;
- WHEREAS, pursuant to NCGS §160A-274 a county may convey or lease property to another governmental unit upon such terms and conditions as it deemed wise; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to lease this Property to the State of North Carolina, Department of Adult Correction.

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

1. That Buncombe County does hereby lease the space identified above to State of North Carolina, Department of Adult Correction upon the terms and conditions set forth in the Lease Agreement included with this Resolution.
2. That by and with the approval of County Legal Services, the Chairman and County Manager, or either of them, are hereby authorized to execute a Lease Agreement with the Buncombe County Board of Education, a copy of which is included with the agenda packet.
3. 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.
4. That this resolution shall be effective upon its adoption.

This the 17th of September, 2024.

ATTEST



Sarah Gross, Clerk

APPROVED AS TO FORM



County Attorney

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: 

Brownie Newman, Chairman

**THIS LEASE DOES NOT BECOME EFFECTIVE UNTIL EXECUTED
BY THE NORTH CAROLINA DEPARTMENT OF ADULT CORRECTION**

STATE OF NORTH CAROLINA

COUNTY OF **BUNCOMBE**

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this the ____ day of _____, 2024, by and between, **COUNTY OF BUNCOMBE**, hereinafter designated as Lessor, and the **STATE OF NORTH CAROLINA**, hereinafter designated as Lessee;

W I T N E S S E T H:

THAT WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September 1981; and as amended on September 8, 1999 and December 7, 1999, and October 6, 2020 and

WHEREAS, the parties hereto have mutually agreed to the terms of this lease agreement as hereinafter set out,

NOW THEREFORE, in consideration of the rental hereinafter agreed to be paid and the terms and conditions hereinafter set forth, Lessor does hereby let and lease unto Lessee and Lessee hereby takes and leases from Lessor for and during the period of time and subject to the terms and conditions hereinafter set out certain space in the **City of Asheville, County of Buncombe**, North Carolina, more particularly described as follows:

Being approximately $\pm$ 14,732 net square feet of office space located at 60 Court Plaza; Floors 10, 11, 12 and 13; Buncombe County; Asheville, North Carolina and further described in the floor plan, Exhibit "A".

(NC DEPARTMENT OF ADULT CORRECTION, DIVISION 1, DISTRICT 28)

THE TERMS AND CONDITIONS OF THIS LEASE AGREEMENT ARE AS FOLLOWS:

1. The term of this lease shall be for a period of **three (3) years**, commencing on **1st day of October 2024**, or as soon thereafter as the leased premises are ceded to the Lessee and terminating on the **30th day of September 2027**.

2. During the term of the lease, the Lessee shall pay to the Lessor as rental for said premises the sum of **\$1.00** dollar per annum, said rental to be payable within 15 days from receipt of invoice. The Lessee agrees to pay the aforesaid rental to the Lessor at the address specified, or, to such other address as the Lessor may designate by a notice in writing at least 15 days prior to the due date.

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services, and utilities to the satisfaction of the Lessee.

A. Heating facilities, air conditioning facilities, adequate electrical facilities, adequate lighting fixtures and sockets, hot and cold-water facilities, and adequate toilet facilities.

B. Maintenance of lawns, sidewalks, shrubbery, parking, paved areas and common areas and disposal of trash is required.

- C. Lessor provides required fire extinguishers and servicing, pest control, and outside trash disposal, including provision for the handling of recyclable items such as aluminum cans, cardboard, and paper. All pesticides must be applied by a licensed technician.
- D. All utilities except telecommunications.
- E. Daily janitorial service and supplies. Water and Sewer services.
- F. Parking (as available).
- G. If applicable elevator service.
- H. The leased premises are generally accessible to persons with disabilities. This shall include access to the premises from the parking areas (where applicable), into the premises via any common areas of the building and access to accessible restroom.
- I. Any fire or safety inspection fees, stormwater fees, or land transfer tax/fees.
- J. All other terms and conditions of the signed "Proposal to Lease to the State of North Carolina" Form PO-28 incorporated herein by reference and the "Specifications for Non-advertised Lease" (Exhibit B).

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in operative condition. Maintenance shall include but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee in addition to any other remedy the Lessee may have, to make such repair at its own cost and to deduct the amount thereof from the rent that may then be thereafter become due hereunder. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures and equipment, and erect additions, structures, or signs in or upon the leased premises. Such fixtures, additions, structures, or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.

7. If the said premises are destroyed by fire or other casualty without fault of the Lessee, this lease shall immediately terminate, and the rent shall be apportioned to the time of the damage. In case of partial destruction or damage by fire or other casualty without fault of the Lessee, so as to render the premises untenable in whole or in part, there shall be an apportionment of the rent until the damage has been repaired. During such a period of repair, Lessee shall have the right to obtain similar office space at the expense of Lessee or the Lessee may terminate the lease by giving 15 days written notice to the Lessor.

8. Lessor shall be liable to Lessee for any loss or damage suffered by Lessee which is a direct result of the failure of Lessor to perform an act required by this lease, and provided that Lessor could reasonably have complied with said requirement.

9. Upon termination of this lease, the Lessee will peaceably surrender the leased premises in as good order and condition as when received, reasonable use and wear and damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by circumstances over which Lessee had no control or for which Lessor is responsible pursuant to this lease, excepted.

10. The Lessor agrees that the Lessee, upon keeping and performing the covenants and agreements herein contained, shall at all times during the existence of this lease peaceably and quietly have, hold, and enjoy the leased premises free from the adverse claims of any person.

11. The failure of either party to insist in any instance upon strict performance of any of the terms and conditions herein set forth shall not be construed as a waiver of the same in any other instance. No modification of any provision hereof and no cancellation or surrender thereof shall be valid unless in writing and signed and agreed to by both parties.

12. Any hold over after the expiration of the said term or any extension thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than 60 days written notice to terminate the tenancy.

13. The parties to this lease agree and understand that the continuation of this lease agreement for the term period set forth herein, or any extension or renewal thereof, is dependent upon and subject to the appropriation, allocation, or availability of funds for this purpose to the agency of the Lessee responsible for payment of said rental. The parties to this lease also agree that in the event the agency of the Lessee or that body responsible for the appropriations of said funds, in its sole discretion, determines, in view of its total local office operations that available funding for the payment of rents are insufficient to continue the operation of its local offices on the premise leased herein, it may choose to terminate the lease agreement set forth herein by giving Lessor written notice of said termination, and the lease agreement shall terminate immediately without any further liability to Lessee.

14. All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows:

To the Lessor:

**Buncombe County
200 College Street, Suite 300
Asheville, North Carolina 28801**

w/copy to: N/A

To the Lessee:

**NC Department of Adult Correction (DAC), Purchasing
3512 Bush Street (MSC 5227)
Raleigh, North Carolina 28542-5227**

with a copy to:

**State Property Office
Attn: Leasing Manager and Space Planning Section
1321 Mail Service Center
Raleigh, North Carolina 27699-1321**

Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

15. Within 30 days of Commencement Date, Lessor agrees to construct, upfit, repair and maintain the Premises in accordance with (a) the approved floor plan attached hereto as Exhibit A and (b) the applicable regulation and building code provisions of the governmental authority having jurisdiction over the Premises.

16. N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

IN TESTIMONY WHEREOF, this lease has been executed by the parties hereto, in duplicate originals, as of the date first above written.

The rest of this page is intentionally left blank.

LESSEE:

STATE OF NORTH CAROLINA

By: _____(SEAL)
Joanne Rowland, Director
DAC Purchasing Office

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that **Joanne Rowland**, personally appeared before me this date and acknowledged the due execution by s/he of the foregoing instrument as Director of State Property Office of the Department of Administration of the State of North Carolina, for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the ____day of _____, **2024**.

Notary Public

Printed Name: _____

My Commission Expires: _____

LESSOR:

BUNCOMBE COUNTY

By: _____ (SEAL)

Avril Pinder
Buncombe County Manager

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public in the
County of _____, and State aforesaid, do hereby certify that **Avril Pinder**
personally came before me this day and acknowledge the due execution of the foregoing instrument on
behalf of the limited liability company and for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the ____ day of
_____, **2024**.

Notary Public

Printed Name: _____

My Commission Expires: _____

Exhibit A

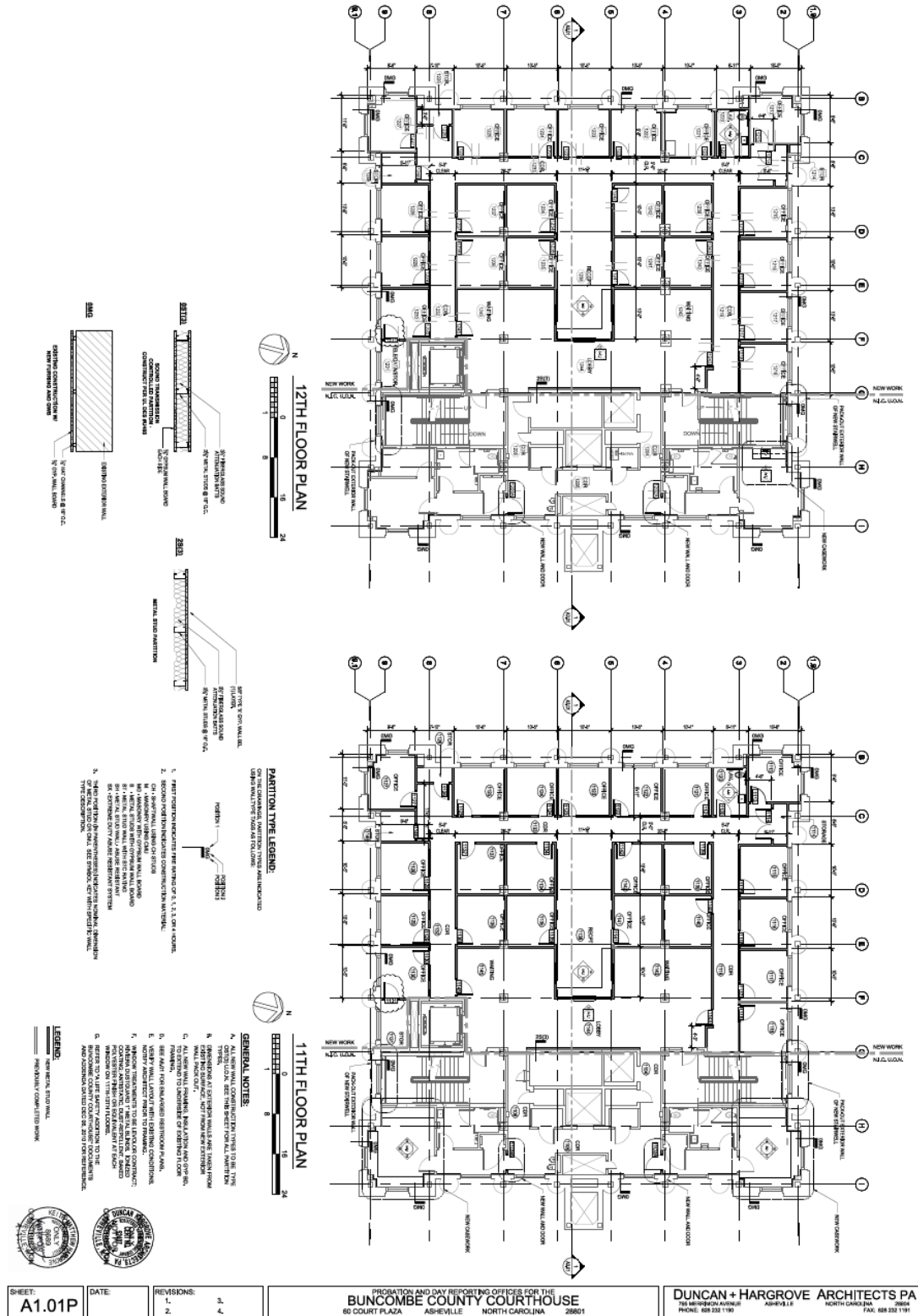
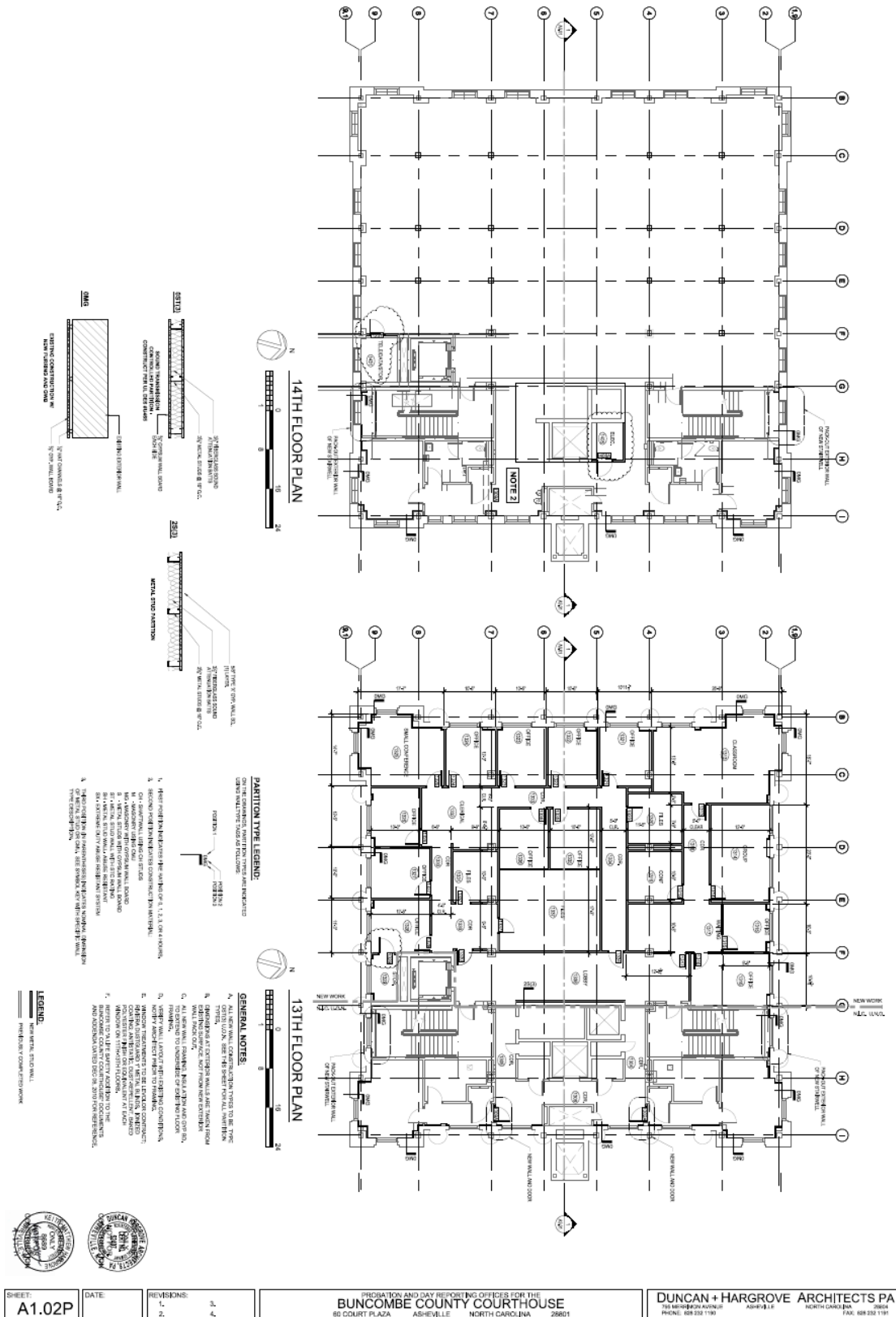


Exhibit A



+ 14,732 net square feet

Exhibit B

SPECIFICATIONS FOR NON-ADVERTISED LEASE

1. The floor plan should show building exits for the proposed space. Also, provide the year the building was constructed.
2. This facility must provide an environment that is barrier free and easily accessible to physically disabled staff, visitors and clientele. Compliance with the State Building Code and the Americans with Disabilities Act (ADA) is required. Toilet facilities shall be ADA accessible and code compliant.
3. The air conditioning and heating system shall be maintained by Lessor including frequent filter cleaning and replacement. Year-round ventilation shall be provided to prevent stale air problems and unacceptable CO2 content. Waiting areas, LAN room and conference room(s) may require additional HVAC.
4. Telecommunication room temperature should be within a range of 65° to a maximum of 75°. This is a 24-hour per day, 7-days per week requirement. A separate HVAC system may be required to maintain this temperature range.
5. All lighting and electrical maintenance shall be furnished by Lessor including the replacement of ballasts, light tubes and replacement bulbs.
6. The Lessor shall provide required fire extinguishers and servicing, pest control (by a licensed technician) and outside trash disposal including provision for the handling of recycling items such as aluminum cans, cardboard, and paper. Frequent trash and recycling pick-up required. Year-round maintenance is required to maintain a neat and professional appearance of the site at all times.
7. Lessor shall provide internal and external signs that will provide easy identification of the office by the general public (*if applicable NC DAC request please work to be performed by [Correction Enterprises](#)*).
8. Locking hardware is required on all storage rooms, equipment rooms, files rooms and LAN room. Supply storage closets require shelving.
9. The Lessor shall provide sufficient window coverings shall be provided to control glare within the space (venetian blinds or acceptable equivalent).

10. The Lessor shall provide vinyl tile or other floor covering acceptable to the State in all finished areas. Prefer carpeting for all offices and conference rooms. If floors are carpeted, they should be commercial grade 26 oz or 24 oz carpet squares preferred, acceptable to the Lessee. LVT tile is preferred in the waiting area, LAN room(s), kitchenette, restrooms and hallways. LAN room tile should be anti-static. New or like-new carpet is preferred. If not new, carpet must be professionally cleaned and all stains removed before occupancy. High traffic areas will require frequent cleaning and replacement of floor finishes to maintain a neat, clean, high-quality finish and will be at the State Property Office's discretion.
11. Lessor shall shampoo all carpet and clean the outside of the building windows annually.
12. Lessor shall be responsible for snow and debris removal as quickly as possible to avoid work delays.
13. The per square foot price proposal is based on the floor plan and repair lists agreed upon by the State of North Carolina and includes but it not limited to all partitions, demolition, and up fitting costs: building and grounds maintenance; property taxes; insurance; fire and safety inspection fees; stormwater fees; land transfer tax; common area maintenance and other building operational costs.
14. The number of keys to be provided to the State for each lockset shall be reasonably determined by the State prior to occupancy, at no cost to the State.
15. All parking areas shall be adequately lighted and located within a reasonable distance of the office.
16. Lessor shall provide all conduits and pull strings from above the ceiling to outlet boxes. State to install wiring and cover plates.
17. Lessor is responsible for providing all cleaning supplies, paper and soap products for kitchen and bathrooms regardless of who contracts for janitorial services.

The lessor is in agreement with the above conditions and the conditions of the also signed "proposal to Lease to the State of North Carolina" Form PO-28.



2024 City-County Communicators & Marketing Association Awards

Presented by

Lillian Govus

Communications and Public Engagement



BUNCOMBE COUNTY



September 17, 2024

9/11/2024⁴⁷

Savvy Awards

- Represented the best in government communications for more than 30 years
- Honors programs nationally that have effectively engaged their constituents and elevated the profession
- More than 1,100 entries in 38 categories were received



Savvy Awards



- Interview/Talk Show/News
Programming Award of Excellence:
Creative Equity Mural Project
Documentary**
- Created in-house featuring artists
Leslie Reynalte & Gabriel Eng-Goetz



Savvy Awards



One Time Event Savvy Award: Community Reparations Summit

- Event coordination a partnership between Buncombe County, City of Asheville, UNC-Asheville
- Judges' comments: "There was great attention to detail in planning and it appears to have been executed wonderfully. Kudos to your entire team! The event was relatively uncomplicated, yet the marketing team demonstrated exceptional skill in execution and tailored the event in a manner that effectively appealed to their key target audience. Their organizational and executional proficiency was truly commendable."



Meeting Date: September 17, 2024

Good News

Department: CAPE/Board of Elections

Presenter(s): Angelica
Tyler/Corinne Duncan

Contact(s): Kassi Day, Communications Manager

Subject: 2024 Youth Election Sticker Contest Winner

Brief Summary:

Requesting Board recognition for youth winners of the 2024 Election Sticker contest presented by CAPE and Election Services.

Recommended Motion & Requested Action: None.

County Manager's comments and Recommendations: None.



2024 'I Voted' Election Sticker Contest

Presented by

Angelica Tyler

Communications and Public Engagement



BUNCOMBE COUNTY



September 17, 2024

9/11/2024⁵²



2024 Buncombe County 'I Voted' Sticker Contest

Concurso de Calcomanía "Yo voté"



BUNCOMBE COUNTY
ELECTION SERVICES

 Translate



2024 Buncombe County 'I Voted' Election Sticker Contest

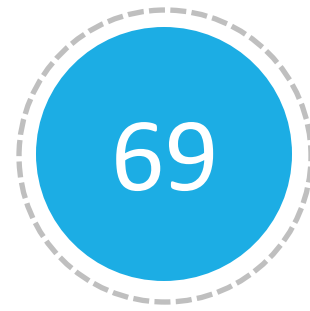


BUNCOMBE COUNTY



September 17, 2024
9/11/2024²³

ENGAGEMENT



Total Submissions



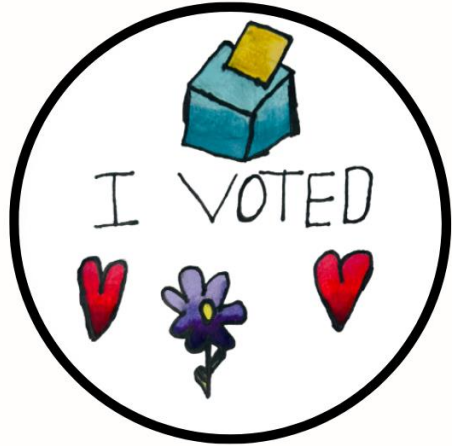
Page Views



Votes Cast



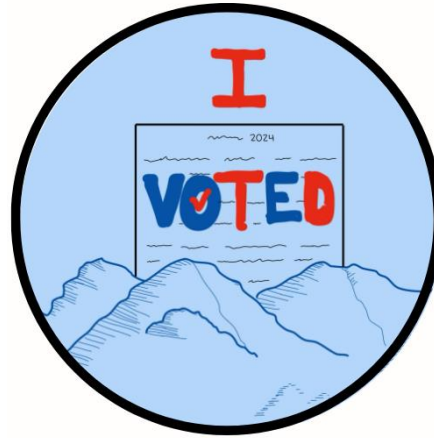
Top Ten Finalists



Amy, age 10



August, age 7



Judy, age 18



James, age 11



Maya, age 12



Valentina, age 13



McKinley, age 11



Tristan, age 14



Liam, age 7



Abigail, age 15



2024 Election Sticker Contest Winner



Maya LeRoy





Buncombe County Board of Commissioners
Request for Board Action
Meeting Date: 9/17/2024

Presentations

Department: Commissioners

Presenter(s): Commissioners

Contact(s): Al Whitesides

Subject: MFG Day Proclamation

Brief Summary: This proclamation was brought to staff by Commissioners Whitesides, Edwards, and Moore.

MANUFACTURING DAY
OCTOBER 4, 2024

WHEREAS, North Carolina is home to the largest manufacturing workforce in the Southeast and the 9th largest in the United States, employing over 470,000 workers representing more than 10 percent of the total workforce; and

WHEREAS, Buncombe County is home to nearly 400 manufacturing firms specializing in the manufacture of a wide range of products including automotive and heavy-duty truck components, aviation components, food and beverage, plastics, healthcare devices, printing and related support activities, and more; and

WHEREAS, over the past ten years manufacturing jobs have increased over 27% in Buncombe County adding close to 3,000 jobs; and

WHEREAS, manufacturing firms in Buncombe County support educational institutions including Buncombe County Schools, Asheville City Schools, A-B Tech, UNC Asheville, Western Carolina University along with many other educational institutions, nonprofits and charities in the county; and

WHEREAS, Buncombe County Schools, Asheville City Schools, A-B Tech and other educational institutions in the region offer state of-the-art instruction in high demand careers serving the workforce needs of manufacturing employers in the region; and

WHEREAS, four of the top ten property taxpayers in Buncombe County are manufacturing firms; and

WHEREAS, based on EDC project announcements, manufacturing firms in the region have invested more than \$1.1 billion in capital investments over the past decade; and

WHEREAS, Buncombe County’s average manufacturing wage in the county is \$63,263 which makes manufacturing one of the higher paying sectors in the county; and

WHEREAS, Buncombe County’s 13,700+ manufacturing jobs generate total wages of nearly \$870 million dollars annually; and

WHEREAS, as part of national **Manufacturing Week (the week of October 4 – October 11)** and **Manufacturing Day (October 4, 2024)** hundreds of educators, teachers and workforce partners will visit local manufacturing firms to increase awareness of the career opportunities available in this sector;

NOW, THEREFORE, BE IT RESOLVED that the Buncombe County Board of Commissioners strongly support the region’s manufacturing sector and is committed to helping manufacturing firms meet their talent needs. That this Board pledges to educate and inform the region about the importance of the manufacturing sector and the Board supports National Manufacturing Week and Manufacturing Day.

This 17th day of September, 2024.

Brownie Newman, Chairman
Buncombe County Board of Commissioners



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/17/2024

Presentations

Department: Equity & Human Rights Office

Presenter(s): Ms. Norma Brown, Executive Director, UNETE and Dr. Noreal Armstrong

Contact(s): Dr. Noreal Armstrong

Subject: 2024 National Hispanic and Latino Heritage Month

Brief Summary:

Recognition of National Hispanic and Latino Heritage Month in Buncombe County for 2024. Hispanic Heritage Month is a month-long celebration of Hispanic and Latino history and culture. While Hispanic and Latino communities are celebrated beyond this month, from September 15 to October 15 extra recognition is given to the many contributions made to the history and culture of the United States, including important advocacy work, vibrant art, popular and traditional foods, and much more.

National Hispanic and Latino Heritage Month

WHEREAS, September 15 - October 15 is recognized as National Hispanic Heritage Month known as "Mes de la Herencia Hispana," which is a time to honor the invaluable ways Hispanics and Latinos contribute to our common goals, celebrate their diverse cultures, and work toward a stronger, more inclusive, and more prosperous society for all; and

WHEREAS, September 15 is significant as a starting date for National Hispanic Heritage Month because it is the anniversary of independence for several Latin American countries, including Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, while Mexico and Chile celebrate their independence on September 16 and September 18 respectively; and

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 2000, 2.8 percent of the Buncombe County population identified as Hispanic or Latino; that grew to 6.0 percent in 2010 and 8.1 percent in 2020, which represents is a significant and fast-growing demographic; and

WHEREAS, Representatives from the Hispanic and Latino community assisted Buncombe County in developing its inaugural comprehensive Language Access Plan that is helping to make all of the County's services more equitable; and

WHEREAS, residents are encouraged to learn more about the contributions of Hispanic and Latino Americans through the Buncombe County Library, which has cultivated a reading list of important books written about and by Hispanic and Latin American authors; and

WHEREAS, Buncombe County's commitment to being a more inclusive community is exemplified through the Buncombe County Creative Equity Mural Project, which features the mural, "Eres un orgullo Latino," translated means, You are Latin Pride, which was designed and painted by artist Leslie Reynalte-Llanco. The 2,590 square-foot mural depicts 12 figures from the Latino community picturing members from all walks of life and their different goals.

NOW, THEREFORE that let it be proclaimed September 15-October 15, 2024, as

National Hispanic and Latino Heritage Month

in Buncombe County and encourage our community to join us in celebrating the great contributions of Hispanic and Latin-Americans to our county, state, and nation.

Health and Human Services Board Annual Update

Lucy Lawrence, MSW, PhD
HHS Board Chair



About Us

Members

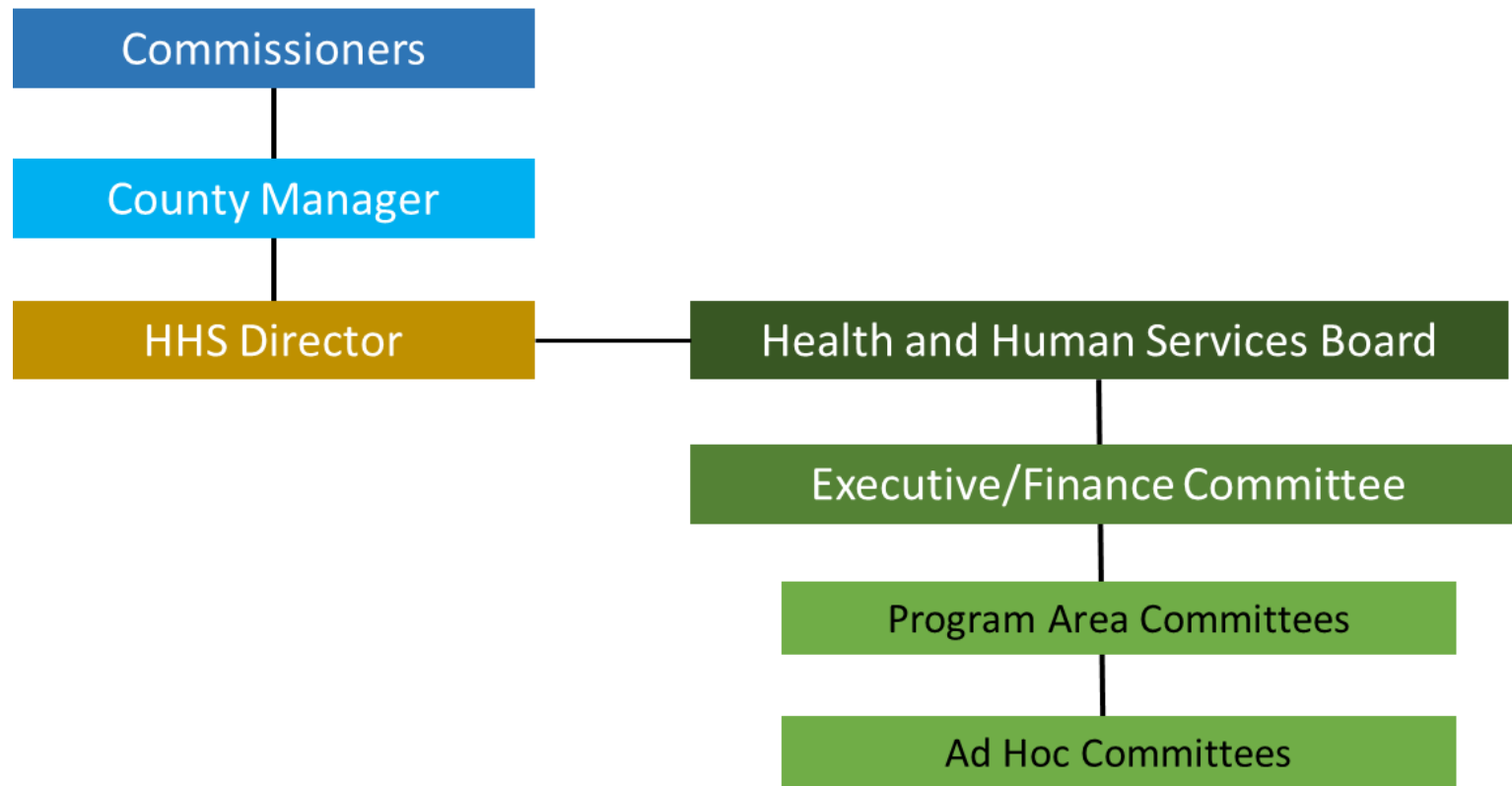
Name	Title	Name	Title
Jasmine Beach-Ferrara	County Commissioner	LeeAnne Tucker	Public/Consumer Advocate
Amy Lenell	Pharmacist	Johnnie Grant	Public/Consumer Advocate
Lucy Lawrence, Chair	Social Worker	Jacquelyn Hallum	Public/Consumer Advocate
Steve Valeika	Veterinarian	Yvette Jives	Public/Consumer Advocate
Elizabeth Lima	Psychologist	Richard Needleman	Public/Consumer Advocate
Greg Narron	Psychiatrist	David Thompson	Public/Consumer Advocate
Dan Frayne, Vice-Chair	Physician	Martha Salyers	Public/Consumer Advocate
Linda Weldon	Registered Nurse	Betsie Stockslager	Public/Consumer Advocate
Savannah Lamb	Optometrist		
Mark Brooks	Engineer		
Kasee Metcalf	Dentist		

Purpose

A consolidated health and human services board created pursuant to [NCGS §153A-77\(b\)](#) shall have the responsibility and authority to carry out the programs established in this Chapter in conformity with the rules and regulations of the Social Work Services Commission and under the supervision of the Department of Health & Human Services in the same manner as a county Social Work Services board.



Buncombe County Health and Human Services Board



Community Committees

Safety Committee

Focused primarily on Child and Adult Protective Services and the issues that affect overall community safety, such as gun and community violence, youth suicide prevention, and systemic racism.

Economic Benefits Committee:

Focused on public assistance programs as well as other community resources that impact the wellbeing of residents of Buncombe County, such as food assistance, Medicaid, childcare, energy assistance, child support and housing to ensure that these programs are available and promoted to all residents in the county.

Health Committee:

Focused on the Public Health of the community and promoting and protecting the public's health including access to care, chronic disease and injury, maternal and child health, communicable disease, and environmental public health.



Advocacy/Accomplishments

August 2022

- Advocacy regarding Energy Payment increase
 - § 108A-25.4 – CIP payments increased from a maximum amount of \$600 to \$1000

April 2023

- Condemnation of Dobb's decision

• April 2024

- Piloting the Harm Reduction Equitable Access Pilot



Challenges

March 2020- Present

- Pandemic

March 2023

- House Bill 76, Access to Healthcare Options

December 2023

- Medicaid Expansion enrollment opens
- Conversion of Energy Program from contract to in-house

July 2024

- Lack of foster care placement options

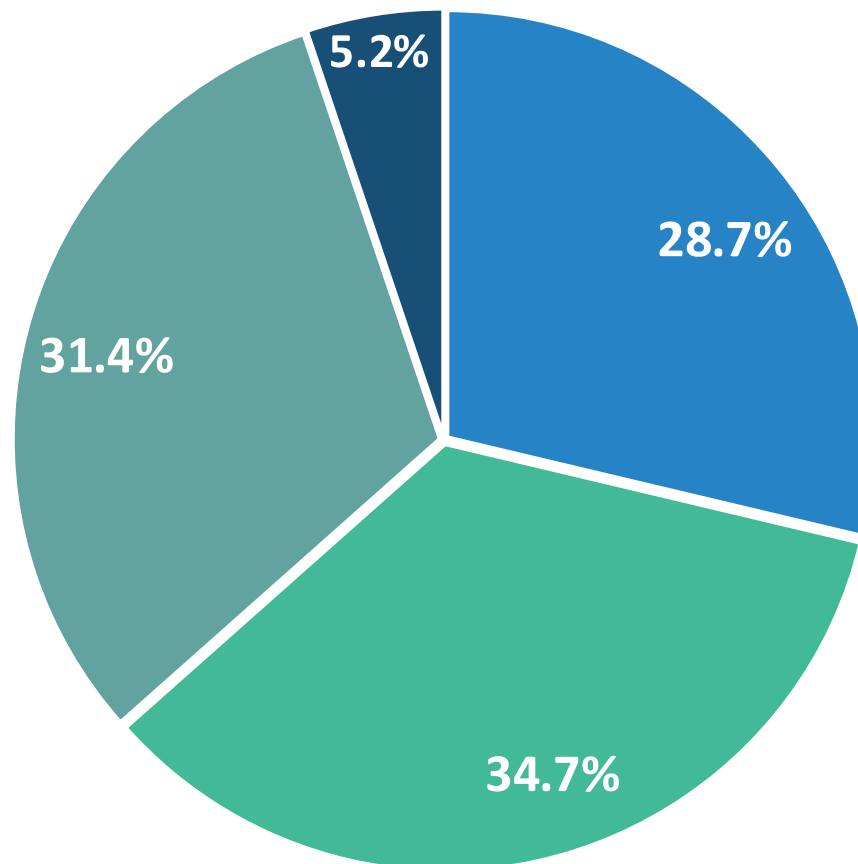


FY 24 EXPENSES

\$93,134,682

\$48.6 Million
County Funds

\$44.5 Million
Non-County Funds



■ Public Health

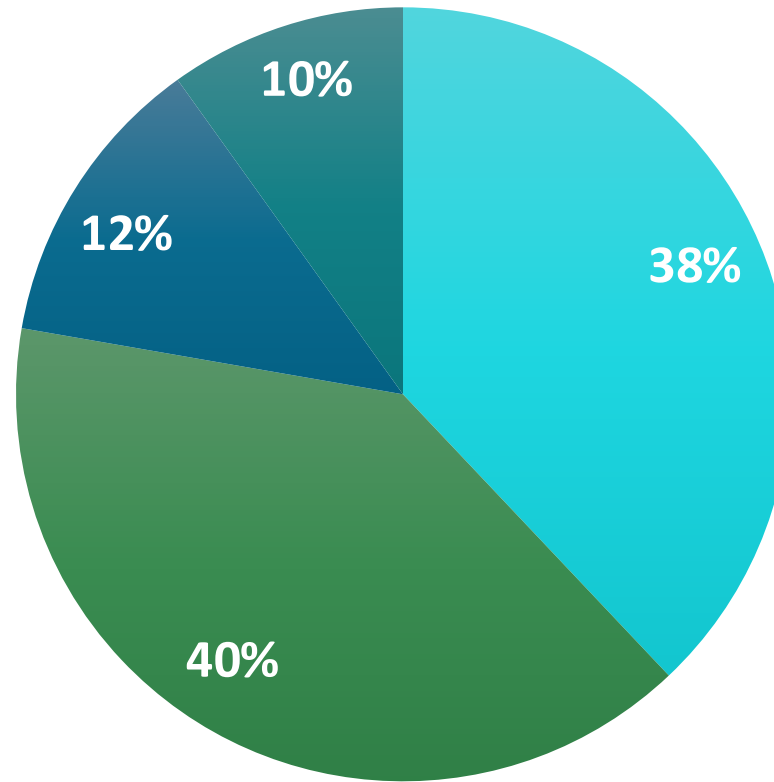
■ Social Work

■ Economic Services

■ Administration



County Funds



Public Health Social Work Economic Services Admin



HHS Board Priorities from the Department's Business Plan

- **Public Health** - Identify communities with a high social vulnerabilities index and increase outreach events by 5% in all areas identified by December 2027
- **Public Health** - Decrease black/white infant mortality disparity ratio by 10% by December 2027
- **Social Work** - Increase retention of social work staff by 25% by December 2027
- **Economic Services** - Collaborate with other departments and community partners to increase opportunities for "no wrong door" events where ES staff are available to complete applications for Public Assistance programs



Other HHS Board Priorities

- Land and Labor acknowledgement
- Seamless Transitions
 - New HHS Director
 - New Board Chair



Thank you!



Meeting Date: 9/17/2024

Public Hearings

Department: Planning & Development **Presenter(s):** William High

Contact(s): William High, Lead Transportation Planner

Subject: FY 2026 Annual Section 5311 Administrative and Capital Grant Applications

Brief Summary:

Buncombe County’s Community Transportation System, Mountain Mobility, provides transportation to senior adults, persons with disabilities, clients of human service agencies, members of the general public (outside the City of Asheville), clients of Medicaid (under contract), and residents of the City of Asheville eligible for ADA Complimentary Paratransit (under contract).

Buncombe County is a designated applicant/recipient of state and federal transportation funds made available through North Carolina Department of Transportation (NCDOT). Designated applicants/recipients must possess the technical and financial capacity to: (1) apply for, administer, operate, and carry out transportation projects; and (2) comply with all applicable state and federal laws, regulations, and guidelines. The FY 2026 Grant Application budgets are summarized below.

Section 5311 Administrative Grant			Section 5311 Capital Grant		
Source	Percent	Funding	Source	Percent	Funding
Federal Share	80%	\$343,811	Federal Share	80%	\$510,093
State Share	5%	\$21,488	State Share	10%	\$63,761
Local Share	15%	\$64,465	Local Share	10%	\$63,763
Total Expenditures	100%	\$429,764	Total Expenditures	100%	\$637,617

The Section 5311 grant application requires a public hearing and authorizing resolution. Notice of the public hearing were: (1) published in the Asheville Citizen-Times; (2) posted on the Buncombe County website; and (3) distributed to various organizations and groups with an interest in transportation services provided. The authorizing resolution is attached.

Recommended Motion & Requested Action: Hold a public hearing and adopt the Resolution Authorizing the Chairperson to Execute an Application for FY 2026 Public Transportation Program Funding, Enter Into Agreement with the North Carolina Department of Transportation, and to Provide the Necessary Certifications and Grant Documents.

RESOLUTION # 24-09-09

**RESOLUTION AUTHORIZING THE CHAIRMAN TO EXECUTE AN APPLICATION FOR
FY 2026 PUBLIC TRANSPORTATION PROGRAM FUNDING,
ENTER INTO AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
AND TO PROVIDE THE NECESSARY ASSURANCES AND LOCAL MATCH**

- WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and
- WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and
- WHEREAS, the program funding may include funding from Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof; and
- WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and
- WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds; and
- WHEREAS, non-Community Transportation applicants may apply for funding for “purchase of service” projects under the Section 5310 program (required to be stated in this resolution but not applicable to Buncombe County/Mountain Mobility);
- WHEREAS, Buncombe County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333(b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.; and
- WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project.

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

1. That the Chairperson of the Buncombe County Board of Commissioners is hereby authorized to submit grant application(s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications, and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.
2. That this Resolution is effective upon its adoption.

Adopted this 17th day of September, 2024.

ATTEST:



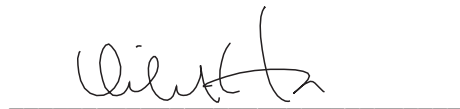
Sarah Gross, Clerk to the Board

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

By: 

Brownie Newman, Chairperson

APPROVED AS TO FORM:



County Attorney

Certifying Official's Statement

I, Sarah Gross, Clerk to the Board, do hereby certify that a motion was made by _____ and seconded by _____ for the adoption of the attached Resolution, and upon being put to a vote was duly adopted at a meeting duly held by the Buncombe County Board of Commissioners on September 17, 2024. I further certify that the attached Resolution is a true and correct copy of the Resolution adopted.

(COUNTY SEAL)

(Signature of Certifying Official)

Buncombe County Board of Commissioners
(Name of Local Governing Board)

Subscribed and sworn to me this _____ day of _____, 20__.

Notary Public Signature

(NOTARY SEAL)

Printed Name

Address

Commission Expires

****Note that the official authorized to submit the grant application,
the certifying official, and the notary public
must be three (3) separate individuals.***



TO: Buncombe County Board of Commissioners

FROM: William High, AICP, Lead Transportation Planner

DATE: September 17, 2024

RE: FY 2026 Section 5311 Community Transportation Program Grant Applications Summary

Applications for Section 5311 include both an Administrative and a Capital Grant Application.

Administrative Grant

Federal Funds:	\$343,811 (80%)
State Funds:	\$ 21,488 (5%)
<u>Local Match:</u>	<u>\$ 64,465 (15%)</u>
Total Application:	\$429,764

Administrative funds are available to offset technology and communication costs of software and systems used for eligibility, reservations, scheduling, dispatching, data communications, etc., as well as operational facility costs, employee training and development, vehicle insurance, and other eligible administrative costs related to providing Mountain Mobility services and programs.

Capital Grant

Federal Funds:	\$510,093 (80%)
State Funds:	\$ 63,761 (10%)
<u>Local Match:</u>	<u>\$ 63,763 (10%)</u>
Total Application:	\$637,617

Capital funds will be used to replace the following items that have met state/federal mileage or age criteria for replacement of:

- Two (2) lift-equipped vans with propane conversion;
- One (1) 22' lift-equipped light transit vehicle with propane conversion;
- Forty-three (43) mobile data devices (tablets); and
- Scheduling and reservations software for operations.

Total Administrative and Capital Grants

Federal Funds:	\$853,904 (80%)
State Funds:	\$ 85,249 (9%)
<u>Local Match:</u>	<u>\$128,228 (11%)</u>
Total:	\$1,073,993



FY26 SECTION 5311 GRANT APPLICATIONS

Presented by

William High

Community Development Division



FY26 5311 GRANT FUNDING SUMMARY

\$853,904 Federal Funds

\$ 85,249 State Funds

\$128,228 Local Match

\$1,067,381 Total



GRANT AND LOCAL FUND PURPOSES

Administration Support

- Management Contracts, Data Processing, Utilities, Lease of Office Space

Capital Acquisition

- 2 – Raised Roof Lift Vans with Propane Conversion
- 1 – 22' Light Transit Vehicle with Lift
- 43 – Mobile Data Devices (Tablets)
- Scheduling and Reservations Software



REQUEST FOR BOARD ACTION

- Hold a public hearing
- Adopt the Resolution Authorizing the Chairperson to Execute an Application for FY 2026 Section 5311 Public Transportation Program Funding, Enter Into Agreement with the North Carolina Department of Transportation, and to Provide the Necessary Certifications and Grant Documents.





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: September 17, 2024

New Business

Department:
Recreation Services

Presenter(s):
John Hudson, Budget Director

Contact(s): Allison Dains, Recreation Services Director
Thomas Gull, Recreation Services Principal Planner

Subject: Enka Recreation Destination - Phase II TPDF Funding

Brief Summary:

This action is to accept \$4,054,415 that Buncombe County Tourism Development Authority has awarded Buncombe County in Tourism Product Development Fund grant dollars for the Enka Recreation Destination - Phase II project. Funds will be used to turf fields 3, 4, 5, and 9 with lighting at fields 3, 4, and 5 along with accessible bleachers and a walkway, installation of an inclusive playground, renovation to the central restroom to include a Park Ranger Office and Contact Station, as well as a new shelter with lighting at the Buncombe County Sports Park. This would bring the total budget of the Enka Recreation Destination - Phase II project to \$7,795,934. Matching County funds have already been secured due to previous County funding for the project. No additional County funding required.

Additionally, staff requests to secure a \$567,000 contract for design services for the four turf fields, lighting, and accessible walking path for the Buncombe County Sports Park with Civil Design Concepts.

Recommended Motion & Requested Action:

- 1) Approve budget amendment
- 2) Accept grant award
- 3) Recommend executing design contract with Civil Design Concepts

County Manager's Comments & Recommendation:

County Manager recommends as presented



BUNCOMBE COUNTY, NORTH CAROLINA

Grant Projects Ordinance

BOARD MEETING DATE: September 17, 2024

WHEREAS, the Budget Director recommends and the Board now desires to amend the FY2024-2025 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 FY2024-2025 amendments listed in Exhibit A below be hereby adopted.
2. That this ordinance shall be effective upon adoption.

ADOPTED this 17th day of September, 2024

Granting Agency:	Buncombe County Tourism Development Authority
Grant Name:	Enka Recreation Destination - Phase II

Description:

This amendment accepts \$4,054,415 that Buncombe County Tourism Development Authority has awarded Buncombe County in Tourism Product Development Fund grant dollars for the Enka Recreation Destination - Phase II project. Funds will be used to turf fields 3, 4, 5, and 9 with lighting at fields 3, 4, and 5 along with accessible bleachers and a walkway, installation of an inclusive playground, renovation to the central restroom to include a Park Ranger Office and Contact Station, as well as a new shelter with lighting at the Buncombe County Sports Park. This would bring the total budget of the Enka Recreation Destination - Phase II project to \$7,795,934. Matching County funds have already been secured due to previous County funding for the project. No additional County funding required.

Funding Source: Buncombe County Tourism Development Authority TPDF

Exhibit A:	Increase (Decrease)	
Account Description	Revenues	Expenditures
Enka Recreation Destination - Phase II	\$ 4,054,415	\$ 4,054,415
TOTAL	\$ 4,054,415	\$ 4,054,415

ATTEST:

A handwritten signature in black ink, appearing to read "Sarah Evans".

Clerk to the Board

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

By: A handwritten signature in black ink, appearing to read "Bromm".

Chairman of the Board

September 17, 2024

Enka Recreation Destination- Phase II

Acceptance of Award – TPDF

Approval of Design Contract - BCSP

September 17, 2024

Allison Dains – Director of Parks & Recreation



TPDF Grant Award

- In 2023, Buncombe County applied for TPDF funds and received a grant award.
- **The scope of the TPDF funding is:** Provide artificial turf to fields 3, 4, 5, and 9 with lighting at fields 3, 4, and 5 with accessible bleachers and walkway, installation of inclusive playground, renovation to central restroom to include Park Ranger Office and Contact Station, and new shelter with lighting
- **BC TPDF Application Request:** \$6,000,000
- **TPDF Funds Approved:** \$4,054,415
 - Project Financial Gap is \$1,945,585
 - Potential revenue source identified through Legacy Investment From Tourism (LIFT) Fund
 - Phase I Application = Fall 2024



Contract For Design Services

- RFQ advertised for design services for 4 turf sports fields, lighting, and accessible walking path at the Buncombe County Sports Park
 - CDC (Civil Design Concepts) – civil design engineering firm based in Asheville
 - Scope of Design Service = Design, Soil Testing & Geo Tech, and Construction documents with cost Estimates
 - Contract Cost = \$567,000



Request for Board Action

Request for Board Action

- Motion to Accept the TPDF award of \$4,054,415 for the Enka Recreation Destination – Phase II.
 - Motion to approve budget amendment for the Enka Recreation Destination – Phase II
- Motion to Approve the \$567,000 contract with CDC for Design Services



Appendix



Enka Recreation Destination – Phase II

Project Overview

- Focus: “Buncombe County Sports Park, A Premier Sports Park and Family Destination”
- Estimated \$18.5M project funded by grants from the State and TDA.

Project Focus

- Site Safety, Ease of Use and Navigation
- Flexibility and Optimum Use of Space
- Sports Engineering; Grading, Drainage & Field Performance
- Plan for Attendees Who are not Players or Spectators



Key Features

1. New Turfed Fields w/ lighting
2. Inclusive Playground
3. Picnic Pavilion w/ lighting

4. Restored Park Ranger Office and Contact/First Aid Station w/ restrooms & Family Station

Future Phase

- A. Covered Sports Courts
- B. Additional Park
- C. Food Truck Hook-ups

September 17, 2024



BUNCOMBE COUNTY SPORTS PARK MASTER PLAN

58 APAC DR, ASHEVILLE NC 28806

TPDF GRANT APPLICATION - PHASE 2



September 17, 2024

89

Buncombe County Sports Park

Turf & Lighted Fields

- Turfing on Fields 3, 4, 5, & 9
- Lighting on Fields 3, 4, & 5

Benefits

- Increased Playability
 - Less weather cancellations
 - Extended play in Winter and Spring
- Lighting permits extended play
 - Up to 800 hours
- Decreases impact injuries
 - Softer, flatter playing surface
- Expected Completion: Winter 2026



Buncombe County Sports Park

Inclusive Playground

- Replace outdated playground with inclusive elements and ADA compliant surface.

Importance

- Essential component for families with multiple children; as one participates in field sports, others are entertained in a safe location
- Children with varying abilities may participate fully
- Promotes awareness and acceptance of diversity and inclusion
- Project bidding: Summer 2027



Buncombe County Sports Park

Park Pavilion

- Large covered area w/ lighting
 - Designated location for Championships and Celebrations
- Community Connection - gathering space for socialization
- Relief from the elements - sun & rain
- Expected Completion: summer 2027



Buncombe County Sports Park

Park Ranger Office and Contact Station w/ Restrooms

- Renovate restrooms and include “Family Station”
 - Private space for a family to feed a nursing child, change a child or have a private indoor space
 - Expected Completion: summer 2027
- Park Ranger Office and Contact Station
 - Staffed location for visitors
 - Centralized First Aid area





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 9/17/2024

New Business

Department: Strategic Partnerships **Presenter(s):** Jamie Brown

Contact(s): Rachael Sawyer, Strategic Partnerships Director

Subject: COVID Recovery Funding

Brief Summary:

In 2021, Buncombe County was awarded a total of \$50,733,290 in Coronavirus State and Local Fiscal Recovery Funds ("COVID Recovery Funding") via the American Rescue Plan Act (ARPA) to invest toward recovery from COVID-19 and its negative economic impacts. These funds were awarded on a rolling basis to projects by Commissioners as selected via multiple Request for Proposals (RFP) processes. All funds are fully allocated.

For details, visit: buncombecounty.org/recoveryfunding

Staff is proposing project reallocations as follows:

Project	Decrease	Increase	Rationale
Housing/Shelter	\$(3,605,000)		Close this placeholder project that was in place as proposals for low-barrier shelter projects were developed and reviewed.
CoC/HIAC Shelter Support		\$3,605,000	Increase CoC/HIAC Shelter Support project that supports funding for Haywood Street Respite at \$1,621,712 to maintain existing 12 beds and add 13 expansion beds; Safe Shelter at \$1,002,391 to maintain existing 20 beds and add up to 5 expansion beds; and Salvation Army at \$980,897 to maintain current operations that supports 65 shelter beds through December 2025.
TOTAL	\$(3,605,000)	\$3,605,000	

Recommended Motion & Requested Action:

1. Consider approval of COVID Recovery Funding project reallocations
2. Consider approval of Resolution Authorizing the Amendment of an Interlocal Agreement Between Buncombe County and The City of Asheville Expanding the Availability of Emergency Shelter Beds

RESOLUTION NO. 24-09-11

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BUNCOMBE COUNTY AND THE CITY OF ASHVILLE EXPANDING THE AVAILABILITY OF EMERGENCY SHELTER BEDS

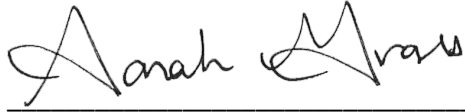
- WHEREAS, cities and counties are authorized to enter into joint undertakings as authorized by NCGS §153A-445 and Ch. 160A, Art. 20, Part 1, Joint Exercise of Powers;
- WHEREAS, on or about September 28, 2023, Buncombe County (County) and the City of Asheville (City) entered into an Interlocal Agreement (Agreement) to fund the expansion of low-shelter bed capacity;
- WHEREAS, under the terms of the Agreement, the County agreed to contribute \$875,000.00, drawn from the Coronavirus Local Recovery Fund to the City to negotiate and manage contracts with subgrantees selected by the Asheville-Buncombe Homeless Initiative Advisory Committee (“HIAC”);
- WHEREAS, the contracts between the City of Asheville and each of the subgrantees are schedule to terminate on December 31, 2024;
- WHEREAS, Salvation Army seeks to maintain its current service levels and requires continued funding to do so;
- WHEREAS, the County and City desire to amend the Interlocal Agreement in order to fund the Salvation Army for another year.

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

1. That by and with the approval of County Legal Services, the Chairman and County Manager, or either of them, are hereby authorized to execute the attached amendment to the interlocal agreement.
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 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.

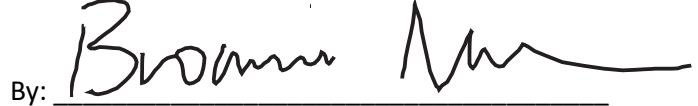
This 17th day of September, 2024.

ATTEST



Sarah Gross, Clerk to the Board

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney

W I T N E S S E T H

WHEREAS, on or about September 28, 2023, Buncombe County ("County") and the City of Asheville (City) entered into an Interlocal Agreement ("Agreement") to fund the expansion of low-shelter bed capacity;

WHEREAS, the under the terms of the Agreement, the County agreed to contribute \$875,000.00 drawn from the Coronavirus Local Recovery Fund to the City to negotiate and manage contracts with subgrantees selected by the Asheville-Buncombe Homeless Initiative Advisory Committee ("HIAC");

WHEREAS, three subgrantees were selected by HIAC to receive funding: Salvation Army, Safe Shelter (by and through fiscal agent Grace Episcopal Church), and The Haywood Street Congregation;

WHEREAS, the contracts governing the use of the funds between the City of Asheville and each of the subgrantees are schedule to terminate on December 31, 2024;

WHEREAS, the Salvation Army seeks to maintain its current service levels through June 30, 2026, and requires continued funding to do so;

WHEREAS, Safe Shelter (by and through fiscal agent Trinity United Methodist Church) and The Haywood Street Congregation successfully submitted proposals to the Asheville-Buncombe Continuum of Care (formerly HIAC) to preserve the shelter beds under the Agreement and expand their low-barrier shelters and related services;

WHEREAS, the County and City desire to continue funding the Salvation Army, Safe Shelter (by and through fiscal agent Trinity United Methodist Church) and The Haywood Street Congregation;

NOW THEREFORE, the City and the County, for valuable consideration each to the other paid, the receipt and sufficiency of which is hereby acknowledged, agree to amend the Agreement as follows:

- I. Buncombe County shall contribute funds in the following maximum amounts to the City of Asheville, in addition to funds contributed pursuant to the Agreement as follows:
 - a. \$980,897.00 to negotiate and contract with the Salvation Army to provide the following shelter beds to single adults from January 1, 2025, through June 30, 2026:

1. 65 beds
2. 16 Code Purple beds.

- b. \$1,002,391.00 to negotiate and contract with Safe Shelter, by and through fiscal agent Trinity United Methodist Church, to provide the following shelter beds from January 1, 2025, through June 30, 2026:
 1. 10 emergency shelter beds for families with children,
 2. 15 emergency beds for single adults.
- c. \$1,621,712.00 to negotiate and contract with The Haywood Street Congregation, to provide 16 respite beds and onsite services from licensed medical, mental health, and substance use providers to respond to the needs of clinically acute single adults through the Haywood Street Respite, LLC. from January 1, 2025, through June 30, 2026.

II. The Agreement shall be extended to June 30, 2026, and the City shall return complete its reporting requirements and return all unused funds to the County by July 31, 2026.

All other terms and conditions of the Agreement remain in full force and effect. This Amendment shall survive any future amendments to the Contract and the termination of the Contract between the Parties. If there is any conflict between this Amendment and the Contract, the provisions of this Amendment shall prevail. The parties hereby Amend the Contract by the signatures of duly authorized officials or agents.

This the _____ day of September 2024.

City of Asheville

Buncombe County

By: _____
Debra Campbell, City Manager

By: _____
Avril Pinder, County Manager

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

Melissa Moore
Buncombe County Finance Director



COVID Recovery Funding

Proposed Project Reallocations

September 17, 2024



COVID Recovery Funding

- American Rescue Plan Act (ARPA) Federal aid to state & local governments
- Coronavirus State & Local Fiscal Recovery Funds (CSLFRF)
 - Direct, flexible funding from U.S. Treasury
 - Funds to invest toward recovery from COVID-19 and its negative economic impacts
- **Buncombe County allocation: \$50.7 Million**



Recovery Funding Hub

www.buncombcountry.org/recoveryfunding

- Timeline
- Survey results
- Community listening sessions
- Funding applications
- Award info
- Performance reports
- News

Community Investment	2022 Bonds	Grants	▼	Donations	▼	Service Foundation
COVID Recovery Funding	Funding Uses	Key Dates		News & Information		Locate & Contact

COVID Recovery Funding

Buncombe County has been awarded about \$50 million in federal [COVID Recovery Funding](#) to directly address COVID response efforts and peripheral economic fallout from the pandemic. This recovery funding for local governments is just one part of an overall package of aid to local communities supported by the [American Rescue Plan Act](#).

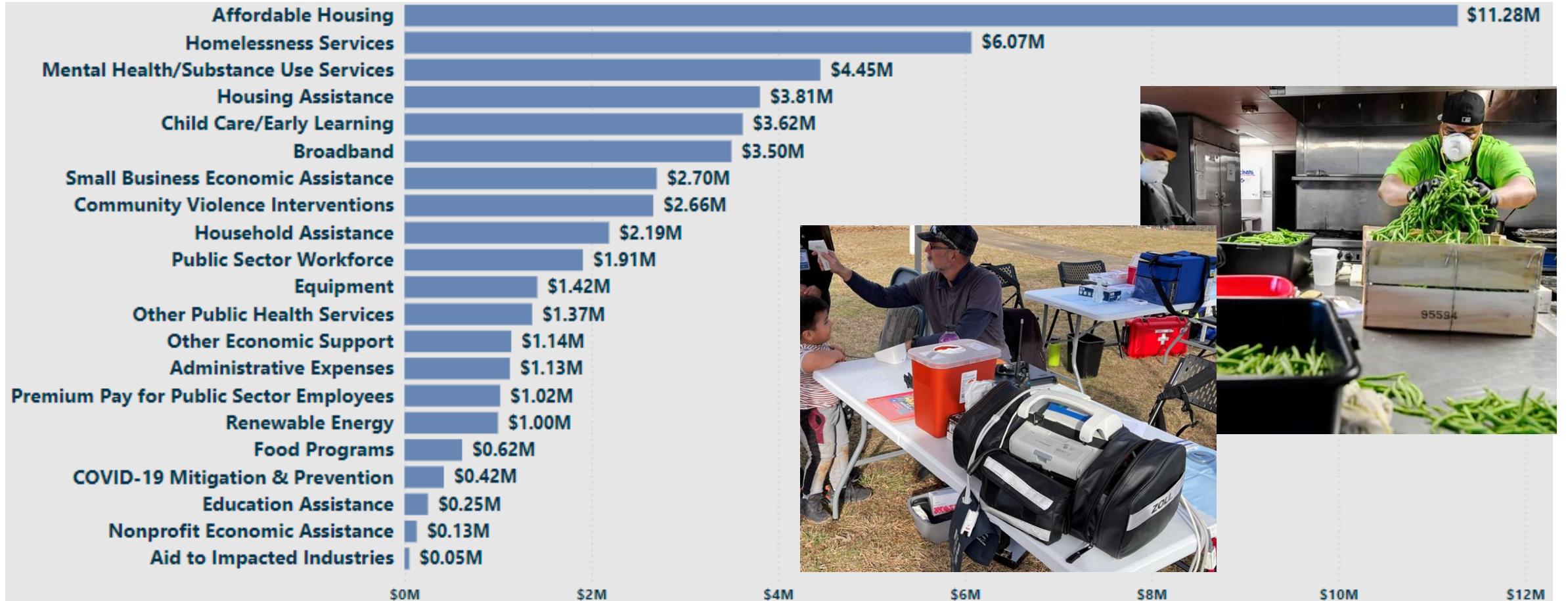
How is Buncombe County using this funding?

Buncombe County is making rolling awards. See below for the projects awarded to date.

Last Refreshed September 6, 2024					
Total Funds	# of Projects	Total Awarded	% Awarded	Total Spent	% Awards Spent
\$50.7M	50	\$50.7M	100.0%	\$31.9M	62.9%



Funding by Category



Project Spotlights

- [ArtsAVL](#)
- [Asheville Housing Authority](#)
- [Asheville Museum of Science](#)
- [Babies Need Bottoms](#)
- [Buncombe County - COVID Vaccination Support](#)
- [Buncombe County - Employee Retention Grant](#)
- [Buncombe County Emergency Services](#)
- [Buncombe County HHS - COVID Vaccine Incentive](#)
- [Buncombe County HHS - COVID Vaccine Promotion](#)
- [Buncombe County Human Resources](#)
- [Center for Agricultural and Food Entrepreneurship](#)
- [Eblen Charities](#)
- [Homeward Bound of WNC](#)
- [Land of Sky Regional Council](#)
- [Loving Food Resources](#)
- [Meals on Wheels](#)
- [Mountain BizWorks](#)
- [Verner Center for Early Learning](#)
- [YTL Training Program](#)

Click the links to visit the Recovery Funding website for spotlight reports like this for completed projects!

BUNCOMBE COUNTY COVID RECOVERY FUNDING



Project Spotlight

In order to promote a strong and equitable recovery from COVID-19 and its negative economic impacts, Buncombe County invested federal funds into projects like this one.

Project

Chosen PODS Summer Camp

Lead Organization



Award Amount

\$50,000

Project Dates

July 2022 – August 2022

Impact Area

Addressing Educational Disparities

How the Funds Were Used

The Housing Authority of the City of Asheville (HACA) addressed educational disparities through aid to high-poverty districts through its Chosen PODS Summer Camp program, utilizing ARPA funds to fund Youth Impact Workers (high school and college students), pay for camper meals, and provide transportation for camper swimming and field trips. HACA engaged with community partners including Western Carolina Rescue Ministries to provide a safe and educational camp experience for youth between the ages of 6-14 living in the Southside, Hillcrest, Pisgah View, and Deaverview housing communities. The camp included math and reading tutoring for campers, in addition to structured recreational activities. The project intended to help break the cycles of poverty and close the achievement gap for over 140 at-risk youth by providing a two-month long summer camp.

Results

-  **113** students served
-  **26** Youth Impact Workers employed
-  **85%** attendance rate
-  **85%** of students self-reported their desire to achieve academic success



"I've never seen a camp where our kids have so much love, learning and resources for the staff and children. The staff and kids know they care."

Ms. Angel
Youth Impact Worker



September 17, 2024

103



BUNCOMBE COUNTY

Important Dates

- December 31, 2024 – All funds must be fully obligated
 - Obligation defined as an order placed for property and services and entry into contracts, subawards, and similar transactions that require payment
 - All projects on track to be fully obligated prior to 12/31/24 based on guidance defined by the US Treasury Compliance Rules
 - Housing/Shelter \$3,605,000
 - Funds currently unobligated
 - Proposal from Continuum of Care (CoC) under consideration
- December 31, 2026 – All funds must be fully expended



Housing/Shelter Obligation

- September 2023
 - \$875,000 allocated for HIAC Shelter Support
 - \$3.8M allocated for future Housing/Shelter project – currently \$3.6M
- June 2024
 - CoC Shelter Workgroup formed and begins work to develop and release request for proposals in support of low-barrier shelter bed expansion
- September 2024
 - Community Development shares recommendations of the CoC Board
 - Proposal recommendations for Haywood Street Respite and Safe Shelter to maintain and extend shelter bed operations
 - Request to extend HIAC Shelter Support contract for Salvation Army to maintain current shelter operations



HAYWOOD STREET RESPITE

Proposal Summary: Addition of second floor and elevator to double space at existing location (297 Haywood St)

Anticipated Start Date	Capital Request	Operating Request (1 Year)	Total Request	CoC Board Recommendation
July 2025	\$860,000	\$614,284	\$1,621,712	\$1,621,712

Bed Capacity	Cost Per Bed Night (Total Project)	Cost Per Bed Night (Operating Only)	Population Served	Supportive Services Offered
13 = New 3 = Preserved Expansion 9 = Existing	\$170.25	\$85.95	Adults in need of Medical, Behavioral Health, or SUD Respite	Medical Care Behavioral Health Substance Use Support Case Management Housing Placement

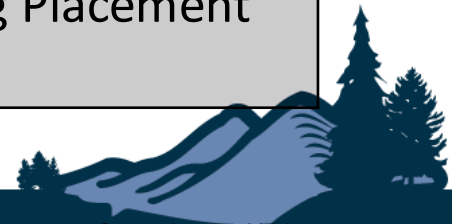


SAFE SHELTER

***Proposal: Upfit Trinity UMC Educational Building (587 Haywood Rd) with sprinkler system and showers.
(Re-zoning, Temporary Use and Regular Permitting Process Required)***

Anticipated Start Date	Capital Request	Operating Request (1 Year)	Total Request	CoC Board Recommendation
Sept. 2024	\$450,000	\$846,902	\$1,296,902	\$1,002,391

Bed Capacity	Cost Per Bed Night (Total Project)	Cost Per Bed Night (Operating Only)	Population Served	Supportive Services Offered
5 = New 20 = Preserved Expansion +5 Overflow Beds	\$130.65	\$108.21	Adults, Families with Children Under 18 (priority)	Medical Care Behavioral Health Substance Use Support Case Management Housing Placement



SALVATION ARMY

Additional Need: Extend operational support for 65 beds at 204 Haywood St. beyond December 2024

Bed Capacity	Cost Per Bed Night (Operating Only)	Population Served	Supportive Services Offered
20 = Preserved Expansion 45 = Preserved Existing	\$41.34	Adults, Families with Children Under 18	Case Management Referrals to Medical Care Behavioral Health Substance Use Support and Housing Placement

Anticipated Start Date	Capital Request	Operating Request (1 Year)	Total Request	CoC Board Recommendation
Jan. 2025	\$0	\$980,897	\$980,897	\$980,897



CoC BOARD RECOMMENDATION

Project	Request	Recommend	Anticipated Start Date	Original Beds	Expansion Beds 1	Expansion Beds 2	Total Beds
Haywood Street Respite	\$1,621,712	\$1,621,712	July 2025	9	3	13	25
Safe Shelter	\$1,296,902	\$1,002,391	Sept. 2024	0	20	5*	25
Salvation Army	\$980,897	\$980,897	Jan. 2025	45	20	0	65
Total	\$3,752,083	\$3,605,000		54	43	18	115

* Safe Shelter will add 5 beds with capacity for 5 additional overflow spaces



Proposed Allocations

- Housing/Shelter:

Reduce by \$3,605,000 and close the placeholder project

Reducing this project will increase the amount available that can be allocated to new projects to **\$3,605,000**

- + CoC/HIAC Shelter Support:

Increased funding for:

- + Haywood Street Respite (CoC RFP) for \$1,621,712
- + Safe Shelter (CoC RFP) for \$1,002,391
- + Salvation Army (HIAC RFP) for \$980,897

Proposed increase to the CoC/HIAC Shelter Support project totals **\$3,605,000**, which will fully allocate all available COVID Recovery Funding



Request for Board Action

1. Consider approval of COVID Recovery Funding project reallocations
2. Consider approval of Resolution Authorizing the Amendment of an Interlocal Agreement Between Buncombe County and The City of Asheville Expanding the Availability of Emergency Shelter Beds





Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 09/17/2024

Old Business

Department: Human Resources

Presenter(s): Roberta Ferdinand with USI Insurance Services

Contact(s): Laura Calloway

Subject: Proposed Health Care Changes for Plan Year 2025

Brief Summary:

During the September 3, 2024 Board meeting, Commissioners were presented with the proposed cost saving changes for the plan year 2025 by the County's Benefit Consultant, USI.

Commissioners asked for more information and tabled the vote until September 17, 2024.

Recommended Motion & Requested Action: Commissioners are asked to approve the following changes:

1. Increase in employee premiums for medical insurance.
2. Increase in the co-insurance amount for the Standard Plan from 10% to 15%, and required IRS increases to out of pocket costs for the High Deductible Health Plan.
3. Renewal of Delta Dental contract at 6% increase.
4. Change of vendors for Vision Hardware Insurance.
5. Removal of GLP-1 drugs prescribed for weight management from the pharmacy formulary.

County Manager's comments and Recommendations:



Calendar Year 2025 Benefit Review

Presented by

Roberta Ferdinand, Senior Account Executive

USI Insurance Services



AGENDA

Answering questions from September 3, 2024 Commissioners Meeting

- Explore Alternatives for GLP-1 coverage for Anti-obesity format only

This discussion excludes GLP-1s for Type2 diabetics. There is no change for those covered.



Market Evolution: GLP-1s

(2 formats: Diabetic for Type2 and Anti-Obesity)

GLP-1s: designed to address diabetes with diet & exercise

- Slows gastric emptying to reduce hunger
- Increases insulin production
- Aids in weight loss

Two Main Classes & Market Demand

- More expensive diabetic drugs – Endocrinologists have moved to first line treatment
- Weight loss drugs – 33% of US population is obese and 40% is overweight

What we know

- Several state Medicaid agencies including NC now cover GLP-1s for weight loss
- NC State Health Plan effective 4/1/24 does not cover GLP-1s for weight loss
- Medicare does not cover GLP-1s for weight loss
- No states require coverage for commercial health insurance at this time
- No oral GLP-1s in market to date



Buncombe County current utilization of GLP-1s

Demand

- 8 GLP-1's Exist: 5 for Diabetes, 3 for Obesity

Diabetes GLP1s – 1/1/24 – 8/24/24

	# of Scripts	# of unique utilizers	Plan Paid	Member Cost
GLP1s:				
Mounjaro	199	49	\$224,457.75	\$7,113.10
Ozempic	537	110	\$571,709.06	\$20,771.53
Rybelsus	31	9	\$36,832.69	\$1,360.00
Trulicity	73	23	\$76,684.63	\$2,722.00
Victoza	3	1	\$2,234.04	\$150.00
Total	843	169*	\$911,918.17	\$32,116.63

Weight Loss GLP1s – 1/1/24 – 8/24/24

	# of Scripts	# of unique utilizers	Plan Paid	Member Cost
GLP1s:				
Saxenda	11	5	\$13,926.52	\$550.00
Wegovy	212	57	\$274,620.17	\$10,350.00
Zepbound	204	56	\$208,139.71	\$9,800.00
Total	427	108*	\$496,686.40	\$20,700.00

* sum of unique utilizers will not equal the total of unique utilizers as some utilizers will fill more than one type of GLP-1



Recommended Action

Recommended changes to the Buncombe County Medical and Rx Plan for 2025:

- Increase to Employee Contributions (\$340K)
- Modify coinsurance for Standard Plan (\$55K)
- Increase Deductible and Maximum Out of Pocket on HSA plan as required by IRS (\$5K)
- No longer Cover GLP-1s and GIP-GLP-1 agonist medications for the purpose of weight loss (non-diabetic)
- There will be no change to GLP-1 coverage for diabetes treatment

The changes outlined above result in an additional annual increase of \$1.8M broken out as follows:

- County: + \$1.4 M
- Employee Cost Share: +\$400K

Commissioner's Question # 1

A. Would the county still cover some weight loss medications?

Q. Yes, the county would still cover front line weight loss medications that have been available:

- Phentermine, Qsymia, Benzphetamine, Diethylprop, Lomaira, Contrave, Zenical



Commissioner's Question # 2

Q. What would the cost impact to the plan be should we continue to cover GLP-1s as we do today?

A. Buncombe County's costs for GLP-1s for weight loss (non-diabetic) through August 2024 are \$497K. The recommended action removes this cost from the 2025 and future budgets. Conversely, should the cost of covering these drugs continue, approximately \$500K would have to be added to the budget for 2025 and compounded annually.

The County would still move forward with the following plan design changes:

- Increase to Employee Contributions
- Modify coinsurance for Standard Plan
- Increase Deductible and Maximum Out of Pocket on HSA plan as required by IRS
- There will be no change to GLP-1 coverage for diabetes treatment

The changes outlined above result in an additional annual increase of \$2.2M broken out as follows:

- County: + \$1.8M
- Employee Cost Share: +\$400K



Commissioner's Question # 3

Q. What would the cost impact to the plan be should we continue to cover GLP-1s and incorporate a Weight Management Program?

A. As previously indicated, Buncombe County's costs for GLP-1s for weight loss (non-diabetic) through August 2024 are \$497K. Continuing to cover the cost of these drugs would increase the budget by approximately \$500K minus the estimated savings of the program. Additionally, the cost of the weight management program would be incorporated into the budget.

The County would still move forward with the following plan design changes:

- Increase to Employee Contributions
- Modify coinsurance for Standard Plan
- Increase Deductible and Maximum Out of Pocket on HSA plan as required by IRS
- There will be no change to GLP-1 coverage for diabetes treatment

The changes outlined above result in an additional annual increase of \$2.1M broken out as follows:

- County: + \$1.7M
- Employee Cost Share: +\$400K



Commissioner’s Question # 4

Q. Can the copay for these drugs be increased?

A. Yes, currently the copay for these drugs is approximately \$50 per script. Most plans provide coverage for expensive prescriptions with coinsurance and a cap on the dollar amount. This amount is typically around \$200. We are proposing increasing the copay to \$200 for these drugs.

- The County would still move forward with the following plan design changes:
- Increase to Employee Contributions
 - Modify coinsurance for Standard Plan
 - Increase Deductible and Maximum Out of Pocket on HSA plan as required by IRS
 - There will be no change to GLP-1 coverage for diabetes treatment

Copoly for GLP-1s for Weight Loss <i>427 prescriptions through August 2024</i>		
Copay	8 Months	Annualized
Current copay \$50	427 scripts X \$50 copay = \$20,700	641 scripts X \$50 copay = \$31,050
Proposed Copay \$200	427 scripts X \$200 copay = \$85,400	641 scripts X \$200 copay = \$128,100
Difference	- \$64,700	- \$97,050



Commissioner's Question # 5

- Q. Is the \$142 per participant per month cost of VIDA Weight Management Program on a month to month basis? Or once you engage, you are locked in for the year?
- A. \$142 per participant per month is charged monthly until they are no longer utilizing the program. The length of participation can vary by member depending on each need.



Summary of Cost Impact

		1/1/24 - 8/24/24	Annualized
Drug Costs			
GLP-1s for Weight Loss		\$497,000	\$745,500
40% VIDA cost savings		\$298,200	\$447,300
Difference		(\$198,800)	(\$298,200)
Drug Copays			
# of Scripts		427	641
\$50 Copay		\$20,700	\$31,050
\$200 Copay		\$85,400	\$128,100
Difference		(\$64,700)	(\$97,050)
VIDA Weight Management Program Cost			
PMPM	# of members	8 Month Cost	Annual Cost
\$142	108	\$122,688	\$184,032
Net Program Cost		\$57,988	\$86,982
Projected Net Cost for 2025			
Covering GLP-1s for Weight Loss with weight management program - (VIDA)		\$356,188	\$534,282
Covering GLP-1s for Weight Loss without weight management program		\$432,300	\$648,450

The projected costs of GLP-1s for weight loss for 2025 are assessed by using both actual YTD claims (1/1/24 – 8/24/24) and then annualizing for overall consistency when evaluating all of the claims data.

Access to these medications for weight loss, as has been indicated, is a very recent development. As more information becomes available and possible changes to application of these medications emerge, there is the possibility of these projected costs to be impacted by those changes.



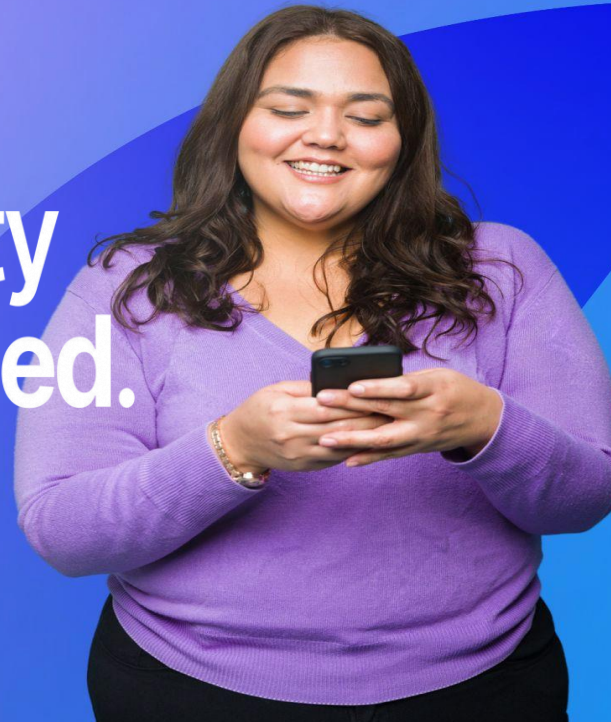
VIDA Program Highlights



GLP-1 Prescription Cost Management

VIDA provides personalized care to support GLP-1 for Weight Management

Diabetes and obesity
outcomes guaranteed.



Vida Programs Overview

Recommended
Program

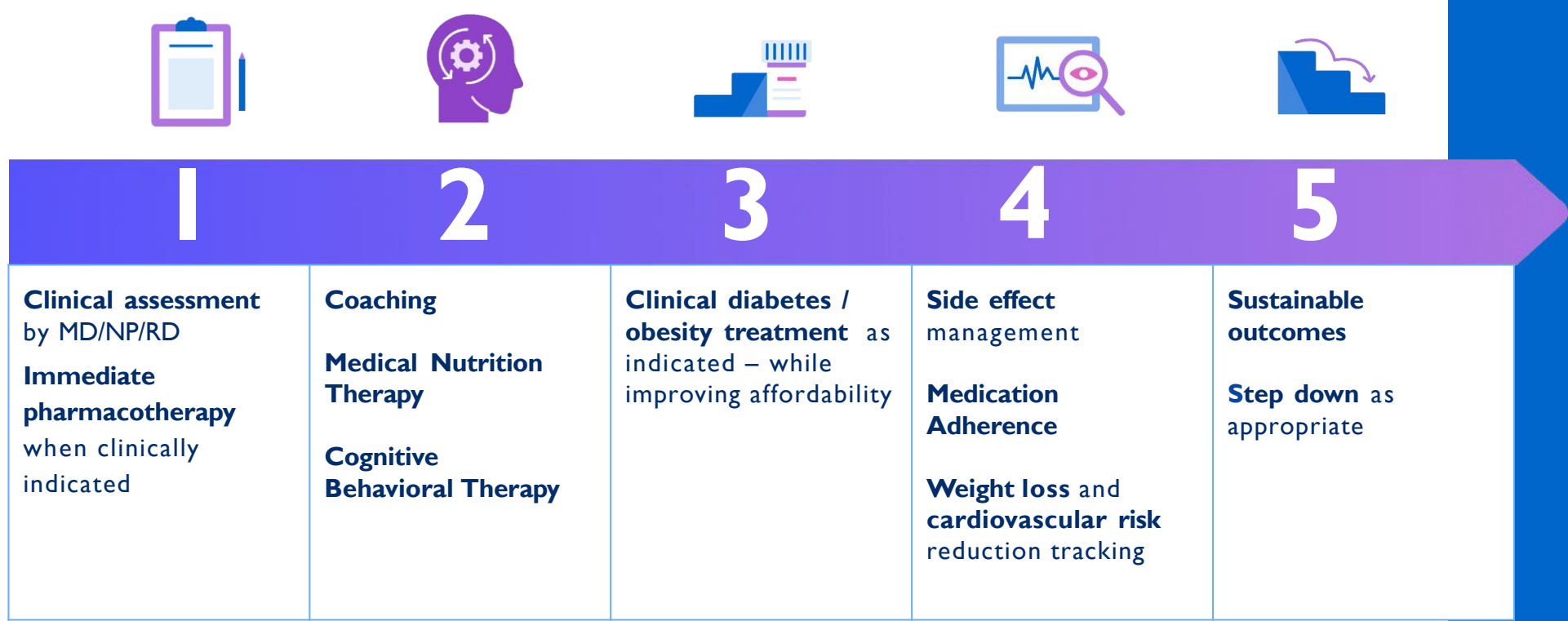


Diabetes Prevention Program	Weight Management	GLP-1 for Weight Management (available for Prime carved in business as of 1/1/25)
Integrated mental health with cognitive behavioral therapy principles		
Coach Led	Coach Led	Registered Dietician Led
Behavior change Self-monitoring with devices and trackers, exercise, educational content, skill building and screening/assessment • CDC approved curriculum (1 year req.) • 16 sessions in the first 6 months of the program and 6 sessions in the second 6 months • DPP certified coaches help participants make lasting changes Goal: non-progression to diabetes	Nutritional coaching Culturally adapted eating plans, personalized support for meal prep and planning Behavior change Self-monitoring with devices and trackers, exercise, educational content, skill building and screening/assessment Goal: Weight loss	Obesity-tailored MNT and CBT Enhanced MNT (increased frequency and longer duration) with support for emotional eating Medical weight loss care, anti-obesity medication prescribing Metformin, topiramate, zonisamide, Contrave, Wegovy, Saxenda, Zepbound Goals: GLP-1 trend mitigation Medical weight loss Clinical control of FBG, HTN, LDL
An employer whose primary goal is to manage prediabetes and offer preventive, behavior-change, driven care across a broad population	An employer whose primary goal is to manage obesity/weight and offer preventive, behavior-change, driven care across a broad population GLP-1s/other AOMs are not covered on formulary	An employer whose primary goal is to manage obesity and curb Rx spend on GLP-1s through evidence-based, clinical obesity management GLP-1s/other AOMs are covered on formulary



How does VIDA work?

Vida's obesity and comorbidities management helps you control total cost of care and cost trends for GLP-Is



Total Cost of Care / GLP-I trend mitigation

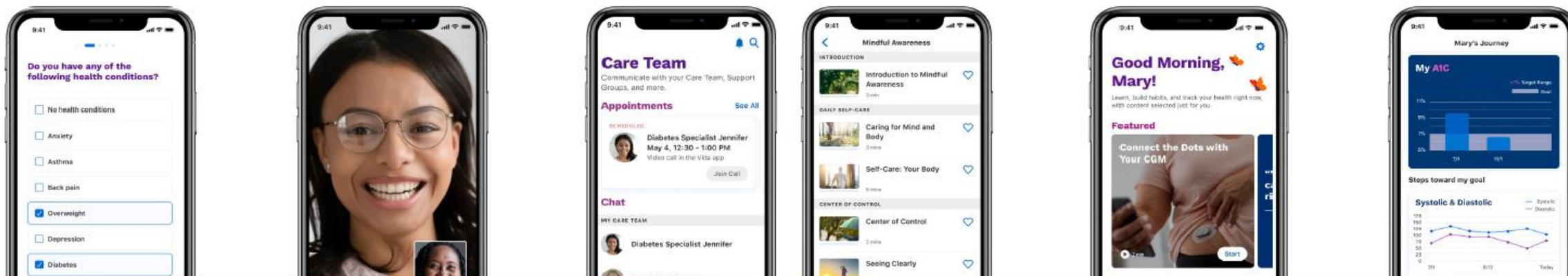
7-10% Weight loss

Clinical control of A1c, FBG, HTN, LDL

Improved quality of life

Vida Member Experience

A member's journey along a personalized care path



Onboard



**Meet care team and
build care plan**



**Follow care plan,
adjust as needed**



**Monitor data with
devices and labs**



**Sustain
change**

89%

of members regularly
engage with their provider

80/91

Overall/Spanish
net promoter score

75%

retention
at six months

Meeting Date: 9/17/2024

New Business

Department: Planning & Development

Presenter(s): William High

Contact(s): William High, Lead Transportation Planner

Subject:

Resolution Amending the Title VI Plan and Authorizing the Chairperson to: Sign the Title VI Plan Review and Approval Document, Execute a Title VI Nondiscrimination Agreement, and Execute Necessary U.S. DOT Title VI Assurances for Mountain Mobility

Brief Summary:

Buncombe County, as a recipient of federal and state funds for public transportation services, is required to adopt a Title VI Plan and execute a Title VI Nondiscrimination Agreement and necessary U.S. DOT Title VI Assurances.

Buncombe County first adopted a Title VI Plan for Mountain Mobility in 2008. The Title VI Plan is required to be reviewed and updated each three (3) years. The last Title VI Plan update occurred in 2021.

A proposed updated Title VI Plan, based upon the North Carolina Department of Transportation's (NCDOT's) provided template, has been provisionally approved by the NCDOT Office of Civil Rights. A detailed summary of the updates to the Title VI Plan is provided in the Management Review Report.

Recommended Motion & Requested Action:

Motion to adopt the Resolution Amending the Title VI Plan for Mountain Mobility and Authorizing the Chairperson to: Sign the Title VI Plan Review and Approval Document, Execute a Title VI Nondiscrimination Agreement, and Execute Necessary U.S. DOT Title VI Assurances for Mountain Mobility.

RESOLUTION NO. 24-09-12

RESOLUTION APPROVING REVISIONS TO THE TITLE VI PLAN FOR MOUNTAIN MOBILITY AND AUTHORIZING THE CHAIRMAN TO EXECUTE A TITLE VI NONDISCRIMINATION AGREEMENT AND U.S. DOT TITLE VI ASSURANCES FOR MOUNTAIN MOBILITY

- WHEREAS, Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (42 USC Section 200d); and
- WHEREAS, Buncombe County does not discriminate on the basis of race, color, religion, sex, national origin, or disability in admission or access to, or treatment or employment in, its services, programs, and activities; and
- WHEREAS, as a recipient of federal and state funds for Mountain Mobility, Buncombe County's Community Transportation System, the County is required to adopt a Title VI Plan and Title VI Nondiscrimination Agreement and provide the required assurances and certifications required by the North Carolina Department of Transportation and Federal Transit Administration; and
- WHEREAS, a Title VI Plan for Mountain Mobility has been in place since 2008 and applies to all services and programs provided through Mountain Mobility, whether carried out by Buncombe County directly or through any existing or potential contractor or any other entity with whom the County arranges to carry out its programs and activities; and
- WHEREAS, updates to the plan are needed in order to be compliant with current state and federal guidelines and regulations; and
- WHEREAS, the Board of Commissioners feels it is in the best interests of the citizens of Buncombe County to adopt an update to the Title VI Plan to ensure the protection of all citizens in accordance with Buncombe County's established nondiscrimination policies.

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

1. That the Board of Commissioners hereby approves and adopts the Title VI Plan for Mountain Mobility, Buncombe County's Community Transportation System, included as Exhibit A.
2. That the Chairman be and he is hereby authorized to sign the Title VI Plan Review and Approval document included as Exhibit B.

3. That the Chairman be and he is hereby authorized to execute the Title VI Nondiscrimination Agreement included as Exhibit C.
4. That the Chairman be and he is hereby authorized to execute the U.S. DOT Assurances associated with Title VI during the effective plan period.
5. That this Resolution is effective upon its adoption.

Adopted this 17th day of September, 2024.

ATTEST:



Sarah Gross, Clerk to the Board

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

By: 

Brownie Newman, Chairman

APPROVED AS TO FORM:



County Attorney



September 17, 2024

Mountain Mobility Title VI Plan Management Review Report

Background and General Information

The current Mountain Mobility Title VI Plan was adopted by the Buncombe County Board of Commissioners September 21, 2021. A review of the Title VI Plan is required every three (3) years, at minimum, to ensure all information is current and reflects current federal regulations.

Buncombe County Planning and Development staff and Mountain Mobility Administration staff are responsible for implementing the Title VI Plan. On a regular basis, and during the required three (3) year review, recommended updates to the Title VI Plan are identified by Mountain Mobility Administration staff and provided to Buncombe County staff via a Management Review Report. Buncombe County staff review the Management Review Report to ensure proposed updates are appropriate and reasonable. All Mountain Mobility Administration recommended updates are acceptable to staff, will ensure consistency with current federal regulations, and will improve Title VI Plan implementation.

During the current review, Buncombe County staff used the current Title VI Plan template furnished by North Carolina Department of Transportation (NCDOT) Office of Civil Rights. The draft was provided to the NCDOT Office of Civil Rights and has been provisionally accepted.

The Mountain Mobility Administration staff Management Review Report was completed and the proposed draft revised Title VI Plan was presented to the Buncombe County Community Transportation Advisory Board (CTAB) at its regular meeting on August 1, 2024.

Conclusion

Existing Title VI Plans will be updated immediately following approval of the recommendations presented in this report by the Buncombe County Board of Commissioners. This 2024 Management Review Report and a copy of the revised Mountain Mobility Title VI Plan will be submitted by Buncombe County to the NCDOT Integrated Mobility Division (IMD) and NCDOT Office of Civil Rights for acceptance.



September 2024 Management Review Report

Recommendations for Title VI Plan Revisions

The Mountain Mobility Administration staff participate in a regular review of the Title VI Plan and associated Public Involvement and Language Assistance Plans, at minimum, each three (3) years. The Mountain Mobility Administration staff began a formal review of the Title VI Plan (and its incorporated Public Involvement Plan and Language Assistance Plan) in May 2024. Buncombe County Planning and Development Staff and Mountain Mobility Operations staff had the opportunity to review and provide comment on the Title VI Plan. All recommendations were compiled by the end of June 2024.

The proposed Title VI Plan was drafted using a NCDOT provided template, and was updated using 2022: American Community Survey (ACS) 5-Year Estimates data (the most current data available). This Title VI Plan follows the NCDOT provided template to be in keeping with NCDOT recommended language.

Title VI Plan

- Updated Title VI Plan using NCDOT template

Mountain Mobility

Title VI Plan

DRAFT

Adopted: 2008

Update #1: May 5, 2015

Update #2: May 15, 2018

Update #3: September 21, 2021

Update#4: TBD

**Mountain Mobility Administration
c/o Land of Sky Regional Council
339 New Leicester Hwy
Asheville, NC 28806
828-250-6750, ext. 5**

Title VI Plan Review and Adoption

On behalf of the Buncombe County Board of Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Board, have **reviewed and hereby adopt** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Mountain Mobility transportation services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Authorizing Official

DATE

Contents

Title VI Plan Review and Adoption	2
Title VI Nondiscrimination Agreement between The North Carolina Department Of Transportation and Buncombe County.....	5
Introduction	6
Description of Programs and Services	6
Program and Services Administered.....	6
Funding Sources / Tables.....	7
Decision-Making Process.....	7
Title VI Coordinator	8
Change of Title VI Coordinator or Accountable Executive.....	8
Organizational Chart.....	8
Subrecipients.....	9
Title VI Nondiscrimination Policy Statement	9
Title VI and Related Authorities.....	9
Notice Of Nondiscrimination	10
Procedures to Ensure Nondiscriminatory Administration of Programs and Services.....	11
Contract Administration.....	12
Contract Language	12
Nondiscrimination Notice to Prospective Bidders	14
External Discrimination Complaint Procedures.....	15
Filing of Complaints	15
Complaint Processing.....	16
Complaint Log.....	17
Discrimination Complaint Form	17
Discrimination Complaints Log	20
Investigative Guidance	21
Template/Sample Investigative Report.....	22
Service Area Population Characteristics	23
Race and Ethnicity	23
Age & Sex.....	24
Disability	25
Poverty	26
Household Income	28
Limited English Proficiency Populations.....	29
Population Locations	29
Title VI Equity Analyses (and Environmental Justice Assessments)	29
Buncombe County d/b/a Mountain Mobility Title VI Plan	3

Public Involvement.....	30
Introduction	30
Public Notification	30
Dissemination of Information.....	31
Meetings and Outreach.....	31
Limited English Proficiency	32
Demographic Request.....	36
Key Community Contacts	38
Summary of Outreach Efforts Made Since the Last Title VI Program submission.....	38
Staff Training	39
Nonelected Boards and Committees – By Race and gender	39
Strategies for Representative Committees.....	39
Record Keeping and Reports.....	39
Compliance Reviews.....	40
Complaint Investigations.....	40
Appendix A: Applicable Nondiscrimination Authorities	41
Appendix B: Organizational Chart.....	42
Appendix C: NCDOT’s Compliance Review Checklist for Transit	43

Title VI Nondiscrimination Agreement between The North Carolina Department Of Transportation and Buncombe County

In accordance with DOT Order 1050.2A, Buncombe County d/b/a Mountain Mobility assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, creed, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by Buncombe County's community transportation program, Mountain Mobility.

Further, Buncombe County d/b/a Mountain Mobility hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the Accountable Executive (AE) of the organization.
2. Issue a policy statement, signed by the AE of the organization, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout the organization and to the general public and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of AE.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by the organization. Ensure that every contract awarded by the organization's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by the organization.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or the organization's subrecipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

THIS AGREEMENT is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

Authorized Signature

Date

Brownie Newman

Chairperson, Buncombe County Board of Commissioners

Introduction

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, creed (religion), and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, subrecipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

Buncombe County d/b/a Mountain Mobility is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). Buncombe County d/b/a Mountain Mobility establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, “Nondiscrimination Assurance.” This document details the nondiscrimination program, policies, and practices administered by Buncombe County d/b/a Mountain Mobility, and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

Mountain Mobility operates with the following staff positions (at the time of May 31, 2024):

1. Vehicle Operators: 40
2. Dispatchers: 3
3. Operations Manager: 1
4. Safety/Training Manager: 1
5. Fleet Manager: 1
6. General Manager: 1
7. Reservationists & Schedulers: 3
8. Eligibility and Administration: 2
9. Administration Manager: 1
10. County Oversight: 3

Description of Programs and Services

Mountain Mobility is the community transportation service program provided by Buncombe County. Mountain Mobility provides transportation services to the entirety of Buncombe County, and provides demand response service, ADA complementary paratransit service (on behalf of the City of Asheville), and three deviated-fixed routes.

Program and Services Administered

Mountain Mobility provides public transportation options to its customers throughout Buncombe County, North Carolina. Demand response services are provided from 5:30a – 7:30p Monday through Saturday. All demand response riders are covered under existing grants and ride fare free. Mountain Mobility is additionally the ADA Complementary Paratransit provider for the City of Asheville’s ART fixed route system. City of Asheville ADA Complementary Paratransit customers pay a \$2 fare, and can use Mountain Mobility anytime that ART operates. Reservations can be made by calling (828) 250-6750 opt. 4.

Buncombe County dba Mountain Mobility also offers three deviated fixed routes, with typically 60 minute headways. These three routes operate along less populated suburban areas, and each connect with a fixed route from the City of Asheville’s ART system. All three routes run Monday to Friday, with one route operating on Saturday.

Type of Service	Days of week	Times	Fare (if applicable)
Demand Response	Monday to Saturday	5:30a – 7:30p	N/A
ADA Complementary Paratransit	Monday to Sunday	5:30a – 11:00p	\$2.00
Deviated Fixed Route (two routes)	Monday to Friday	6:00a – 6:00p	N/A
Deviated Fixed Route (one route)	Monday to Saturday	6:00a – 6:00p	N/A

No service is provided on Thanksgiving or Christmas Day. Buncombe County dba Mountain Mobility only offers ADA complementary paratransit on the following holidays: New Year's Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Juneteenth, Independence Day, and Labor Day.

Funding Sources / Tables

For the purpose of federally assisted programs, "federal assistance" shall include:

1. grants and loans of Federal funds;
2. the grant or donation of Federal property and interest in property;
3. the detail of Federal personnel;
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Each FTA Formula Grant received by our system during the past year (Fiscal Year 2024), and whether the funds were received through NCDOT or directly from FTA, is checked below.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	☐	☒	Annual allocation received through the City of Asheville to support urban operations
5310 (Transportation for Elderly Persons and Persons with Disabilities)	☐	☒	Annual grant received through the City of Asheville to support demand response program
5311 (Formula Grants for Other than Urbanized Areas)	☒	☐	Annual grant received for administrative and capital costs

Decision-Making Process

Mountain Mobility's policies are drafted by Buncombe County staff in coordination with operations and administrative staff. These policies are then presented and vetted by our Community Transportation Advisory Board (CTAB), before submission for approval by the Buncombe County Board of Commissioners.

Board or Committee Name	Appointed	Elected	# of Members
-------------------------	-----------	---------	--------------

Community Transportation Advisory Board	☒	☐	20
Board of Commissioners	☐	☒	7

Title VI Coordinator

The individual below has been designated as the Title VI Coordinator for Mountain Mobility, and is empowered with enough authority and responsibility to implement the Title VI Nondiscrimination Program:

Vicki Jennings
Transit Program Manager
339 New Leicester Hwy., Suite 140 • Asheville, NC 28806
828.251.6622
vicki@landofsky.org

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Training internal staff and officials on their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

Change of Title VI Coordinator or Accountable Executive

If Title VI Coordinator or accountable executive changes, this document and all other documents that name the Coordinator, will immediately be updated, and an updated policy statement will be signed by the new AE.

Organizational Chart

Mountain Mobility operations is designed for 63 staff which consist of the following job categories:

- General Manager
- Operations Manager
- Fleet Manager
- Safety & Training Manager
- Administrative Coordinator
- Dispatchers (6)
- Scheduler
- Reservationist (2)
- Operators (49)

Mountain Mobility administration is designed for four (4) staff which consist of the following job categories:

- Transit Program Manager and Title VI Coordinator
- Program Staff (3)

An organizational chart showing the Title VI Coordinator's place within the organization is in **Appendix B**.

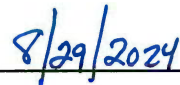
Subrecipients

Buncombe County d/b/a Mountain Mobility does not pass through funds to any other organizations and, therefore, does not have any subrecipients.

Title VI Nondiscrimination Policy Statement

It is the policy of Buncombe County d/b/a Mountain Mobility, as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, creed (religion), age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.


Nathan Pennington, Planning & Development
Director


Date

Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of "programs and activities" to include all programs and activities of federal-aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act"; 49 U.S.C. 5332, "Nondiscrimination (Public Transportation)"; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d

Implementation

- This statement will be signed by the Chairman of Board of Commissioners and re-signed whenever a new person assumes that position.

- The signed statement will be posted on office bulletin boards, near the receptionist’s desk, in meeting rooms, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

Notice Of Nondiscrimination

- Buncombe County d/b/a Mountain Mobility operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with Buncombe County d/b/a Mountain Mobility.
- For more information on Buncombe County d/b/a Mountain Mobility’s civil rights program, and the procedures to file a complaint, contact 828-250-6750 option 5, (TTY 800-735-2962); email mountainmobility@buncombecounty.org; or visit our administrative office at 339 New Leicester Hwy, Suite 140, Asheville NC 28806. For more information, visit www.buncombecounty.org/mm.
- If information is needed in another language, contact 828-250-6750 option 8.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and inside our vehicles.
- Ads in newspapers and other publications shall include the following: “Mountain Mobility operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on Mountain Mobility’s Title VI program or how to file a discrimination complaint, please contact the Title VI coordinator at 828-250-6750 option 5, (TTY 800-735-2962); email mountainmobility@buncombecounty.org.”
- The statement will be posted or provided in languages other than English, when appropriate.
- See **Appendix C** for Spanish versions of this notice.

Procedures to Ensure Nondiscriminatory Administration of Programs and Services

We are committed to nondiscriminatory administration of our programs and services, organization wide. Mountain Mobility will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

Annual Education and Acknowledgement Form

Title VI Nondiscrimination Policy

(Title VI and related nondiscrimination authorities)

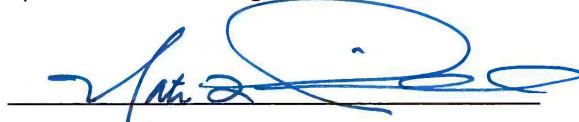
No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of Mountain Mobility are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Vicki Jennings at 828-250-6750 option 5, (TTY 800-735-2962); email mountainmobility@buncombecounty.org.

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of Mountain Mobility's Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of Mountain Mobility's programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.


Signature

8/29/2024
Date

Implementation

- Periodically, but not more than once a year, employees and representatives will receive, review and certify commitment to the Title VI Program.
- New employees shall be informed of Title VI provisions and expectations to perform their duties, accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.
- Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program. Maintain documents of each review on file.
- Signed acknowledgement forms and records of internal assessments will remain on file for at least three years.

Contract Administration

Buncombe County d/b/a Mountain Mobility ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of the organization to which they are contracted. Buncombe County d/b/a Mountain Mobility and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

Contract Language

I. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so

certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

(a) withholding payments to the contractor under the contract until the contractor complies; and/or

(b) cancelling, terminating, or suspending a contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

II. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601),

(prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable

steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender

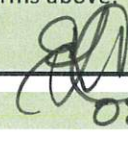
identity), disability, age, employment, or business opportunity).

*The Administration Contractor has read and is familiar with the terms above:

 Contractor's Initials

8/29/24 Date

*The Operations Contractor has read and is familiar with the terms above:

 Contractor's Initials

08/29/24 Date

Implementation

- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

Nondiscrimination Notice to Prospective Bidders

Buncombe County d/b/a Mountain Mobility, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, creed, limited English proficiency, low-income, or disability in consideration for an award.

Implementation

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

External Discrimination Complaint Procedures

These discrimination complaint procedures outline the process used by Buncombe County d/b/a Mountain Mobility to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to Mountain Mobility programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

Filing of Complaints

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, creed (religion) or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.
 - Complaints may be submitted to the following entities:
 - **Buncombe County d/b/a Mountain Mobility**, Vicki Jennings, 339 New Leicester Hwy., Suite 140, Asheville NC 28804, 828-250-6750 option 5, (TTY 800-735-2962); email vicki@landofsky.org.
 - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 984-236-1200
 - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
 - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."

- 6. Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
			FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 49 U.S.C. 5332(b); FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has enough merit to warrant investigation.

5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

Complaint Log

When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information and assigned a **Case Number**. (Note: All complaints must be logged).

1. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
2. The **Log Year(s)** since the last submittal will be entered (e.g., 2015-2018, 2017-2018, FFY 2018, or 2018) and the complaints log will be signed before submitting the log to NCDOT.
3. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

Discrimination Complaint Form

Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with Buncombe County d/b/a Mountain Mobility, within 180 days after the discrimination occurred.				
Last Name:		First Name:		☐ Male ☐ Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		
Identify the Category of Discrimination: ☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN ☐ SEX ☐ CREED (RELIGION) ☐ DISABILITY ☐ LIMITED ENGLISH PROFICIENCY ☐ AGE <i>*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.</i>				
Identify the Race of the Complainant ☐ Black ☐ White ☐ Hispanic ☐ Asian American ☐ American Indian ☐ Alaskan Native ☐ Pacific Islander ☐ Other _____				
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.				

Names of individuals responsible for the discriminatory action(s):															
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).															
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.															
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary). <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 33%;"><u>Name</u></th> <th style="text-align: left; width: 33%;"><u>Address</u></th> <th style="text-align: left; width: 33%;"><u>Telephone</u></th> </tr> </thead> <tbody> <tr> <td>1. _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2. _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>3. _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>4. _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	<u>Name</u>	<u>Address</u>	<u>Telephone</u>	1. _____	_____	_____	2. _____	_____	_____	3. _____	_____	_____	4. _____	_____	_____
<u>Name</u>	<u>Address</u>	<u>Telephone</u>													
1. _____	_____	_____													
2. _____	_____	_____													
3. _____	_____	_____													
4. _____	_____	_____													
Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply. ☐ NC Department of Transportation _____ ☐ Federal Transit Administration _____ ☐ US Department of Transportation _____ ☐ US Department of Justice _____ ☐ Federal or State Court _____ ☐ Other _____															
Have you discussed the complaint with any Buncombe County d/b/a Mountain Mobility representative? If yes, provide the name, position, and date of discussion.															

Please provide any additional information that you believe would assist with an investigation.	
Briefly explain what remedy, or action, are you seeking for the alleged discrimination.	
**WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.	
COMPLAINANT'S SIGNATURE	DATE
MAIL COMPLAINT FORM TO: Mountain Mobility 339 New Leicester Hwy Suite 140 Asheville, NC 28806 828-250-6750 option 5, (TTY 800-735-2962) mountainmobility@buncombecounty.org.	
FOR OFFICE USE ONLY Date Complaint Received: _____ Processed by: _____ Case #: _____ Referred to: ☐ NCDOT ☐ FTA Date Referred: _____	

Discrimination Complaints Log

Log Year(s):

CASE NO.	COMPLAINANT NAME	RACE/ GENDER	RESPONDENT NAME	BASIS	DATE FILED	DATE RECEIVED	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

No Complaints or Lawsuits ☒

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **Buncombe County d/b/a Mountain Mobility** since the previous Title VI Program submission to NCDOT.

Vicki Jennings

8/29/2024

Signature of Title VI Coordinator or Other Authorized Official

Date

Vicki Jennings, Mountain Mobility Title VI Coordinator

Print Name and Title of Authorized Official

Investigative Guidance

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

Template/Sample Investigative Report

I. COMPLAINANT(S) NAME (or attorney for the complainant(s) – name and address if applicable)

Name, Address, Phone: 999-999-9999

II. RESPONDENT(S) (or attorney for the respondent(s) – name and address if applicable)

Name, Address, Phone: 999-999-9999

III. APPLICABLE LAW/REGULATION

[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53]]

IV. COMPLAINT BASIS/(ES)

[For example, Race, Color, National Origin, Creed (Religion), Sex, Age, Disability]]

V. ISSUES/ALLEGATIONS

[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, creed, sex, national origin, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.

Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

VI. BACKGROUND

[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]

VII. INVESTIGATIVE PROCEDURE

[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]

VIII. ISSUES / FINDINGS OF FACT

[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]

IX. CONCLUSION

[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]

X. RECOMMENDED ACTIONS

[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

APPENDIX

[Include in the Appendix any supplemental materials that support your findings and conclusion.]

Service Area Population Characteristics

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

Race and Ethnicity

The following table was completed using data from Census Table DP05, ACS Demographics and Housing Estimates, 2022 ACS 5-Year Estimates.

Race and Ethnicity	Number	Margin of Error	Percent	Margin of Error
Total Population	269,449		269,449	
White	245,136	±1,327	91%	±0.5
Black or African American	18,892	±81	7%	±0.1
American Indian or Alaska Native	2,891	±271	1.1%	±0.1
Asian	4,762	±72	1.8%	±0.1
Native Hawaiian and Other Pacific Islander	743	±179	0.3%	±0.1
Some other Race	13,458	±1,206	5%	±0.4
Two or More Races	16,022	±1,498	5.9%	±0.6
HISPANIC OR LATINO (of any race)	19,093		7.1%	
Mexican	10,580	±1,010	3.9%	±0.4
Puerto Rican	1,334	±382	0.5%	±0.1
Cuban	581	±385	0.2%	±0.1
Other Hispanic or Latino	6,598	±947	2.4%	±0.4

Age & Sex

The following table was completed using data from Census Table S0101, Age Groups and Sex, 2022 ACS 5-Year Estimates.

Age	Number						Percent					
	Both sexes	Margin of Error	Male	Margin of Error	Female	Margin of Error	Both sexes	Margin of Error	Male	Margin of Error	Female	Margin of Error
Total Population	269,449	*****	130,266	±134	139,183	±134	100%	-	100%	-	100%	-
Under 5 years	12,448	±51	6,427	±81	6,021	±55	4.6%	±0.1	4.9%	±0.1	4.3%	±0.1
Under 18 years	48,538	±110	24,849	±124	23,689	±75	18%	±0.1	19.1%	±0.1	17%	±0.1
18 to 64 years	165,348	n/a	81,128	n/a	84,220	n/a	61.4%	n/a	62.3%	n/a	60.5%	n/a
65 years and over	55,563	±60	24,289	±60	31,274	±2	20.6%	±0.1	18.6%	±0.1	22.5%	±0.1
Median Age	42.3	±0.3	41	±0.4	43.7	0.2						

Disability

The following table was completed using data from Census Table S1810, Disability Characteristics, 2022 ACS 5-Year Estimates.

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total civilian noninstitutionalized population	265,600	±116	36,158	±1891	13.6%	±0.7
Under 5 years	12,447	±51	88	±107	0.7%	±0.9
5 to 17 years	36,011	±85	1,601	±362	4.4%	±1
18 to 34 years	57,380	±196	4,753	±703	8.3%	±1.2
35 to 64 years	106,379	±244	13,539	±1459	12.7%	±1.4
65 to 74 years	32,673	±182	6,423	±571	19.7%	±1.7
75 years and over	20,710	±193	9,754	±580	47.1%	±2.8
SEX						
Male	128,329	±231	16,840	±1092	13.1%	±0.8
Female	137,271	±215	19,318	±1436	14.1%	±1.1
RACE AND HISPANIC OR LATINO ORIGIN		±		±		±
White	226,470	±1174	30,718	±1783	1360.0%	±0.8
Black or African American	14,635	±722	2,663	±473	1820.0%	±3.1
American Indian and Alaska Native	512	±266	29	±36	6	±7.4
Asian	3,099	±335	510	±119	17	±4
Native American and Other Pacific Islander	373	±70	59	±101	16	±29.8
Some other Race	4,711	±1010	360	±223	760.0%	±4.5
Two or more races	15,800	±1511	1,819	±429	1150.0%	±2.6
Hispanic or Latino	18,991	±70	1,170	±373	620.0%	±2

Poverty

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months, 2022 ACS 5-Year Estimates:

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population for whom poverty status is determined	262,724	±340	29,543	±2,003	11.2%	±0.8
AGE						
Under 18	47,551	±311	6,857	±958	14.4%	±2
18 to 64	161,790	±168	17,636	±1,459	10.9%	±0.9
65 years and over	53,383		5,050		9.5%	±1.2
SEX						
Male	126,975	±345	13,970	±1,274	11.0%	±1
Female	135,749	±401	15,573	±1,079	11.5%	±0.8
RACE AND HISPANIC OR LATINO ORIGIN						
White	224,536	±1,242	21,478	±1,778	9.6%	±0.8
Black or African American	14,182	±722	3,363	±829	23.7%	±5.7
American Indian and Alaska Native	491	±236	129	±186		±28.4
Asian	2,995	±342	288	±146		±4.5
Native American and Other Pacific Islander	373	±70	49	±95		±27.6
Some other Race	4,536	±983	865	±426	19.1%	±7.8
Two or more races	15,611	±1,502	3,371	±1,003	21.6%	±5.6
Hispanic or Latino	18,690	±155	4,871	±1,133	26.1%	±6
All individuals below:±						
50 percent of poverty level	10,773	±1,433				
125 percent of poverty level	41,587	±2,881				

150 percent of poverty level	55,807	±2,996				
185 percent of poverty level	72,669	±3,368				
200 percent of poverty level	78,968	±3,848				

Household Income

The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2022 Inflation-Adjusted Dollars), 2022 ACS 5-Year Estimates:

Subject	Households	
	Estimate	Margin of Error ±
Total	102,921	± 1,473
Less than \$10,000	4.0%	± 0.6%
\$10,000 to \$14,999	4.3%	± 0.6%
\$15,000 to \$24,999	8.7%	± 0.8%
\$25,000 to \$34,999	8.2%	± 0.8%
\$35,000 to \$49,999	12.7%	± 1.0%
\$50,000 to \$74,999	18.3%	± 1.0%
\$75,000 to \$99,999	12.8%	± 0.8%
\$100,000 to \$149,999	15.7%	± 0.8%
\$150,000 to \$199,999	6.6%	± 0.7%
\$200,000 or more	8.8%	± 0.6%
Median income (dollars)	66,531	± 2,003
Mean income (dollars)	94,799	± 2,769

Limited English Proficiency Populations

The following table was completed using data from Subject Tables S1602: Limited English Speaking Households, 2022 ACS 5-Year Estimates.

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	257,001	±51	100%	(X)
Speak only English	235,400	± 1,409	91.6%	± 0.6%
Spanish:	14,405	± 911	5.6%	± 0.4%
Speak English "very well"	7,349	± 798	51.0%	± 4.5%
Speak English less than "very well"	7,056	± 793	49.0%	± 4.5%
Other Indo-European Languages	5,356	± 1,146	2.1%	± 0.4%
Speak English "very well"	3,209	± 700	59.9%	± 10.1%
Speak English less than "very well"	2,147	± 824	40.1%	± 10.1%
Asian and Pacific Island languages	1379	± 319	0.5%	± 0.1%
Speak English "very well"	955	± 264	69.3%	± 11.1%
Speak English less than "very well"	424	± 180	30.7%	± 11.1%

Population Locations

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

Title VI Equity Analyses (and Environmental Justice Assessments)

Title VI Equity Analyses. In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Environmental Justice Analyses. As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities or fares. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Public Involvement

Introduction

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how Buncombe County d/b/a Mountain Mobility will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

Public Notification

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated in this plan. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

Dissemination of Information

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and subrecipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

Meetings and Outreach

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

Public Meetings

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.

- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner's request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group's choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

Limited English Proficiency

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT's LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps we will take to ensure meaningful access by LEP persons to all benefits, services and information provided under our programs and activities. A four-factor analysis was conducted to determine the LEP language groups present in our planning area and the specific language services that are needed.

Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) The resources available to the recipient and costs.

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.*

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	257,001	± 51	100%	(X)
Speak only English	235,400	± 1,409	91.6%	± 0.6%
Spanish:	14,405	± 911	5.6%	± 0.4%
Speak English "very well"	7,349	± 798	51.0%	± 4.5%
Speak English less than "very well"	7,056	± 793	49.0%	± 4.5%
Other Indo-European Languages	5,356	± 1,146	2.1%	± 0.4%
Speak English "very well"	3,209	± 700	59.9%	± 10.1%
Speak English less than "very well"	2,147	± 824	40.1%	± 10.1%
Asian and Pacific Island languages	1379	± 319	0.5%	± 0.1%
Speak English "very well"	955	± 264	69.3%	± 11.1%
Speak English less than "very well"	424	± 180	30.7%	± 11.1%

Limited English Proficient (LEP) populations are growing in Buncombe County and throughout Western North Carolina, as indicated by the latest American Community Survey. While households speaking Spanish comprise the largest non-English speaking population, households speaking Indo-European and Asian languages are increasing, thereby increasing the need for services to these populations even though they may not reach the safe harbor threshold. Mountain Mobility is seeing an increase in requests for translation services for these populations.

Geographically, the city of Asheville is home to many populations of LEP individuals. Many Spanish, European and Asian groups have chosen to reside within the city limits. Pockets of both Asian and Eastern European residents occur in the southern and eastern part of Buncombe County, respectively. Despite these growing populations, resources for the Spanish-speaking community are more common, leading pockets of Spanish-speaking households to spread to the western/northwestern areas of the county outside the city limits of Asheville. As LEP populations spread to more rural areas of Buncombe County, transportation services may be more in demand as access to city transit services decreases.

Factor #2: *The frequency with which LEP individuals come in contact with the program.*

When accessing Mountain Mobility's services, a community liaison is typically the first point of contact, assisting LEP clients with details and applications. Mountain Mobility receives an average of one call per month from community resource liaisons attempting to enroll LEP clients. As part of outreach efforts, Mountain Mobility participates in

community events quarterly, which gives LEP individuals multiple opportunities to learn more about the service. Additionally, our Transportation Specialists work with community organizations providing services to specific, underserved populations to provide culturally relevant information for the organizations' clients who may not know about the service or do not understand how to access services.

Factor #3: *The nature and importance of the program, activity, or service provided by the recipient to people's lives.*

Many LEP individuals live within the city limits of Asheville, giving those individuals access to Asheville's fixed-route service (ART – Asheville Rides Transit). The City of Asheville contracts with Buncombe County d/b/a Mountain Mobility to provide ADA Complementary Paratransit service to those living within the city limits with a qualifying disability. Mountain Mobility has seen an increased need for transportation services for LEP senior adults, particularly those needing advanced healthcare services such as dialysis and chemotherapy. Additionally, Mountain Mobility has seen increased requests for other wraparound supports for LEP senior adults such as access to meal sites and pharmacies. As the LEP and total population grows, the need for ADA Complementary Paratransit service will increase, becoming one of the most important services Mountain Mobility provides.

Factor #4: *The resources available to the recipient and costs.*

Many resources for LEP households are available in Buncombe County, including translation services, healthcare resources, and other organizations working to connect LEP individuals to the community. Mountain Mobility uses these resources liberally to assist in reaching LEP households, particularly Spanish-speaking households. Mountain Mobility Administration partners with healthcare organizations, food banks and other groups to ensure awareness of Mountain Mobility's availability to their customers, including LEP customers. Mountain Mobility materials are translated into Spanish for dissemination. Additionally, Mountain Mobility uses the Interactive Voice Response system – or IVR – to communicate with LEP clients. This service is available in 5 languages: English, Spanish, Russian, Chinese and Ukrainian. Mountain Mobility also has access to a translation phone service for assistance with more than 300 languages/dialects.

Language Assistance Plan

As a result of the above four factor analysis, a Language Assistance Plan (Plan) was required. This Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). This Plan also details the mechanisms we will use to reach LEP persons and the language assistance services we provide. We will provide services to any person, upon request. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan.

Language Assistance Measures

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into **any languages that meet the safe harbor threshold in Factor 1.**
- Vital documents—such as brochures with service times and routes—are translated into Spanish across the entire service area, and available in our facilities, doctor's offices and shopping centers.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.

- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- Language line translation services at our call center.
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
 - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.
- Spanish: translation of rider information materials and public notices into Spanish, and available live translation services.
- Russian: available live translation services.
- Ukrainian: available live translation services.

Written Translation and Oral Interpretation

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

In the event that the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial, or door hangers, will be determined in consideration of the circumstances on the ground and in coordination with LEP community contacts.

Staff Support for Language Assistance

- Agency staff (including call center staff) will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Officer and any outside consultant contracted to provide language services. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance flashcards and materials translated into the languages of the largest LEP language groups. When encountered by an LEP person, staff (including drivers) should present the individual with an iSpeak flashcard and let them choose the language. Do not assume you know their preferred language. Drivers are permitted to seek volunteer assistance from other passengers before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees

will be reminded of LEP through annual Title VI program acknowledgements (Section 5.0) and basic Title VI trainings (Section 11.0).

Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

Monitoring and Updating the LAP

Monitoring of daily interactions with LEP persons will be continuous, thus language assistance techniques may be refined at any time. This Plan will be periodically reviewed—at least annually—to determine if our assistance measures and staff training are working. Resource availability and feedback from agency staff and the general public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

Demographic Request

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

Buncombe County d/b/a Mountain Mobility is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

Race/Ethnicity: ☐ White ☐ Black/African American ☐ Asian ☐ American Indian/Alaskan Native ☐ Native Hawaiian/Pacific Islander ☐ Hispanic/Latino ☐ Other (please specify): _____	National Origin: (if born outside the U.S.) ☐ Mexican ☐ Central American: _____ ☐ South American: _____ ☐ Puerto Rican ☐ Chinese ☐ Vietnamese ☐ Korean
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	☐ Other (please specify): _____
Gender: ☐ Male ☐ Female	Age: ☐ Less than 18 ☐ 45-64 ☐ 18-29 ☐ 65 and older ☐ 30-44
Disability: ☐ Yes ☐ No	
I choose not to provide any of the information requested above: ☐	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact Mountain Mobility by phone at 828-250-6750 option 5, (TTY 800-735-2962) or Vicki Jennings, 339 New Leicester Hwy., Suite 140, Asheville NC 28804,; email vicki@landofsky.org.

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

Implementation

- Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.
- If a member, for whatever reason, selects *"I choose not to provide any of the information requested above,"* this will be accepted as a **completed** form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member's race and gender, based on the Coordinator's best guess.
- Data from these forms will be used to complete the Demographic Request Table.
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

Key Community Contacts

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
Eva Reynolds	Western North Carolina	Assistant Director, Disability Partners	Yes
Susan Sacco	Western North Carolina	Director, NCDHHS Services for the Deaf and Hard of Hearing	Yes
Amy Cantrell	Asheville, NC	Executive Director, Beloved Asheville (LatinX community; homeless population)	No
Amy Upham	Greater Asheville, NC	Executive Director, Blue Ridge Pride	No
Philip Cooper	Asheville, NC	Operation Gateway (African-American reentry work)	No

Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact any individual listed above must request that information from the Title VI Coordinator.

Summary of Outreach Efforts Made Since the Last Title VI Program submission

The following format is used to document URTS outreach efforts in reports to NCDOT. All meetings and disseminations of information capture information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated
July 23, 2022	10 a.m.	Informational	Disabled	Mountain Mobility Access
September 21, 2022	1 p.m.	Informational	LGBTQ+ Seniors	Mountain Mobility Access
July 14, 2023	4 p.m.	Informational	Seniors, Disabled	Mountain Mobility Access
December 10, 2023	11 a.m.	Informational	Seniors	Mountain Mobility Access
April 7, 2024	2 p.m.	Informational	Seniors, Disabled	Mountain Mobility Access
June 17, 2024	5 p.m.	Informational	African-American populations	Mountain Mobility Access

Staff Training

All operations employees will receive basic Title VI training at least once every year. New hires will receive this training within 30 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

Nonelected Boards and Committees – By Race and gender

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Member names and full demographics for each committee are available, upon request.

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population	48.2	51.8	81.8	6.1	1.5	.06	3.45	7.09
Community Transit Advisory Board	15.3	84.6	84.6	15.3	0	0	0	0

Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

Record Keeping and Reports

As a subrecipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and LEP). Updates will be submitted to NCDOT for review and approval and adopted by our Board when required.

In addition to items documented throughout this Plan, records and reports due at the time of compliance reviews or investigations may include:

Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

Appendix A: Applicable Nondiscrimination Authorities

During the implementation of this Title VI Program, the organization, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

Appendix B: Organizational Chart

Appendix C: NCDOT's Compliance Review Checklist for Transit

I. Program Administration (General Requirements)	
Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.	
Note: Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.	
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	☐
2. Title VI Policy Statement (<i>signed</i>)	☐
3. Title VI Notice to the Public, including a list of locations where the notice is posted	☐
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties Name/Title:	☐
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	☐
6. Title VI Complaint Form	☐
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	☐
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	☐
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	☐
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	☐
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	☐
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	☐
13. If you pass through FTA funds to other organizations , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ No Subrecipients ☐	☐
14. A Title VI equity analysis if you have constructed or conducted planning for a facility , such as a vehicle storage facility, maintenance facility, operation center, etc.	☐

➤ No Facilities Planned or Constructed ☐		
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ No Construction Projects ☐		☐
16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. Year/Agency:		☐
II. Transit Providers Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers. Note: All NCDOT subrecipients that provide <u>fixed route</u> public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section. ➤ Not Applicable ☐ (Check this box if you do not provide <u>fixed route</u> services, and skip questions 17 and 18. This section does not apply to you if you only provide demand response services.)		
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)		Completed
17. Service standards (quantitative measures) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:		
Vehicle load for each mode (<i>Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.</i>)		☐
Vehicle headway for each mode (<i>Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).</i>)		☐
On time performance for each mode (<i>Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be “on time.” Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.</i>)		☐
Service availability for each mode (<i>Refers to a general measure of the distribution of routes within a transit provider’s service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.)</i>		☐
18. Service policies (system-wide policies) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:		

Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. NOTE: Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)	☐
Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)	☐

Title VI Plan Review and Adoption

On behalf of the Buncombe County Board of Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Board, have **reviewed and hereby adopt** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Mountain Mobility transportation services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Authorizing Official

DATE

Title VI Nondiscrimination Agreement between The North Carolina Department Of Transportation and Buncombe County

In accordance with DOT Order 1050.2A, Buncombe County d/b/a Mountain Mobility assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, creed, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by Buncombe County's community transportation program, Mountain Mobility.

Further, Buncombe County d/b/a Mountain Mobility hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the Accountable Executive (AE) of the organization.
2. Issue a policy statement, signed by the AE of the organization, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout the organization and to the general public and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of AE.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by the organization. Ensure that every contract awarded by the organization's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by the organization.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or the organization's subrecipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

THIS AGREEMENT is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

Authorized Signature

Date

Brownie Newman

Chairperson, Buncombe County Board of Commissioners

September 17, 2024

Mountain Community Capital Fund Operating Committee (Governance/Legislative)
(1 appointment)

**recommendation*

REQUIREMENT: Staff position

NAME	ZIP CODE	EMPLOYER	RACE	GENDER	HISPANIC, LATINO OR SPANISH ORIGIN?	AGE	YEARS IN COUNTY
*Mason Scott	28801	Assistant Finance Director, Buncombe County Buncombe County Government	Black or	Male	No	35-54	31

Tourism Development Authority (Governance/Legislative)
(1 appointment)

TDA feels that all are strong candidates.

REQUIREMENT: owner or operator of a hotel, motel, bed and breakfast, with 100 or fewer rental units

NAME	ZIP CODE	EMPLOYER	RACE	GENDER	HISPANIC, LATINO OR SPANISH ORIGIN?	AGE	YEARS IN COUNTY
Himanshu Karvir	28803	Virtelle Hospitality, LLC	Asian	Male	No	35-54	21
Joe Balcken	28803	Wrong Way Campground	White	Male	No	35-54	24
Randy Claybrook	28704	Bent Creek Lodge	White	Male	No	55+	4

RESOLUTION # 24-09-13

RESOLUTION APPOINTING INTERIM TAX ASSESSOR

- WHEREAS, pursuant to North Carolina General Statutes ("NCGS") §105-294 the Board of County Commissioners for each county shall appoint a County Assessor to serve a term of not less than two nor more than four years;
- WHEREAS, Eric Cregger (hereinafter sometimes "Mr. Cregger") has been employed by Buncombe County since October 2015, and has served as the Land Records Supervisor, GIS Analyst, and Tax Analyst and currently serves as the Assistant Tax Assessor;
- WHEREAS, Mr. Cregger is certified by the Department of Revenue as having successfully completed the requirements of the North Carolina General Statutes for Certification of County Assessor;
- WHEREAS, County staff recommends to this Board that Mr. Cregger is a person of character and integrity whose experience and service as Assistant Buncombe County Tax Assessor make him well-suited for appointment as Interim County Assessor;
- WHEREAS, General Statutes require that the compensation and expenses of the Tax Assessor shall be determined by the Board of County Commissioners; this Board desires that this position shall be subject to the County position classification plan in the discretion of the county manager consistent with the County Personnel Ordinance and that this position shall answer administratively to the County Manager;
- WHEREAS, on the recommendation of Human Resources, the Interim Tax Assessor position shall be a grade 3013 with a salary of \$107,458.64; and the interim tax assessor shall have no expense allowances; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to appoint Mr. Eric Cregger as Interim Tax Assessor to serve in such capacity until such time as a permanent assessor is recruited and appointed or for the remainder of the unexpired term of the previous assessor as appointed by Resolution #21-11-06 whichever first occurs.

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

1. That the Recitals set forth above, along with the definitions of certain terms, are

incorporated herein by reference as if fully restated.

2. That Eric Cregger is hereby appointed as Interim Tax Assessor of Buncombe County to act as its Tax Assessor pursuant to NCGS §105-294.
3. That Eric Cregger is appointed to serve until such time as a permanent assessor is recruited and appointed or for the remainder of the unexpired term of the previous assessor as appointed by Resolution #21-11-06 whichever first occurs.
4. That this resolution shall be effective upon its adoption.

Adopted this 17th day of September 2024.

BOARD OF COMMISSIONERS

ATTEST

THE COUNTY OF BUNCOMBE



Sarah Gross, Clerk

By: 
Brownie Newman, Chairman

APPROVED AS TO FORM



County Attorney