

Public Service Announcement

In order to maintain the safety of County residents, the Watauga County Board of Commissioners Meeting scheduled for 5:30 P.M. on Tuesday, February 2, 2021, will be conducted electronically. The Board Packet, including the agenda, is available on the County's website at:

http://www.wataugacounty.org/App_Pages/Dept/BOC/boardpacket.aspx

The public may access this meeting by

Calling: +1 929 205 6099 and entering the following:

Meeting ID: 884 4303 8033

Password: 12345

OR

Clicking the following link:

<https://us02web.zoom.us/j/88443038033?pwd=cEhTVF12N09majQvWHBmeklFdUVqQT09>

The County is making every effort to ensure that the public is able to, not only listen to the meeting, but also to participate in the public comment portion. You may submit public comments by email to: public.comments@watgov.org or by mail to:

Clerk to the Board of Commissioners
814 West King Street, Suite 205
Boone, NC 28607

Public comments received by 5:00 P.M. on Monday, February 1, 2021, will be available to view by the time of the meeting (February 2, 2021, at 5:30 P.M.) on the County's website at:

http://www.wataugacounty.org/App_Pages/Dept/BOC/boardpacket.aspx

A recording of this meeting will be available by 5:00 P.M. on Wednesday, February 3, 2021, on the County's website at:

http://www.wataugacounty.org/App_Pages/Dept/BOC/boardpacket.aspx

**TENTATIVE AGENDA & MEETING NOTICE
BOARD OF COUNTY COMMISSIONERS**

**TUESDAY, FEBRUARY 2, 2021
5:30 P.M.**

**ELECTRONIC MEETING ORIGINATING FROM THE
WATAUGA COUNTY COMMUNITY RECREATION CENTER
COMMUNITY ROOM**

TIME	#	TOPIC	PRESENTER	PAGE
5:30	1	CALL REGULAR MEETING TO ORDER		
	2	APPROVAL OF MINUTES: January 19, 2021, Regular Meeting January 19, 2021, Closed Session		1
	3	APPROVAL OF THE FEBRUARY 2, 2021, AGENDA		17
5:35	4	CORONAVIRUS (COVID-19) COMMUNITY UPDATE	MS. JENNIFER GREENE	19
5:40	5	WATAUGA COUNTY SCHOOLS CAPITAL IMPROVEMENT PLAN (CIP) FUNDS REQUEST	MS. LY MARZE	21
5:45	6	PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT – COVID RELIEF (CDBG-CV) PROGRAM MATTERS	MR. JOE FURMAN	
	A.	CDBG-CV Compliance Documents		23
		1. 504/ADA Grievance Procedure		
		2. Section 3 Plan – Local Economic Benefit....		
		3. Procurement Policy		
		4. Code of Conduct		
		5. Residential Anti-displacement Policy		
		6. Optional Coverage Relocation Plan		
		7. Optional Coverage Resolution (for the OCR Plan)		
		8. Project Ordinance		
		9. Equal Employment & Procurement Plan		
		10. Complaint Procedure		
		11. Language Access Plan		
		12. Fair Housing Plan		
		13. Fair Housing Complaint Procedure		
		14. Fair Housing Analysis of Impediments		
	B.	Proposed Agreement with High Country Council of Government for Administration of the CDBG-CV Program		73
5:50	7	UPDATED NC DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)/COUNTY MEMORANDUM OF UNDERSTANDING (MOU) PURSUANT TO G. S. 108A-74	MR. TOM HUGHES	83

TIME	#	TOPIC	PRESENTER	PAGE
5:55	8	MISCELLANEOUS ADMINISTRATIVE MATTERS	MR. DERON GEOUQUE	
		A. Tentative Agenda for Annual Pre-Budget Retreat		119
		B. Boards and Commissions		123
		C. Announcements		125
6:00	9	PUBLIC COMMENT	BY WRITTEN SUBMISSION	129
6:05	10	BREAK		129
6:10	11	CLOSED SESSION		129
		Attorney/Client Matters – G. S. 143-318.11(a)(3)		
		Land Acquisition – G. S. 143-318.11(a)(5)(i)		
6:30	12	ADJOURN		

AGENDA ITEM 2:

APPROVAL OF MINUTES:

January 19, 2021, Regular Meeting

January 19, 2021, Closed Session

DRAFT**MINUTES****WATAUGA COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 19, 2021**

The Watauga County Board of Commissioners held a regular meeting, as scheduled, on Tuesday, January 19, 2021, at 5:30 P.M. remotely with the meeting originating in the Community Room located in the Watauga County Community Recreation Center, Boone, North Carolina.

Vice-Chairman Kennedy called the remote electronic meeting to order at 5:32 P.M. The following were present:

PRESENT: Billy Kennedy, Vice-Chairman
Carrington Peralion, Commissioner
Charlie Wallin, Commissioner
Larry Turnbow, Commissioner
Anthony di Santi, County Attorney
Deron Geouque, County Manager
Anita J. Fogle, Clerk to the Board

Vice-Chairman Kennedy stated that Chairman Welch was absent from the meeting due to a family matter.

Commissioner Wallin opened with a prayer and Commissioner Turnbow led the Pledge of Allegiance.

APPROVAL OF MINUTES

Vice-Chairman Kennedy called for additions and/or corrections to the December 15, 2020, regular meeting and closed session minutes.

Vice-Chairman Kennedy presented the following proposed correction to the December 15, 2020, regular minutes for consideration:

Watauga Medical Center Board of Trustees

The Watauga Medical Center Board of Trustees recommended the reappointment of Dr. Paul Dagher, MD, and Ms. Mary Louise Roberts, and the appointment of Ms. Meagan Phillips as Board Trustees. Each of their terms would be effective January 1, ~~2020~~ **2021**, through December 31, ~~2022~~ **2023**. These were first readings.

Commissioner Turnbow, seconded by Commissioner Peralion, moved to waive the second reading and reappoint Dr. Paul Dagher, MD, and Ms. Mary Louise Roberts, and to appoint Ms. Meagan Phillips as Watauga County representatives on the Watauga Medical Center Board of Trustees with each of their terms to end on December 31, ~~2022~~ **2023**.

VOTE: Aye-4(Kennedy, Peralion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Commissioner Pertalion, seconded by Commissioner Turnbow, moved to approve the December 15, 2020, regular meeting minutes as amended.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Commissioner Wallin, seconded by Commissioner Pertalion, moved to approve the December 15, 2020, closed session minutes as presented.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

APPROVAL OF AGENDA

Vice-Chairman Kennedy called for additions and/or corrections to the January 19, 2021, agenda.

Vice-Chairman Kennedy requested to add a discussion regarding COVID vaccines.

[Clerk's Note: County Manager Geouque suggested adding the topic prior to Miscellaneous Administrative Matters; however, as it was appropriate, Mr. Kennedy spoke on the matter during the Coronavirus (COVID-19) Community Update.]

County Manager Geouque stated that he would present the radio infrastructure budget amendment request on behalf of Mr. Will Holt and that a public hearing would be requested during the proposed fifth amendment to the Watauga Medical Center lease agreement discussion.

Commissioner Turnbow, seconded by Commissioner Pertalion, moved to approve the January 19, 2021, agenda as amended.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

CORONAVIRUS (COVID-19) COMMUNITY UPDATE

Ms. Jennifer Greene, AppHealthCare Director, provided an update on the Coronavirus (COVID-19). The report was for information only and, therefore, no action was required.

Vice-Chairman Kennedy stated that, if the new floor coverings for the gymnasiums at the new Community Recreation Center (CRC), were available by February 1, the County would like to make the CRC available for future vaccination clinics.

PROPOSED FIFTH AMENDMENT TO WATAUGA MEDICAL CENTER LEASE AGREEMENT

Mr. Jim Deal, President-Elect of the Watauga Medical Center Board of Trustees, presented a fifth amendment to the County lease for Watauga Medical Center (WMC). Mr. Deal explained the amendment was needed to extend the lease as required for WMC's bond financing for the new Central Energy Plant and a hospital wing, which would include new surgical operating and patient care rooms. The term of the bond for hospital improvements was anticipated to be approximately thirty-five (35) years and the lease would be required to be five (5) years longer than the bond. The Board of Trustees has requested an extension of the current twenty-seven (27) year lease with the term expiration date changing from 2034 to 2061. Mr. Deal also presented a proposed resolution and requested a public hearing be set for February 16, 2021, Board of Commissioners meeting to allow for public comment on the resolution, proposed bonds, and lease agreement.

Commissioner Turnbow, seconded by Commissioner Wallin, moved to recuse Commissioner Pertalion as she was employed by Watauga Medical Center.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Commissioner Turnbow, seconded by Commissioner Wallin, moved to set a public hearing for Tuesday, February 16, 2021, at 5:30 P.M. and to approve the wording of the proposed resolution (which would be considered for adoption after the public hearing along with the proposed fifth amendment to the lease agreement).

VOTE: Aye-3(Kennedy, Turnbow, Wallin)
Nay-0
Absent-1(Welch)
Recused-1(Pertalion)

Commissioner Turnbow, seconded by Commissioner Wallin, moved to reinstate Commissioner Pertalion to the meeting.

VOTE: Aye-3(Kennedy, Turnbow, Wallin)
Nay-0
Absent-1(Welch)
Recused-1(Pertalion)

PRESENTATION OF FY 2020 AUDIT

Ms. Cindy Randolph with C. Randolph, CPA, PLLC, presented the Fiscal Year 2020 County audit and thanked the Board for allowing her to perform the audit. Ms. Randolph stated that it was a pleasure working with the County Manager, Finance Director, and staff throughout the audit process. Ms. Randolph stated that there were no material weaknesses in the internal control audit and any past concerns had been corrected. Below were some of the financial highlights:

- The total assets of the County exceeded its liabilities at the close of the fiscal year by \$173,057,263.
- The County's unassigned fund balance for the general fund was \$25,226,121 at the end of the year, representing 46.1% of total General Fund expenditures. This was an increase of \$4,728,123 in the unassigned fund balance from the previous year.
- The current year collection rate for property taxes was 98.59% which was a decrease from last year's 99.01%. The County was still well above the statewide average of 98.28% for entities of similar populations in fiscal year 2018-19.
- **Outstanding debt principal decreased by \$3,414,027.** Total outstanding debt principal at June 30, 2020 was \$46,190,000. Watauga County's legal debt limit was \$696,594,671 so the County continued to be well below the state limits.
- S&P updated their review of the County's financials and reaffirmed the County's stable outlook and credit rating at AA.

Ms. Randolph stated that the County was in excellent fiscal condition and the audit had been submitted to and approved by the Local Government Commission (LGC).

County Manager Geouque stated that staff planned to request, in the future, additional fund balance monies to be used, in part, to raise employees' salaries to be equitable to Appalachian State University and Town of Boone employee salaries as the County was conservative at the beginning of the current Fiscal Year and did not provide cost of living adjustments (COLAs) to employees in July 2020.

FINANCE MATTERS

A. Budget Amendments

Ms. Misty Watson, Finance Director, reviewed the following budget amendments:

Account #	Description	Debit	Credit
103839-332100	COVID Response Grant Expenses		\$33,739
104170-449050	COVID Response Grant Expenses	\$33,739	

The amendment recognized funds received from the Center for Tech and Civil Life for the public purpose of planning and operating safe and secure election administration. No match was required.

103300-332004	Senior Center Grant		\$14,020
105550-449900	Senior Center Grant Expenses	\$14,020	

The amendment recognized the acceptance of the Senior Center grant funds as approved per Board action on October 6, 2020. County funds were required as match funds were already in the Project on Aging (POA) budget.

104170-449022	CARES Funding Expenses	\$38,000	
103300-314702	CARES Funding		\$38,000

The amendment recognized the acceptance of funds received under Session Law 2020-97 for a sub grant reserved for Board of Elections under the CARES Act Supplemental Funds. No match was required.

103300-346000	Coronavirus Relief Fund		\$10,000
104330-449001	CRF – Watauga County	\$10,000	

The amendment recognized the acceptance of additional funds received under Session Law 2020-4 for a portable broadband kit for the local health department to facilitate the real time transmission of testing data from COVID-19 mobile testing sites located in rural areas served by the local health department. No match was required.

103300-351000	USDA Cooperative Extension Grant	\$8,333	
10495-449920	Cooperative Extension Grant		\$8,333

The amendment recognized the acceptance of the grant project for Veteran Farmers with a partnership between Appalachian State University and NC Cooperative Extension per action taken at the April 7, 2020, Board meeting. No match was required.

104141-469500	Contracted Services	\$160,000	
103991-399100	Fund Balance		\$160,000

The amendment recognized funds for tax revaluation appraisal services with Vincent Valuations LLC. Adequate funds were carried forward as restricted in fund balance from previous years.

103300-332006	SHIIP Grant		\$6,079
105550-449901	SHIIP Grant Expenses	\$6,079	

The amendment recognized the acceptance of the State Health Insurance Information Program (SHIIP) grant funds per Board action taken on December 15, 2020. No match was required.

103300-332101	One-Stop Bonuses – Board of Elections		\$25,057
104170-412601	One-Stop Bonuses	\$25,057	

The amendment recognized the acceptance of one-stop bonuses received from the NC State Board of Elections. No match was required.

103300-346000	Coronavirus Relief Fund		\$986,937
104330-449003	CRF – Town of Boone	\$119,484	
104330-449004	CRF – Town of Seven Devils	\$13,188	
104330-449005	CRF – Town of Beech Mountain	\$94,058	
104330-449006	CRF – Appalachian Regional Healthcare	\$159,514	
104330-449007	CRF – Watauga County School System	\$108,307	
104330-449001	CRF – Watauga County	\$160,501	
104330-449008	CRF – App Health Care	\$331,885	

The amendment recognized the carryover of unspent funds received under Session Law 2020-4 for money reserved for local governments under the Coronavirus Relief Fund and FEMA reimbursement for COVID-19 related expenses.

143300-332010	CARES LIEAP		\$68,701
145410-449031	CARES LIEAP	\$68,701	

The amendment recognized the acceptance of Pandemic LIEAP (Low Income Energy Assistance Payments) grant funds from the Division of Social Services. No match is required.

145310-449200	CARES APS/CPS	\$13,032	
143300-332009	CARES APS/CPS		\$13,032

The amendment recognized the acceptance of Adult Protective Services/Child Protective Services grant funds under the CARES Act. No match was required.

Commissioner Turnbow, seconded by Commissioner Wallin, moved to approve the budget amendments as presented by Ms. Watson.

VOTE: Aye-4(Kennedy, Peralion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

B. FY 2020 Carry Forward Purchase Orders

Ms. Watson presented Carry Forward Purchase Orders for Fiscal Year 2020. The Carry Forward Purchase Orders were for projects already budgeted but not finished or in some cases just starting.

Commissioner Peralion, seconded by Commissioner Turnbow, moved to approve the Carry Forward Purchase Orders as presented by Ms. Watson.

VOTE: Aye-4(Kennedy, Peralion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

WATAUGA COUNTY SCHOOLS MATTERS

A. Watauga County Schools Update

Dr. Scott Elliott, Watauga County School Superintendent, presented an update on Watauga County Schools. Dr. Elliott thanked the Board of Commissioners, County Manager, and Finance Director for COVID funds received which were greatly appreciated. With some school systems in the State being closed or using only remote learning; Watauga County Schools were fortunate to be operating under a two-day in person/three-day remote schedule. Dr. Elliott stated that Watauga County Schools were prepared due to funding received for computers, nurses (of which one and one-half positions were added with COVID relief funding), etc. Two hundred and fifty thousand (250,000) meals have also been provided through the school system during the pandemic. Dr. Elliott thanked Ms. Jennifer Greene, Director of AppHealthCare, for the assistance of her staff in getting rapid tests administered on site at local schools. Dr. Elliott thanked the County for advocating for broadband services and stated that hotspots were currently being provided to students in need. Facilities were being maintained. Two teachers recently received awards including Ms. Erin Ellington who has been named Northwest North Carolina's Regional Teacher of the Year. Dr. Elliott was proud of the recent COVID vaccination clinic held at Watauga High School and thanked all partners involved with organizing the clinic, including Mr. Will Holt, Watauga County Emergency Services Director, Dr. Chuck Mantoath, Executive Director of Watauga Medical Center, and Ms. Jennifer Greene, Executive Director of AppHealthCare. Dr. Elliott was complimentary of Board of Elections Director, Mr. Matt Snyder, and staff while using the schools for voting during the pandemic. Dr. Elliott also thanked the Board for the recent

Student Resource Officer (SRO) agreement which allowed for placing Deputy Sheriff/Lieutenant Morrison as the SRO at Watauga High School.

B. Lottery Funds Request

Dr. Elliott presented a request for the release of funds from the State Education Lottery Fund. A total amount of \$250,000 was requested to replace worn carpet and/or tile in classrooms for safety (\$30,000), replace cafeteria equipment (\$55,000), replace phone and bell systems (VOIP) (\$80,000), replace classroom doors for safety (\$15,000), and renovate/replace sections of school roofs (\$45,000).

Ms. Ly Marze, Director of Finance for Watauga County Schools, clarified that Lottery funds could be used for these VOIP expenses as they were approved for the use with the State Lottery prior to making the request.

Commissioner Peralion, seconded by Commissioner Wallin, moved to approved the release of State Education Lottery Funds as requested.

VOTE: Aye-4(Kennedy, Peralion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

PROPOSED HIGH COUNTRY KILL/CHILL FACILITY

Mr. Jim Hamilton, Cooperative Extension Director, gave an update on the proposed project for the Golden Leaf Northwest Sector Community Based Grant Initiative program to create and construct new facilities for livestock slaughter and processing in Watauga County. The goal of the project was for Watauga County to provide the location for a local kill/chill facility (of which Mr. Hamilton stated that an official name for the facility would be considered) as well as leveraged funding for the construction of a USDA certified facility to meet the demand of local and regional producers.

Mr. Hamilton stated that the County was invited to submit a full proposal to Golden Leaf which was due February 11, 2021. The total amount requested was \$1.4 million with the facility proposed to serve the counties of Ashe, Alleghany, Avery, Caldwell, Mitchell, and Watauga. Watauga County would serve as the fiscal lead agent for the project. After meeting with a consultant, Mr. Hamilton stated that the project could cost considerably more than the proposed grant funds and, therefore, the financials were being reviewed to determine if a successful request could be submitted. After an initial meeting, the amount requested was hoped to potentially be increased due to the infrastructure cost associated with the project; however, Mr. Hamilton stated that a Zoom meeting was held early in the day at which the County was informed that the ask amount for the grant could not be increased and, therefore, it would be up to the partners to come up with funds needed to complete the project. Mr. Hamilton stated that the full grant request submittal was due by February 11 with supplemental information due by March 15. The Golden Leaf Board would meet during the first week of April to decide on grant awards. If the grant was awarded, the Board of Commissioners would need to take further action to accept the funds.

Commissioner Turnbow, seconded by Commissioner Pertalion, moved to authorize the submittal of the full proposal for the kill/chill facility to the Golden Leaf Northwest Sector Community Based Grant Initiative.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

TAX MATTERS

A. Monthly Collections Report

Tax Administrator, Mr. Larry Warren, presented the Tax Collections Report for the month of December 2020. The report was presented for information only and, therefore, no action was required.

B. Refunds and Releases

Mr. Warren presented the Refunds and Releases Report for December 2020 for Board approval:

TO BE TYPED IN MINUTE BOOK

Commissioner Turnbow, seconded by Commissioner Pertalion, moved to approve the Refunds and Releases Report for December 2020 as presented.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

C. Board of Equalization and Review Schedule

Mr. Larry Warren, Tax Administrator, requested direction in the scheduling of the 2021 Board of Equalization and Review (E&R). Mr. Warren stated that a special Board of Equalization and Review could be created to serve with the Board of Commissioner serving as the Board of E&R as it has in previous years including the County Manager serving as an alternate member. Mr. Warren presented a proposed resolution creating the Board of E&R. The member compensation also needed to be set and, for the past several years, it was set at \$75.00 per session with the County Manager receiving no additional compensation over his salary. Mr. Warren suggested the convening date for the Board of E&R be scheduled for Monday, April 19, 2021, from 4:00 P.M. to 7:00 P.M. and the adjournment date be scheduled for Thursday, April 29, 2021, at 5:00 P.M. Board members reviewed their calendars for additional meeting dates and discussed changing the adjournment date to Tuesday, April 27, 2021.

Commissioner Turnbow, seconded by Commissioner Wallin, moved to set the convening date as Monday, April 19, 2021, from 4:00 P.M. to 7:00 P.M.; meeting dates on Wednesday, April 21, 2021, and Friday, April 23, 2021, with both beginning at 4:00 P.M.; and the adjournment date as Tuesday, April 27, 2021, at 5:00 P.M.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Commissioner Turnbow, seconded by Commissioner Pertalion, moved to adopt the resolution establishing the Board of Equalization and Review with the County Manager to serve as an alternate, if needed to form a quorum, and to set the member compensation at \$75.00 with the County Manager receiving no additional compensation.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

MAINTENANCE MATTERS

A. Bid Award for Courtroom #2 A/V System

Mr. Robert Marsh, Maintenance Director, stated that he had received bids, as follows, for the A/V system for ongoing renovations in Courtroom #2:

Bid Summary for Courtroom #2 A/V System		
Bidder	Contact	Amount
Creekside Electronics Boone, NC	Lane Robinson	\$20,021
Clark Powell Winston Salem, NC	Gary Bennett	\$27,343
Freedom Electric Boone, NC	Charles Safirit	No Bid Received

Mr. Marsh stated that the A/V system would complete the renovations to the Courtroom. Creekside Electronics was the lowest responsive bidder and adequate funds were budgeted to cover the expense in the renovation project line.

Commissioner Pertalion, seconded by Commissioner Wallin, moved to award the bid to Creekside Electronics, in the amount of \$20,021, as presented by Mr. Marsh.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

B. Bid Award for Complex Sports Facility

Mr. Robert Marsh, stated that the Timmons Group, Project Engineer for the County's Complex Sports Facility, received bids for lighting the Complex Fields on December 23, 2020. The scope of work included lighting the softball field, basketball court, and tennis courts. The following bids were received:

Bid Summary for Complex Sports Facility Lighting		
Bidder	Contact	Amount
Tommy Lawrence Electric Roxboro, NC	Tommy Lawrence	\$235,861
E. F. Belk & Son Mooresville, NC	Chip Belk	\$388,020
Qualite Hillsdale, MI	Todd Krohn	\$442,049

Of the bids received, Tommy Lawrence Electric was the lowest responsive bidder. Tommy Lawrence Electric also has a history of working with the County as they completed the sports lighting on the two adjacent County softball fields in 2007. Adequate funds were available to cover the expense in the budgeted amount for the project.

County Manager Geouque reminded the Board that the County was waiting on Town of Boone permits for the project and, therefore, modifications may be required which could require further Board action prior to the project being completed.

Commissioner Turnbow, seconded by Commissioner Wallin, moved to award the bid to Tommy Lawrence Electric, in the amount of \$235,861, as presented by Mr. Marsh.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

RADIO INFRASTRUCTURE BUDGET AMENDMENT REQUEST

County Manager Geouque, on behalf of Mr. Will Holt, Emergency Services Director, requested the Board authorize the use of \$100,000 from the Emergency Communications line in the County's Capital Improvement Plan (CIP). Additional funding was requested due to the progress occurring with the system improvements.

Commissioner Pertalion, seconded by Commissioner Turnbow, moved to authorize the use of \$100,000 from the Emergency Communications line in the County's Capital Improvement Plan (CIP).

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Selection of an Architect for the New Valle Crucis Elementary School

County Manager Geouque stated that the County solicited Requests for Qualifications (RFQs) for architectural services for the new Valle Crucis Elementary School. The proposals were due

November 13, 2020. The Facilities Committee consisting of Chairman Welch, Commissioner Wallin, County Manager Geouque, Watauga County School Board Chairman Gary Childers, and School Superintendent Dr. Scott Elliott reviewed the nine (9) proposals which were received. After a thorough review, along with substantial discussion, the members unanimously agreed to recommend the selection of Clark Nexsen to the Board of Commissioners for consideration.

Clark Nexsen was recommended due to their recent success with the design and construction of the County's new Community Recreation Center (CRC). The County has worked with Clark Nexsen over the past ten (10) years. Clark Nexsen also has work experience with the school system having recently completed a comprehensive study of their facilities. In addition, Clark Nexsen assisted with the due diligence on the property acquired for the new school. Their involvement in the due diligence period has provided Clark Nexsen with extensive knowledge of the current site and its conditions.

County Manager Geouque stated that the Committee recommended the selection of Clark Nexsen as the architect for the new school and the authorization for the County Manager to negotiate a contract which would include clauses allowing the County out of the contract in the event the economy, pandemic, or other reasons caused construction of the school to stop.

Commissioner Turnbow, seconded by Commissioner Pertation, moved to select Clark Nexsen as the architect for the new Valle Crucis School and to authorize the County Manager to negotiate a contract which would include clauses allowing the County out of the contract in the event the economy, pandemic, or other reasons caused a stop to the construction of the school.

VOTE: Aye-4(Kennedy, Pertation, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

B. Discussion of Turner House Demolition

County Manager Geouque stated that the Boone Town Manager, Mr. John Ward, sent an email inquiring if the County was interested in any further discussions or exploration of the joint Queen Street Parking Lot.

After discussions, including the concern that the Town of Boone never sought soil borings for geotechnical findings on the property and that the Town of Boone charges for parking and the County does not, the Board agreed, by consensus, to move forward with an independent plan to provide more parking for citizens closer to the Courthouse.

C. Proposed Dates for Annual Pre-Budget Retreat

County Manager Geouque presented the following proposed dates for the Annual Pre-Budget Retreat: February 8 and 9 or February 11 and 12 with times proposed from 12:00 –7:00 P.M. and 9:00 A.M.–1:00 P.M. Two days were required for the Retreat.

By consensus, the Board agreed to schedule the Annual Pre-Budget Retreat on February 8, 2021, from 12:00 to 7:00 P.M. and February 9, 2021, from 9:00 A.M. to 1:00 P.M.

D. Proposed Dates for Budget Work Sessions

County Manager Geouque presented the following proposed dates for the two budget work sessions held each year. The work sessions were scheduled for a time after the Manager's proposed budget would be presented to the Board at the first regular meeting in May. The proposed dates for the budget work sessions were May 6 and 7 or May 13 and 14 with times proposed from 12:00 – 8:00 P.M. and 9:00 A.M.–1:00 P.M.

By consensus, the Board agreed to schedule the two Budget Work Sessions for May 13, 2021, from 12:00 to 8:00 P.M. and May 14, 2021, from 9:00 A.M. to 1:00 P.M.

E. Proposed Resolution to Support the North Carolina Association of County Commissioners (NCACC) Initiative on Food Resiliency

County Manager Geouque presented a proposed resolution that the North Carolina Association of County Commissioners (NCACC) requested the Board adopt promoting food system resiliency.

Commissioner Wallin, who serves on the NCACC Presidential Task Force on Food System Resiliency, shared that he believed Watauga County's numbers were underreported due to many not wanting to ask for help.

Commissioner Wallin, seconded by Commissioner Pertalion, moved to adopt the *Resolution to Support the North Carolina Association of County Commissioners (NCACC) Initiative on Food Resiliency* as presented by the County Manager.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

F. Proposed Resolution Supporting the Approval and Adoption of the High Country Council of Governments Charter

County Manager Geouque presented a proposed resolution which supported amendments to the High Country Council of Governments' existing Charter.

Commissioner Turnbow, who serves as the Watauga County representative on their Board, stated that there were no negative impacts from the proposed changes and stated that the amendments were well overdue.

Commissioner Turnbow, seconded by Commissioner Pertalion, moved to adopt the *Resolution Supporting the Approval and Adoption of the High Country Council of Governments Charter* as presented by the County Manager.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

G. Boards and Commissions

County Manager Geouque presented the following:

Adult Care Home Community Advisory Committee

Ms. Stevie John, Regional Long Term Care Ombudsman with High Country Council of Governments, submitted Ms. Janet Specht for reappointment to serve a three-year term on the Watauga County Nursing Home Community Advisory Committee. Ms. John also submitted Ms. Wanda Brach for appointment to the Watauga County Nursing Home Community Advisory Committee.

Commissioner Turnbow, seconded by Commissioner Pertalion, moved to waive the second reading and reappoint Ms. Janet Specht and appoint Ms. Wanda Brach to the Watauga County Nursing Home Community Advisory Committee.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Recreation Commission

The terms of Recreation Commission members representing the Blowing Rock, Mabel, and Cove Creek elementary school districts were up for appointment. Parks and Recreation Director, Stephen Poulos, had requested recommendations for appointments to fill these positions. Cove Creek Principal, Scott Carter, recommends the reappointment of Toby Cone to represent the Cove Creek School district. Blowing Rock principal, Patrick Sukow, recommends the reappointment of Jared Everett as the Blowing Rock School district representative. Mabel Principal, Elin Reuben, recommends the reappointment of Roxanne Saltman to represent the Mabel School district.

Commissioner Pertalion, seconded by Commissioner Turnbow, moved to reappoint Toby Cone, as a representative of the Cove Creek School district; Jared Everett, as a representative of the Blowing Rock School district; and Roxanne Saltman, as a representative of the Mabel School district, to the Recreation Commission.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Boone Rural Fire Protection Service District Board and the Watauga County Planning Board

Each Commissioner nominates a representative to the Boone Rural Fire Protection Service District Board and the Watauga County Planning Board whose terms run concurrent with the term of the appointing Commissioner. Planning Board members must live within the appointing Commissioner's District and action must be taken by the entire Board of Commissioners to make these appointments. Boone Rural Fire Service District Board members must own property and reside within the Fire Service District.

Commissioner Pertalion stated that she was working with Boone Fire Chief, Jimmy Isaacs, and Boone Rural Fire Protection Service District Board member, Jimmy Marsh, to find a representative

to serve. Commissioner Turnbow stated that Katy Abrams, his representative on the Boone Rural Fire Protection Service District Board, had moved and, therefore, he was also in the process of finding a representative to serve. Vice-Chairman Kennedy stated that Dennis Scanlin wished to be replaced as his representative on the Planning Board.

H. Announcements

County Manager Geouque announced that Watauga County Parks and Recreation had teamed up with Hospitality House, Casting Bread, and Hunger & Health Coalition to collect food items. If interested in participating, please drop items off at the new Community Recreation Center (CRC) between 8:00 A.M. and 5:00 P.M. through Friday, February 12, 2021.

PUBLIC COMMENT

A public comment was received from Dalton George regarding substandard housing. After brief discussion, the Board requested the document be forwarded to Mr. Joe Furman, Planning and Inspections Director, and placed on the Annual Pre-Budget Retreat agenda for discussion.

CLOSED SESSION

At 7:49 P.M., Commissioner Wallin, seconded by Commissioner Pertalion, moved to enter Closed Session to discuss Attorney/Client Matters, per G. S. 143-318.11(a)(3) and Land Acquisition, per G. S. 143-318.11(a)(5)(i).

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Commissioner Wallin, seconded by Commissioner Pertalion, moved to resume the open meeting at 8:55 P.M.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

ADJOURN

Vice-Chairman Kennedy adjourned the meeting at 8:55 P.M.

VOTE: Aye-4(Kennedy, Pertalion, Turnbow, Wallin)
Nay-0
Absent-1(Welch)

Billy Kennedy, Vice-Chairman

ATTEST:

Anita J. Fogle, Clerk to the Board

Blank Page

AGENDA ITEM 3:

APPROVAL OF THE FEBRUARY 2, 2021, AGENDA

Blank Page

AGENDA ITEM 4:

CORONAVIRUS (COVID-19) COMMUNITY UPDATE

MANAGER'S COMMENTS:

Ms. Jennifer Greene, AppHealthCare Director, will provide an update on the Coronavirus (COVID-19).

The report is for information only; therefore, no action is required.

Blank Page

AGENDA ITEM 5:

**WATAUGA COUNTY SCHOOLS CAPITAL IMPROVEMENT PLAN (CIP) FUNDS
REQUEST**

MANAGER'S COMMENTS:

Ms. Ly Marze, Watauga County School Finance Director, will request the Board release \$1,185,000 from the School CIP balance for the enclosed projects.

Board action is required to release the \$1,185,000 from the School CIP balance.



WATAUGA COUNTY BOARD OF EDUCATION

Margaret E. Gragg Education Center
175 Pioneer Trail, Boone, NC 28607

TO: Deron Geouque, County Manager
Misty Watson, Finance Director
Watauga County

FROM: Dr. Scott Elliott, Superintendent
Ly Marze, Finance Officer
Watauga County Schools

DATE: January 27, 2021

RE: CIP Funds Request

Watauga County Schools respectfully requests the release of \$1,185,000 from the CIP funds reserved for the school district to fund the following projects:

Pavement Repair/Resurface	160,000
Security Cameras	100,000
Mobile Unit	125,000
Lights at WHS Stadium	175,000
Turf Replacement at WHS	450,000
1:1 Devices	175,000

Thank you for your continued support of Watauga County Schools.

AGENDA ITEM 6:**PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT COVID-RELIEF (CDBG-CV) PROGRAM MATTERS*****A. CDBG-CV Compliance Documents*****MANAGER’S COMMENTS:**

Mr. Furman will present the proposed ordinance, policies, and resolutions that are required for the Division of Community Assistance for the Community Development Block Grant – COVID Relief (CDBG-CV) program.

The ordinance, policies, and resolutions requiring adoption are as follows:

1. 504/ADA Grievance Procedure
2. Section 3 Plan – Local Economic Benefit....
3. Procurement Policy
4. Code of Conduct
5. Residential Anti-displacement Policy
6. Optional Coverage Relocation Plan
7. Optional Coverage Resolution (for the OCR Plan)
8. Project Ordinance
9. Equal Employment & Procurement Plan
10. Complaint Procedure
11. Language Access Plan
12. Fair Housing Plan
13. Fair Housing Complaint Procedure
14. Fair Housing Analysis of Impediments

Board action is required to adopt the ordinance, policies, and resolutions for the Community Development Block Grant – COVID Relief (CDBG-CV) program funds.

**Watauga County
126 Poplar Grove Connector
Suite 201
Boone, NC 28607**

**SECTION 504 COMPLIANCE OFFICER/GRIEVANCE PROCEDURE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Watauga County, North Carolina, hereby designates the County Director of Planning and Inspections, to serve as Section 504 Compliance Officer throughout the implementation of the Locality Community Development Program.

Citizens with Section 504 grievances may do so at any point in the program. Watauga County will respond in writing to written citizen grievances. Citizen grievances should be mailed to: Watauga County Planning and Inspections, 126 Poplar Grove Connector, Suite 201, Boone, NC 28607, phone: (828) 265-8043, TDD: 7-1-1. The County will respond to all written citizen grievances within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a grievance concerning any action prohibited under Section 504, a meeting with the compliance officer to discuss the grievance will be scheduled. The meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the grievance, a reply will be made, in writing, within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may write to the North Carolina Department of Commerce, CDBG Section, 4346 Mail Service Center, Raleigh, North Carolina 27699-4346, Phone: (919) 814-4600, TDD: 7-1-1. DOC will respond only to written comments within ten (10) calendar days of the receipt of the comments.

ADOPTED AND APPROVED this _____ day of _____, 20_____.

Chairman

ATTEST:

Clerk to the Board

Local Jobs Initiative
Section 3 Plan
Local Economic Benefit for Low- and Very Low-Income Persons

Watauga County

I. APPLICATION AND COVERAGE OF POLICY

The County is committed to the policy that, to the greatest extent possible, opportunities for training and employment be given to lower income residents of the community development project area and contracts for work in connection with federally assisted community development project be awarded to business concerns located or owned in substantial part by persons residing in the Section 3 covered area, as required by Section 3 of the Housing and Urban Development Act of 1968, Watauga County has developed and hereby adopts the following Plan:

The County will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development, and all applicable rules and orders of the Department issued thereunder

This Section 3 covered project area for the purposes of this grant program shall include Watauga County and portions of the immediately adjacent area.

The County will be responsible for implementation and administration of the Section 3 plan. In order to implement the County's policy of encouraging local residents and businesses participation in undertaking community development activities, the County will follow this Section 3 plan which describes the steps to be taken to provide increased opportunities for local residents and businesses.

This Section 3 Plan shall apply to services needed in connection with the grant including, but not limited to, businesses in the fields of planning, consulting, design, building construction/renovation, maintenance and repair, etc.

When in need of a service, Watauga County will identify suppliers, contractors or subcontractors located in the Section 3 area. Resources for this identification shall include the Minority Business Directory published through the State Department of Commerce, local directories and Small Business Administration local offices. Word of mouth recommendation shall also be used as a source.

The County will include the Section 3 clause and this plan in all contracts executed under this Community Development Block Grant (CDBG) Program. Where necessary, listings from any agency noted above deemed shall be included as well as sources of subcontractors and suppliers. The Section 3 Plan shall be mentioned in the pre bid meetings and preconstruction meetings.

The prime contractor selected for major public works facility or public construction work will be required to submit a Section 3 Plan which will outline his/her work needs in connection with the project. Should a need exist to hire any additional personnel, the Watauga County NCWorks Career Center shall be notified and referred to the contractor.

Each contract for housing rehabilitation under the program, as applicable, for jobs having contracts in excess of \$100,000 shall be required to submit a Section 3 Plan. This Plan will be maintained on file in the grant office and shall be updated from time to time or as the grant staff may deem necessary.

Early in our project, prior to any contracting, major purchases or hiring, we will develop a listing of jobs, supplies and contracts likely to be utilized during the project. We will then advertise the pertinent information regarding the project including all Section 3 required information. The NC Department of Commerce should be contacted with the Bid Materials to distribute the information throughout their list serve to reach out the communities.

II. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

Watauga County will take the following steps to assure that low income residents and businesses within the community development project area and within the County are used whenever possible:

The County will advertise in the local newspaper at least once during the life of the CDBG project soliciting the participation of Section 3 qualified and historically underutilized businesses (contractors) to be placed on solicitation lists.

All contractors will also be highly encouraged to sub-contract with Section 3 qualified businesses as well as hire any Section 3 qualified residents if additional workers are needed for the project.

Please check the methods to be used for the Section 3 program in your community:

The County will place a display advertisement in the local newspaper containing the following information:

- i. A brief description of the project
- ii. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
- iii. An acknowledgement that under Section 3 of Housing and Community Development Act, local residents and businesses will be utilized for jobs, contract and supplies in carrying out the project to the greatest extent feasible.
- iv. A location where individuals interested in jobs or contracts can register for consideration
- v. A statement that all jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchase and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, or which Watauga County will maintain a list for individuals and business concerns inquiring information

Training and technical assistance will be provided by the local community college for low income residents requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Councils, **Job Training Partnership Act (29 U.S.C. 1579 (a)) (JTPA) Programs**, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.

Low income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:

- i. Advertisement in the local newspaper
- ii. Posting of Section 3 Plan at the County Courthouse
- iii. County Board meeting when project activities and schedules are discussed
- iv. Open meetings of Project Advisory Committee when everyone in neighborhood is invited
- v. Notification to other agencies that provide services to low-income people.

Other (describe):

Watauga County will, to the greatest extent feasible, utilize lower income area residents as trainees and employees:

1. Encourage rehabilitation contractors to hire local area residents
2. Encourage public works contractors to hire local area residents

Watauga County will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area

1. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
2. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.
3. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores

III. RECORDS AND REPORTS

Watauga County will maintain such records and accounts and furnish such information and reports as are required under the Section 3 regulations, and permit authorized representatives of NC Department of Commerce, and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with this Section 3 Plan.

The County shall report annually the Section 3 numbers using the form HUD 60002 to the Department of Commerce at the end of the calendar year as part of the Annual Performance Report (APR).

IV. MONITORING COMPLIANCE

Watauga County may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notice, and published information will be kept to document the implementation of the plan.

V. COMPLAINTS CONTACT

Please provide the main contact in case that any complaint is received from the general public on Section 3 compliance (including name, phone number, address, and email):

Deron Geouque
Watauga County Manager
814 W. King Street
Suite 205
Boone, NC 28607
(828) 265-8000
deron.geouque@watgov.com



Adopted this _____ day of _____, 20____.

Chairman

ATTEST: _____
Clerk

**RESOLUTION FOR WATAUGA COUNTY
PROCUREMENT PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, Watauga County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and,

WHEREAS, a Procurement Policy is required for the County’s CDBG project;

NOW, THEREFORE BE IT RESOLVED, that to accomplish the above, Watauga County Board of Commissioners hereby adopts the attached Procurement Policy to be used throughout the implementation of this Community Development Block Grant project.

Duly adopted this the _____ day of _____, 20____ upon motion made by

Commissioner _____, seconded by

Commissioner _____, and adopted by the following vote:

Aye _____ No _____ Absent _____ Abstained _____

By: _____
John Welch, Chairman

Attest: _____
Anita Fogle, Clerk to the Board

**WATAUGA COUNTY
PROCUREMENT POLICY FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

In the procurement of supplies, equipment, or services in the Watauga County CDBG-Coronavirus program (CDBG-CV), the following policies shall apply:

- 1) Small purchase procedures. These are relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than \$25,000. Under this procurement method, price or rate quotations shall be obtained from an adequate number of qualified sources. Office supplies and equipment may be secured by this method.
- 2) In competitive sealed bids (formal advertising), sealed bids shall be publicly solicited and a firm, fixed price contract shall be awarded to the responsible bidder whose bid conforming with all the material terms and conditions of the invitation for bids, is lowest in price.
- 3) In competitive negotiations, proposals shall be requested from a number of sources and the Request for Proposals shall be publicized. All aspects of the competitive negotiations shall be carried out in conformance with 24 CFR Part 85. The general administrative contract, appraisal contract, surveying contract and all other required services related to the program implementation shall be awarded utilizing this method. Under this method, special consideration shall be given to experience, technical abilities and familiarity with the services to be provided. Price shall not be the sole consideration for award of contract.

On all procurement, efforts shall be made to solicit bids from qualified small, female and minority business firms.

In all cases, procurement under this Policy must conform to the requirements for procurement set forth in 24 CFR Part 85.

An adequate record of procurement must be maintained to ensure that these policies and the requirements of 24 CFR Part 85 have been followed in their entirety.

Code of Conduct Resolution County of Watauga

WHEREAS, the Community Development Block Grant – U.S. Housing and Urban Development Programs of the Federal and State Governments requires Watauga County to maintain a written Code of Conduct for public officials (elected and appointed), officers, employees or agents engaged in the award or administration of contracts supported by federal funds; and

WHEREAS, no public official, employee, official, officer or agent of Watauga County shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, is involved; and

WHEREAS, Attachment O – Circular No. A-102 of the Code of Federal Regulations, section 7, entitled “Code of Conduct” defines such a conflict of interest that would involve a financial or other interest, real or apparent, is involved; and

WHEREAS, North Carolina General Statutes Chapter 14, Article 31, entitled “Misconduct in Office” provides standards, regulations, and penalties for violation of state and local laws by public officials, officers, and employees;

NOW, THEREFORE, BE IT RESOLVED that North Carolina General Statutes, Chapter 14, Article 31, entitled “Misconduct in Office” shall govern the code of conduct required by the Code of Federal Regulations, Attachment O, and Circular No. A-102, as set forth heretofore.

Adopted this ____ day of _____, 20_____.

Chairman

Clerk

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Watauga County will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR Section 42.325.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expanding funds that will directly result in such demolition or conversion, Watauga County will make public the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling will remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of lower-income households in the jurisdiction.

Watauga County will provide relocation assistance, as described in 24 CFR Section 42.325 to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling unit to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, Watauga County will take the following steps to minimize the displacement of persons from their homes:

- 1) The County will attempt to renovate deteriorated units instead of demolishing them.
- 2) Only units which are beyond economical repair will be demolished.
- 3) Where feasible, the County will seek to locate community facilities and related development activities so as to minimize the impact on low/moderate occupied or vacant occupiable dwellings.

Adopted this _____ day of _____, 20_____.

Chairman

ATTEST:

Clerk

OPTIONAL COVERAGE RELOCATION BENEFITS POLICY
FOR
WATAUGA COUNTY, NORTH CARONINA

WATAUGA COUNTY
CDBG PROGRAMS
Updated January 1, 2021

1. Organization and Administration

Watauga County will coordinate all relocation activities (temporary or permanent) resulting from Community Development activities. Relocation assistance and payments will be provided to individuals and families displaced as a result of Community Development housing code enforcement, Voluntary Demolition, or other Community Development Activities that are not otherwise covered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (hereinafter referred to as the “Uniform Act”).

2. Eligibility

Individuals and families residing in the Community Development Block Grant Project Area, that are displaced as a direct result of housing activities or other community development activities and which have unmet, long-term, relocation needs are eligible to receive assistance. In addition, eligibility of the individual or family must have been established and documented prior to the provision of financial assistance under this plan. Families who are permanently displaced due to unanticipated events such as fires, floods, or other man-made or natural disasters may also be eligible if they resided in the Community Development Block Grant Project Area identified in the application for grant assistance at the time of the disaster.

3. Authority

Optional relocation benefits are authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act and the interim rule which describes the “Act”.

4. Assistance to be Provided

The following optional relocation coverage relocation policy is to be used during the implementation of the Community Development Block Program. All persons displaced in accordance with this policy shall be provided relocation assistance in accordance with guidelines outlined under 49 CFR 24, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Program”, except as outlined below:

- a) Displaced Person A displaced individual is someone whose home, which is located within Watauga County, is determined to be in a condition too dilapidated to be economically feasible to rehabilitate and will be demolished. This can also include a person temporarily displaced as a result of program activities such as housing rehabilitation.
- b) Initiation of Negotiations The term “initiation of negotiations” shall be defined under this policy to mean the date the Notice of Relocation Eligibility is issued to the occupant.

- c) Comparable Replacement Dwelling The term “comparable replacement dwelling”, as defined under 49 CFR 24, shall be redefined under this policy to mean a dwelling in which is (1) decent, safe, and sanitary as defined in 49 CFR 24.2(a)(8); (2) functionally equivalent to displacement dwelling; (3) adequate in size to accommodate the occupants; (4) on a site not subject to adverse environmental conditions; (5) in a location generally not less desirable than the location of the displaced person’s dwelling with respect to public utilities, commercial and public facilities, and reasonably accessible to the person’s place of employment; (6) on a site that is typical in size for residential development with normal site improvements including customary landscaping. The site will not include special improvements such as outbuildings, swimming pools, or greenhouses; (7) currently available to the displaced person in the private market; however, a government subsidized dwelling unit will be considered comparable if it meets standards (1) through (6) above and the displacement dwelling is government subsidized and (8) within the financial means of the displaced person, as defined under 49 CFR 24.2(a)(9). Circumstances permitting temporary relocation and basic conditions of an emergency move will be followed in accordance with 49 CFR 24.203(c)(4) and 49 CFR 24.204(b) and (c).
- d) Relocation Notices A “Notice of Relocation Eligibility” outlining all information described under 49 CFR 24.203 (a) and (b) will be sent by certified mail or hand delivered to all displaced individuals concurrently with any letter or document initiating negotiations for the displacement dwelling. Additionally, the Project Manager will, in all cases, precede the initiation of negotiations with a documented personal interview with the individual to be displaced. Ninety-day notices shall be prepared in issued in accordance with 49 CFR 24.203(c).
- e) Level and amounts of CDBG assistance available to eligible individuals and families shall include the following limits:
- 1) Homeowner Replacement Housing Payment- eligible homeowners, as defined by 49 CFR 24.401(a) may receive a replacement housing payment, as computed in accordance with 49 CFR 24.401.
 - 2) Down-payment Assistance – down-payment assistance for eligible tenants or homeowners as defined by 49 CFR 24.402(a) may be received in an amount equal to the relocation benefits, as computed in accordance with 49 CFR 24.402(c), for at tenant or homeowner.
 - 3) Rental Assistance – eligible tenants as defined by 49 CFR 24.402(a) may receive an amount for rental assistance as compute din accordance with 49 CFR 24.402(b).

- 4) Moving Expenses – an eligible individual or family may receive moving and related expenses as calculated in accordance with 49 CFR 24.302 (see Table 1)
- 5) Eligible individuals or families may receive assistance in the form of relocation planning, advisory and coordination services consistent with those described in Section 24.205 of the URA. These shall include, but not be limited to, the provision of transportation as deemed necessary and reasonable to support the relocation, assistance in submitting claims for payment, counseling and education on relocation regulations and coordinating these activities with existing social service and economic assistance programs as they are available.
- 6) Eligible tenants may elect assistance as described in Section 104(d) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and further described in Sections 570.496.a(b) and 570.606(b) of the interim rule. Their rental assistance provided for relocation under this section is as follows:
 - i. A choice between actual reasonable moving expenses as described in 24 CFR 42.301(b)(1) or a fixed expense as described in 24 CFR 42.302. See Table 1 below for the North Carolina fixed expense schedule as prepared by the US Department of Transportation.

Table 1

Occupant Owns Furniture									Occupant Does Not Own Furniture		
Number of Rooms of Furniture									Each Add'l Room	First Room	Each Add'l Room
1	2	3	4	5	6	7	8				
\$550	\$750	\$1,050	\$1,200	\$1,350	\$1,600	\$1,700	\$1,900	\$150	\$350	\$50	

- ii. Advisory Services as described in 24 CFR Part 42, Subpart C.
- iii. Reimbursement for reasonable and necessary security deposit and credit checks.
- iv. Replacement Housing Assistance – A person choosing to rent must be offered either (1) a Section 8 housing voucher/certificate (through the housing authority) and referrals to comparable replacement dwelling unity where the owner agrees to participate in the Section 8 Program or (2) cash rental assistance to reduce the rent and utility costs to 30% of his/her income (adjusted, as determined by grantee/recipient) for a 5-year period and appropriate referrals to comparable replacement dwellings.

- f) To prevent “windfall”, rental assistance payments to tenants who pay little or no rent, the following procedure will be utilized:
- 1) Prior to computing rental assistance the Project Manager will determine the fair market rent for the displacement dwelling. If the existing rent is above 75% of the fair market rent the existing rent shall be used to compute the rental assistance payment. However, if the existing rent is less than 75% of the fair market rent, the fair market rent shall be used to compute the rental assistance payment.
 - 2) In situations where fair market rent is utilized to compute the rental assistance payment and the tenant’s non-subsidized total monthly housing cost is not affordable after relocation, the rental assistance payment shall be increased to the extent necessary to insure an affordable monthly housing cost (i.e., total non-subsidized housing costs less than 30% of gross income).
 - 3) Actual rent may be used for tenants paying little or no rent if the use of fair market rent would create an undue hardship and prevent the person from obtaining comparable standard replacement housing.
- g) Owner-occupants of displacement mobile homes situated on a rented site are eligible for down-payment assistance for purchase of a new mobile home site in lieu of a rental assistance payment, in addition to a replacement housing payment, if a comparable rental site cannot be located on a timely or cost-effective basis.
- h) If such assistance as prescribed in the above sections is not sufficient to completely relocate a household in accordance with the Uniform Relocation Assistance and Real Property Acquisition Regulations (49 CFR 24), the grantee/recipient may provide additional assistance as outline in 49 CFR 24-404, Replacement Housing of Last Resort.

5. Affirmative Action for Low-Income and Minority Persons

All Relocation assistance provided under this plan will be undertaken in a non-discriminatory manner. Any low-income or minority individual or family assisted under this plan shall not be required to move to an area of low-income and/or minority concentration as a condition of receiving relocation assistance, unless they have been given opportunities to relocation to a comparable replacement dwelling that is not located in an area of low-income and/or minority concentration, if such opportunities are available.

6. Temporary Relocation

Rehabilitation shall be conducted without relocation of the affected occupants to the greatest extent feasible. Should relocation be necessary, and should available temporary housing be substandard by the above definition, the minimum standards set forth shall not apply. Such relocation shall be accomplished at the minimum feasible cost. Of the two moves involved, (out of and back into the rehabilitated structure) one may be financed under a Fixed Payment for Moving Expenses as described below. Temporary relocation payments will be limited to cover only those expenses that would not otherwise be normal to the relocatee. That is to say, expenses that are directly relocated to the temporary relocation and which are above and beyond the normal expenses incurred by the relocatee. These would include, but not be limited to, reasonable expenses for lodging for the period of dislocation, travel expenses to and from the lodging or other temporary relocation site, costs for temporary storage of household belongings. This would not include reimbursement for expenses that would otherwise be incurred (meals, normal travel, etc.) Relocatees are required to submit receipts to the County documenting the expenses for which they are requesting reimbursement.

7. Relocation Record-keeping

Complete records, documents, and justification for payments made pursuant to this plan shall be maintained in accordance with the guidelines under 49 CFR 24.9 of the “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs”.

8. Complaint Procedure

Watauga County conforms to standard, ethical practices in the relocation of individuals and families and desires to see that all interests are protected. If there are any questions or complaints, Watauga County solicits the cooperation of all owners and requests an opportunity to discuss them in an effort to satisfy all parties concerned. The County has adopted the following Complaint Procedure:

Citizens may make comments at any point in the program including planning, implementation, and closeout. Watauga County will respond in writing to written citizen comments. Citizen comments should be mailed to the Watauga County Manager, 814 W. King Street, Suite 205, Boone, NC 28607. The County will respond to all written comments within ten (10) calendar days of receipt of the comments.

Should any individual, family, or entity have a complaint concerning the Watauga County Community Development Block Grant Program, the complaint should first be discussed with the Project Manager. **ALL EFFORTS SHOULD BE EXHAUSTED TO RESOLVE THE COMPLAINT AT THIS LEVEL.**

If the complaint cannot be resolved in this manner, a meeting with the Watauga County Manager to discuss the complaint should be requested. The request should be in writing and should briefly outline the complaint. A meeting date and time will be established within five (5) calendar days of receipt of the request. Upon meeting and discussing the complaint, a reply will be made, in writing within five (5) calendar days.

If the citizen is dissatisfied with the local response, they may **write** to the North Carolina Department of Commerce, Rural Economic Development Division, 4346 Mail Service Center, Raleigh, NC 27699-4346. REDD will respond **only to written comments** within ten (10) calendar days of the receipt of the comments.

STATE OF NORTH CAROLINA

DRAFT

COUNTY OF WATAUGA

OPTIONAL COVERAGE RELOCATION PLAN RESOLUTION

A Resolution Authorizing the Adoption of an Optional Coverage Relocation Plan for the Watauga County Community Development Block Grant Program.

Be it resolved by the Board of Commissioners of Watauga County, North Carolina, That:

WHEREAS, Watauga County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the relocation of individuals and families is an eligible activity under this program;

WHEREAS, Watauga County has been allocated funds under Title I of the Housing and Community Development Act of 1974; and

WHEREAS, it is the objective, spirit and intent of the Community Development Block Grant to achieve the revitalization of neighborhoods through improvements of housing conditions for low and moderate income citizens; and

WHEREAS, the rehabilitation of some dwellings units is so extensive that the work cannot be accomplished without temporarily dislocating the residents from their properties; and

WHEREAS, some occupied dwelling units are unfit for human habitation, financially and structurally no feasible for rehabilitation, and require demolition; and

WHEREAS, it is often undesirable to permanently dislocate some residents from their properties, change their status from homeowners to tenants, or increase their financial burden for housing costs; and

WHEREAS, Section 105(a)(11) of the Housing and Community Development Act of 1974, as amended, permits a CDBG grantee to design and administer an "Optional Coverage" relocation program which can provide benefits to displaces of dilapidated units which are subject to removal through local code enforcement activities (without real property acquisition), voluntary demolition, or provide assistance to residents that are temporarily dislocated from their properties; and

WHEREAS, such relocation benefits must be utilized by the qualified recipient to obtain standard housing, cover moving expenses and related costs for those individuals displace by grant activities; and

WHEREAS, an Optional Coverage Relocation Plan has been prepared and has been reviewed by the Board of Commissioners of Watauga County; and

WHEREAS, it is the desire of Watauga County to foster such worthy objectives with the Community Development Block Grant Program.

THEREFORE, BE IT RESOLVED that the Board of Commissioners of Watauga County, North Carolina hereby adopt the attached policy of Optional Coverage Relocation Plan, as set forth in Section 105(a)(11) of the Housing and Community Development Act of 1974, as amended. Such plan is to cover any and all financial obligations incurred during any necessary relocation of affected citizens.

ADOPTED this 2nd day of February, 2021.

John Welch, Chairman
Watauga County Board of Commissioners

ATTEST:

Anita J. Fogle
Clerk to the Board

STATE OF NORTH CAROLINA

DRAFT

WATAUGA COUNTY

Grant Project Ordinance
Community Development Block Grant –
Coronavirus Program (CDBG-CV)
CDBG #20-V-3520

BE IT ORDAINED by Watauga Board of Commissioners, pursuant to Section 13.2 of Chapter 159 of the general statutes of North Carolina, the following grant project is hereby adopted:

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement between this unit and the Department of Commerce.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce and the budget contained herein.

Section 3. The following revenues are available to complete this project:

Community Development Grant	\$900,000.00
Total	\$900,000.00

Section 4. The following amounts are appropriated for the project:

Watauga County CDBG-Coronavirus Program **CDBG #20-V-3520**

Public Service (Subsistence Payments)	\$ 810,000
Administration and Planning	<u>\$ 90,000</u>
Total Project	\$ 900,000

Section 5. The Finance Officer is hereby directed to maintain within the Grants Project Fund sufficient specific detailed accounting records to provide the accounting to the grant agency required by the grant agreement(s) and federal and state regulations.

Section 6. Requests for funds should be made to the grantor agency in an orderly and timely manner as funds are obligated and expenses incurred.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED this 2nd day of February, 2021.

John Welch, Chairman
Watauga County Board of Commissioners

ATTEST:

Anita J. Fogle
Clerk to the Board

EQUAL EMPLOYMENT AND PROCUREMENT PLAN

The Watauga County maintains the policy of providing equal employment opportunities for all persons regardless of race, color, religion, sex, national origin, handicap, age, political affiliation, or any other non-merit factor, except where religion, sex, national origin, or age is a bona fide occupation qualification for employment.

In furtherance of this policy the County prohibits any retaliatory action of any kind taken by any employee of the County against any other employee or applicant for employment because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding, or investigation of employment discrimination.

The County shall strive for greater utilization of all persons by identifying previously underutilized groups in the work force, such as minorities, women, and the handicapped, and making special efforts toward their recruitment, selection, development, and upward mobility and any other term, condition, or privilege of employment.

Responsibility for implementing equal opportunities and Affirmative Action measures is hereby assigned to the County Manager and/or other persons designated by the manager or Board of Commissioners to assist in the implementation of this policy statement.

The County shall develop a self-evaluation mechanism to provide for periodic examination and evaluation. Periodic reports as requested on the progress of equal Employment Opportunity and Affirmative Action will be presented to the Board of Commissioners by the County Manager.

The County is committed to this Policy and is aware that with its implementation, the County will receive positive benefits through the greater utilization and development of all human resources.

ADOPTED this 2nd day of February, 2021.

John Welch, Chairman
Watauga County Board of Commissioners

ATTEST:

Anita J. Fogle
Clerk to the Board

WATAUGA COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT COMPLAINT PROCEDURE

The following citizen complaint procedures are intended to provide a timely written response to all complaints and grievances made against Watauga County's Community Block Grant (CDBG) Programs.

1. A person who has a comment or complaint about the services funded or to be funded by a CDBG program administered by the County may submit such comment or complaint in writing to the Watauga County Manager, 814 W. King Street, Suite 205, Boone, NC 28607.
2. The written complaint shall include a description of the matter causing the grievance and contact information for the complainant including name, physical and mailing address, and phone number.
3. The County Manager will, within fifteen (15) business days of receiving the comments or complaints, investigate and determine an appropriate response.
4. A determination, to include any findings and response, will be rendered within thirty (30) days of the receipt of the complaint and sent to the complainant at the address provided.
5. If the person(s) filing the complaint are not satisfied with the County Manager's determination they may contact in writing the North Carolina Department of Commerce, Rural Economic Development Division, State CDBG Program, 4346 Mail Service Center, Raleigh, NC 27699-4346 Attn; Citizen CDBG Complaint.

If you have any questions about the complaint procedure or would like to register a complaint, please contact the Watauga County Manager at the address above or by phone at (828) 265-8000. For the hearing impaired, TTY assistance is available at 7-1-1.

ADOPTED this 2nd day of February, 2021.

John Welch, Chairman
Watauga County Board of Commissioners

ATTEST:

Anita J. Fogle
Clerk to the Board

Language Access Plan

Watauga County CDBG Programs

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all CDBG programs or activities administered by Watauga County must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective February 2, 2021 for a period of three (3) years.

I. Scope of Policy

These requirements will apply to Watauga County (**herein referred to as “the agency”**) including subcontractors, vendors, and sub-recipients specific to CDBG, CDBG-R, CDBG-CV and CDBG-NRP funded programs.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

II. Definitions

- A. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write, or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- B. Vital Documents – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents (within reasonable notice), fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary, notices advising LEP persons of the availability of free language assistance, and other outreach materials.
- C. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
- D. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

III. Providing Notice to LEP Individuals

The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

Anita Fogle
Watauga County Clerk to the Board
814 W. King Street
Boone, NC 28607
(828) 265-8000
anita.fogle@watgov.org

(Note: The agency must notify the Department of Commerce compliance office immediately of changes in name or contact information for the Title VI compliance officer.)

- A. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

Identify areas within the agency where these signs will be posted:

These signs will be posted on the public bulletin board at the Watauga County Courthouse.

- B. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
- C. The agency will also disseminate information in the following manner:

Printed information will be made available at selected agency owned buildings that explain the rights provided by this policy. In addition, the policy will be accessible on the County's website.

IV. Provision of Services to LEP Applicants/Recipients

- A. Assessing Linguistic Needs of Potential Applicants and Recipients
1. The agency will assess the language needs of the population to be served, by identifying:
 - a. the language needs of each LEP applicant/recipient
 - b. the points of contact where language assistance is needed; and
 - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

2. Determining the Language Needs of the Population to be Served

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
 - i. census data
 - ii. school system data
 - iii. reports from federal, state, and local governments
 - iv. community agencies' information, and
 - v. data from client files
- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
- English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy
- Other (describe):

- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.
- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided

free of charge. A declaration of the client will be used to establish the client's primary language.

- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.

B. Provision of Bilingual/Interpretive Services

1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by:

Watauga County has access to a qualified interpreter to be used when necessary. If the interpreter is not able to assist the Limited English Proficient person in a reasonable amount of time, a telephone interpreter service will be used.

2. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

This requirement will be met by:

At the initial point of contact, it will be determined by the agency or administration staff if the LEP individual is proficient enough in English to proceed or that translation services are required. If the individual needs or requests translation services, their contact information will be taken. Agency staff will contact the LEP individual and provide the required translation services. If neither administration staff nor Watauga County staff is available to provide translation services in a reasonable amount of time, telephone translation service will be provided at the cost of the County.

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:
 - i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
 - ii. Can accurately and impartially interpret to and from such languages and English

- iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
- iv. Demonstrates cultural competency
- v. Understands the obligation to maintain confidentiality
- vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the agency ensures the competency of bilingual staff and interpreters:

Watauga County will ensure that if bilingual interpreters do not have a basic understanding of the CDBG program then a member of the CDBG administrative staff will accompany the interpreter. In addition, Watauga County will ensure that the bilingual interpreter understands the need for confidentiality and cultural competency, and will provide an CDBG administrative staff person to accompany the interpreter to provide more detailed explanations of the CDBG program and requirements should the need arise. When CDBG administrative staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the CDBG administrative staff member will request another interpreter.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.
3. Using Family Members or Friends as Interpreters
- a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
 - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness or services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
 - c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
 - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DEPARTMENT OF COMMERCE upon request.

4. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations

1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
2. Translation of Vital Documents
 - a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
 - b. When the Department of Commerce forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
 - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language.
 - d. The agency will keep a record of all vital documents translated, and will submit this information to the Department of Commerce at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
 - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.

- b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to the Department of Commerce upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
 - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
 - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met:

Any consultants hired by the agency to provide CDBG grant administration will be made aware of and will be required to attend any training required by the Department of Commerce concerning this policy. Consultants will then be required to insure compliance with this policy with any engineers or contractors procured to complete CDBG activities.

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

V. Compliance Procedures, Reporting and Monitoring

A. Reporting

1. The agency will complete an annual compliance report and send this report to the Department of Commerce.
(Format will be supplied by the Department of Commerce)

B. Monitoring

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the Department of Commerce. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the Department of Commerce upon request.
2. The agency will cooperate, when requested, with special review by the Department of Commerce .

VI. Applicant/Recipient Complaints of Discriminatory Treatment

A. Complaints

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division, within the Department of Commerce, of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The Department of Commerce Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by the Department of Commerce, then complaint will be forwarded to DOJ, HUD Field Office.

SUBMITTED AND APPROVED BY:

John Welch, Chairman

Date

Recipient's Plan to Further Fair Housing

Grantee: Watauga County

Recipient's Address: 814 W. King Street, Boone, NC 28607

Contact Person: Deron Geouque

Contact Phone #: (828) 265-8000

Contact Email:

deron.geouque@watgov.org

TDD/RelayNC # : 7-1-1

- I. Indicate if the Recipient will be affirmatively furthering fair housing for the first time or has implemented specific activities in the past.**

First Time _____

Past Activities X

- II. Identify and analyze obstacles to affirmatively furthering fair housing in recipient's community.** (Use additional pages as necessary)

The primary obstacles to affirmatively furthering fair housing in Alleghany County are the following:

1. A large number of people within the community are unaware of the existence of fair housing laws;
2. Many residents do not understand the rights and responsibilities of individuals covered by fair housing laws;

- III. Will the above activities apply to the total municipality or county?**

Yes X

No _____

If no, provide an explanation.

(Use additional pages as necessary)

- IV. Briefly describe the quarterly activities that the recipient will undertake over the active period of the grant to affirmatively further fair housing in their community. A time schedule and estimated cost for implementation of these activities must be included. *Activities must be scheduled for implementation at least on a quarterly basis.*** (Use attached table)

Grantee: Watauga County

Quarterly Fair Housing Activity	Months	Year	Estimated Cost	Actual Cost
Adopt FH policy, Complaint Procedure	Jan. – Mar.	2021	\$0.00	
Publish FH Complaint Procedure in local newspaper	Apr.-June	2021	\$100.00	
Provide FH brochures in County buildings.	July-Sep.	2021	\$30.00	
Provide area realtors and local lenders with HUD homebuyer information.	Oct.-Dec.	2021	\$75.00	
Provide County buildings with landlord/tenant information.	Jan.-Mar.	2022	\$30.00	
Provide local Cooperative Extension and Social Services office with Fair Housing and HUD homebuyer materials.	Apr.-June	2022	\$30.00	
Replenish Fair Housing information as needed in County buildings.	July-Sep.	2022	\$30.00	
In March Adopt a Fair Housing Resolution in support of Fair Housing Month (April)	Oct.-Dec.	2022	\$0.00	
Post Fair Housing Resolution and Current FH Complaint Procedure on County website.	Jan.-Mar.	2023	\$0.00	
Replenish landlord/tenant information in County Buildings as necessary	Apr.-June	2023	\$30.00	
Post FH Complaint Procedure in County buildings	July-Sep.	2023	\$5.00	
Replenish FH brochures as needed in County buildings.	Oct.-Dec.	2023	\$30.00	

- V. **Describe recipient’s method of receiving and resolving housing discrimination complaints. This may be either a procedure currently being implemented or one to be implemented under this CDBG grant. Include a description of how the recipient informs the public about the complaint procedures.** (Use additional pages as necessary)
- 1) Any person or persons wishing to file a complaint of housing discrimination in Alleghany County may do so by **informing the County Manager** of the facts and circumstance of the alleged discriminatory acts or practice.
 - 2) Upon receiving a housing discrimination complaint, the County Manager shall acknowledge the complaint within **10 days in writing** and inform the NC Department of Commerce and the North Carolina Human Relations Commission about the complaint.
 - 3) The County Manager shall **offer assistance** to the Commission in the investigation and reconciliation of all housing discrimination complaints which are based on events occurring in the county.
 - 4) The County Manager shall **publicize** in the local newspaper, with the TDD#, who is the local agency to contact with housing discrimination complaints.

Approved By:

John Welch, Chairman

<p>Name and Title of Chief Elected or Executive Officer</p>	<p>Signature</p>	<p>Date</p>
--	-------------------------	--------------------

WATAUGA COUNTY FAIR HOUSING COMPLAINT PROCEDURE

Watauga County has Community Development Block Grant (CDBG) projects currently in progress. The CDBG program requires that a Fair Housing plan and complaint procedure be adopted by the County.

Housing discrimination is prohibited by Title VIII of the Civil Rights Act of 1968 and by the North Carolina State Fair Housing Act. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, Watauga County has adopted the following procedures for receiving and resolving housing discrimination complaints:

1. Any person or persons wishing to file a complaint of housing discrimination in Watauga County may do so by informing the Watauga County Manager of the facts and circumstances of the alleged discriminatory act or practice.
2. Upon receiving a housing discrimination complaint, the Watauga County Manager shall inform the North Carolina Human Relations Commission (Commission) about the complaint. The Watauga County Manager shall then assist the Commission and the complainant in filing an official written housing complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII.
3. The Watauga County Manager shall offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints, which are based upon events occurring in Watauga County.
4. The Watauga County Manager shall publicize that the Watauga County Manager is the local official to contact with housing discrimination complaints based upon events occurring in Watauga County by posting this complaint procedure in the County Administration Building and Courthouse and publishing it in the local newspaper.
5. All complaints shall be acknowledged within ten (10) days of receipt.

If you have any questions about the complaint procedure or would like to register a complaint, please contact The Watauga County Manager by mail at 814 West King Street, Suite 205, Boone, NC 28607 or by phone at (828) 265-8000 or for TDD assistance call 7-1-1.

ADOPTED this 2nd day of February, 2021.

John Welch, Chairman
Watauga County Board of Commissioners

ATTEST:

Anita J. Fogle
Clerk to the Board

**WATAUGA COUNTY
ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING
FEBRUARY 2021**

The Department of Housing and Urban Development is committed to eliminating racial and ethnic segregation and other discriminatory practices in housing and will use all its programmatic and enforcement tools to achieve this goal. The fundamental goal of HUD's fair housing policy is to make housing choice a reality through Fair Housing Planning. Fair Housing Planning involves three main steps:

1. Conducting an analysis of impediments to fair housing choice within the jurisdiction;
2. taking appropriate actions to overcome the effects of any impediments identified through the analysis; and
3. Maintaining records reflecting the analysis and actions taken.

This report is the analysis of impediments to fair housing. This analysis has been completed for the Watauga County CDBG Neighborhood Revitalization Program to begin February 2021. This analysis of impediments and a Fair Housing Plan will be incorporated into the Watauga County CDBG Policies and Procedures.

The analysis of impediments (AI) is a review of impediments to fair housing choice in the public and private sector. The AI involves a comprehensive review of the jurisdiction's laws, regulations, policies, procedures, and practices. It involves an assessment of how those laws, etc. affect the location, availability, and accessibility of housing. It also includes an assessment of conditions, both public and private, affecting fair housing choice for members of the protected groups.

Specifically, impediments to fair housing choice are any actions, omissions, or decisions, which have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

The AI includes an analysis of demographic data and a housing needs assessment. It then includes an analysis to determine the nature and extent of discrimination against the protected groups within the jurisdiction. The format used to conduct this analysis is a fair housing planning model developed for use by local government CDBG grantees by the North Carolina Department of Commerce.

Analysis to Demographic Data and Needs Assessment
--

Step 1 Demographic Data

		Number	%
1.	Total Population for jurisdiction	54,925	
2.	Total Caucasian population	51,520	93.8%
3.	Total African-American population	989	1.8%
4.	Total Native American population	384	0.7%
5.	Total Hispanic Population	2,032	3.7%
6.	Total elderly population (65+)	10,580	19.3%
7.	Median family income	\$47,526	
8.	Percent of the population below the poverty level		25.3%
9.	Percent of families below the poverty level		9.3%
10.	Total number of households with 4 or more persons	1,175	15.6%
11.	Total number of persons identified with disabilities	5,995	11.0%
12.	Total number of low income census tracts	3	
13.	Total number of minority census tracts	0	
14.	Total number of census tracts that are minority/low-income	0	

Source: 2019 American Community Survey (ACS), 5-year estimates

Most of the data used in this AI is from the 2019 American Community Survey (ACS) 5-year estimates. However, Decennial Census data may be used to demonstrate changes in demographics.

Between 2000 and 2010, the total population of Watauga County increased from 42,965 to 51,079, a change of 19.64%. The 2019 ACS estimates that the actual population is 54,925, an increase of 7.53% from the 2010 figures.

Per the 2017 ACS Caucasians average 93.8% of the population; African-Americans comprise 1.8%; Hispanics comprise 3.7% of the population. There are no major concentrations of racial/ethnic populations in Watauga County.

Step 2 Analysis to Determine Disproportionate Housing Need

Total Households, Types and Size. According to the 2019 ACS, there are 33,751 housing units in Watauga County, 12,674 (37.5%) of which are vacant. Of the total occupied units, 60.1% are owner occupied and 39.9% are renter occupied. Of the vacant units 3.8% are rental units and 77.6% are for seasonal, recreational, or occasional use.

When the occupancy of a home is more than one person per room, overcrowding exists. There is a low occurrence of overcrowding in Watauga County with only 1.7% of the homes reporting more than 1 person per room. The average household in Watauga County size is 2.24 people.

Household Income. Median household income in Watauga County is \$47,526. It is estimated that 9.33% of the families in Watauga County are living below the poverty level.

Condition of Housing Units. Of the total housing units in Watauga County, it is estimated that 4,643 (13.96%) are substandard. These figures are based on the number of homes built before 1950 plus the number of homes that lack complete plumbing and kitchen facilities. Census data does not determine the condition of a housing unit beyond its age, completeness of plumbing and kitchen facilities, and type of heat. An older home will need more repairs and updating but may be perfectly suitable for rehabilitation. A home lacking complete plumbing or kitchen facilities may not be cost effective to rehabilitate. Data shows that 0.77% of housing units in the County lack complete plumbing and kitchen facilities.

Analysis to Determine the Nature and Extent of Discrimination

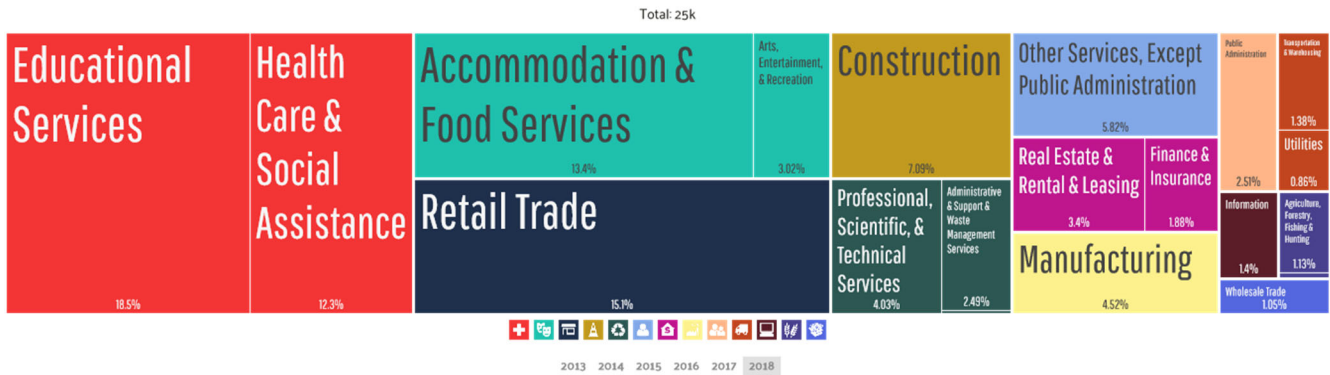
Step 1 Analysis of the Level of Segregation and Spatial Isolation

1. **Are there areas of minority concentration within your jurisdiction?** There are no areas of minority concentration within Watauga County. (see attached map of Minority Concentration, source: EPA-EJScreen).
2. **Is your community located in a County that has been identified in Residential Segregation in North Carolina: A Barrier to African-American Opportunities as highly segregated by both isolation and dissimilarity indexes?** A copy of Residential Segregation North Carolina: A Barrier to African-American Opportunities was not available for review while compiling data.

Step 2 Historical Incidences that Contribute to Current Housing patterns.

1. **History of public policy decisions on segregation within the Community.**
There have been no known decisions on segregation.
2. **Number of farms that utilize migrant workers and its effects on housing patterns.** Per the 2017 USDA Census of Agriculture there are 520 farms/agricultural businesses in Watauga County, with the majority using migrant workers. There is a need for more affordable short-term rental housing in the County. (see attached excerpt of the 2017 USDA Census of Agriculture summary)

3. **Industry contributions to current housing patterns.** Industry has had a small impact on housing patterns in Watauga County. The largest employers, with approximately 18.5% of the available jobs in Watauga County, are Educational Services (i.e., Watauga County Board of Education & Appalachian State University). Falling close behind are health care, accommodation & food services, and retail. (source: DATA USA) Most of the new housing being built in the Town of Boone is multi-unit complexes targeted toward the large student population at ASU.



Step 3 Fair Housing Enforcement

1. **Do you have a fair housing ordinance?** Yes.
2. **What mechanism exists for citizens to file complaints alleging illegal discrimination in programs or services funded by your jurisdiction?** At this time, written policies are in place regarding the Watauga County CDBG Programs and fair housing complaint procedures instructing persons wishing to file complaints alleging illegal discrimination to first submit their complaint in writing to the Watauga County Manager. If the complaint cannot be resolved at that level, the complainant is referred to the NC Human Relations Commission, which has been charged with investigating Fair Housing Complaints within North Carolina.
3. **Do you have an Affirmative Marketing Plan?** Watauga County has no formal Affirmative Marketing Plan. The County does not own any housing developments or operate any housing programs.
4. **The number of discrimination complaints filed against your jurisdiction within the past two years and the results of any investigations.** None.
5. **The number of discrimination complaints filed with the North Carolina Human Relations Commission or HUD originating in your jurisdiction and the results of any investigations.** None.
6. **Number of findings related to Fair Housing or Equal Opportunity issued against your jurisdiction and the corrective action taken.** No complaints have been filed; therefore, no findings have been issued.

Step 4 Education and Outreach efforts

1. **Identify all resources available for the promotion of fair housing and equal opportunity.** Watauga County has two radio stations, WASU, WMMY, WXIT, WJYJ all FM stations and one AM station, WATA. There are two weekly newspapers in the County, The Watauga Democrat and the Blowing Rocket. The County is served regionally by three daily publications, Asheville Citizen-Times, Charlotte Observer, and Winston-Salem Journal. Watauga County is in an overlap of two television markets, the Tri-Cities (Johnson City, Kingsport TN & Bristol VA/TN) market and the Charlotte, NC market. The major affiliates in these areas are WSOC, an ABC affiliate and WBTV, a CBS affiliate out of Charlotte, WJHL, a CBS affiliate out of Johnson City, Tn and WCYB an NBC affiliate, broadcasting out of Bristol TN/VA. In addition, Fair Housing Materials are distributed in the Watauga County Government Offices and are available to the public. NC Human Relations Commission; HUD-Greensboro, Office of Fair Housing.
2. **How are citizens made aware of these activities?** Fair Housing notices are posted in all County owned facilities; the Fair Housing Complaint Procedure is published in the local newspaper; and Fair Housing brochures and pamphlets are made available to the public in county buildings and sent to lending agencies, realtors, and housing providers to disseminate to their customers.
3. **List all such activities during the past two years. What were the results of these activities?** Watauga County has not participated in a countywide federally funded project in the past two years and therefore has not conducted any organized Fair Housing activities during this time period.

Step 5 Examination of Public Policy and Programs

1. **Do current site selection policies have a disproportionate impact based upon a protected basis? If so, is there a nondiscriminatory reason for this policy and is there an alternative that would have a less discriminatory impact?** No site selection policies discriminate against protected class members.
2. **Are municipal services equitably distributed throughout the community?** Services provided by Watauga County include law enforcement (County Sheriff's Office), Veterans Services, Department of Social Services (DSS), Transportation Services, and County Road Maintenance (including repairs and snow removal). These services are equitably distributed throughout the County, with the exceptions of the Towns of Beech Mountain, Blowing Rock, Boone, and Seven Devils. The Towns each have their own law enforcement, public water & sewer, trash removal, and road maintenance and like the County all services are equitable distributed.
3. **Are there any zoning requirements that have the effect of limiting housing opportunities to protected groups?** Watauga County has no formal zoning. Ordinances have been adopted by Watauga County to regulate commercial and residential development. The ordinances are in place for environmental protection, including building restrictions on ridges, in the floodplain, and in wetlands. These ordinances are in place to protect the County no to limit housing opportunities to any group.

4. **Are there any Community Development or Public Housing Authority activities or programs that have the effect of perpetuating segregation?** There are no Community Development or Public Housing Authority activities or programs within Watauga County that perpetuate segregation.
5. **Is the Board and Commissions representative of the community?** The Watauga County Board of Commissioners consists of four Caucasian men and one Caucasian woman.

Step 6 Discrimination in the Rental Market

1. **Are there any zoning requirements that have the effect of limiting the availability of rental units within the jurisdiction?** No. Such limitations are illegal.
2. **Where are the rental units located? Are they located in areas of minority concentration?** Four low-income, multi-family rental complexes are located in the Town of Boone and various single-family rentals are scattered throughout the county.
3. **Where are the public housing units located?** There are two (2) public housing apartment complexes for elderly and disabled persons located Boone that are owned and operated by Community Management Corporation, one (1) owned and operated by M&M Properties, and one (1) owned and operated by the Northwestern Regional Housing Authority. Watauga County does not own or operate any public housing.
4. **Determine what barriers exist for protected class members in the rental market.** Protected class members may be unaware of services available and laws affecting them.
5. **Are vouchers and Section 8 certificate holders able to find housing throughout the community? If not, identify the barriers that face them.** Rental housing is available to Section 8 participants in Watauga County.
6. **Is steering an issue for protected class members?** There is no evidence (i.e., complaints filed with the NC Human Relations Commission). A survey of renters is needed to determine the extent of discrimination in the rental housing market. Realtors in the Watauga County do not work in the rental market unless they have a direct interest in the properties. Most of the apartment/multi-unit complexes are designed for the large student population and they usually have their own management companies.
7. **Is housing available for families with children and persons with disabilities?** Yes.

Step 7 Discrimination in the Sales Market

1. **Does the Local Association of Realtors have an MLS Service?** The High Country Association of Realtors, which serves Watauga County, has an MLS Service.

2. **Is the Local Association of Realtors a VAMA signatory?** This information is currently unavailable.
3. **Is there any evident of racial steering or blockbusting within the local market?** No.
4. **What are the relative housing values for minority and non-minority communities of similar economic composition?** The housing values are similar.
5. **Identify any barriers to home ownership opportunities within your jurisdiction.** Low-income individuals may not be able to own homes due to high property values in the area. There is a shortage of affordable housing, mainly in the Town of Boone, due to the demand from the large student population from ASU. However, an increase availability of mobile home units offers these families the ability to own.

Step 8 Discrimination in Financing

1. **Are local lenders signatories of HUD's Best Practices Program?** No known local bank branch is a signatory.
2. **Examine the Home Mortgage Disclosure Act information in your area. Is there evidence of higher denial rates for minorities and low-income individuals?** There is no evidence of higher denial rates for minorities and/or low-income individuals.
3. **Is there evidence of illegal redlining?** No.
4. **Are banking services available on an equal opportunity basis?** Yes. However, the only banks are located only in the Towns of Boone and Blowing Rock, requiring transportation for rural residents that may not have access to online banking.
5. **Examine the Community Needs Assessment and Community Reinvestment Activities of local banks to determine the adequacy of these activities as compared to community needs as determined through the jurisdiction's planning process.** This information is currently unavailable.
6. **Do local financial institutions participate in housing projects or in the funding of housing related services sponsored by the jurisdiction?** The jurisdiction does not have any housing projects or related services.

Step 9 Discrimination in the Building and Construction Industry

1. **Do local building codes include the requirements of the Federal Fair Housing Act of 1988?** No. The county has adopted the North Carolina Building Codes. By adopting the Fair Housing Act of 1988, the building inspections departments would be placed in the position of enforcing fair housing laws, which is not seen as technical building code, but a civil rights function.

2. **If not, how are local builders and architects made aware of these requirements?** The information is available directly from HUD and can be obtained easily.
3. **How many multifamily dwellings funded by local, state, or federal funds have been built since March 13, 1991?** Two – Ivy Terrace Apartments were built with NC Tax Credits and the White Laurel Apartments were built with assistance from USDA. All the low-income complexes in accept HUD-subsided renters.
4. **Are they in compliance with FFHA requirements? ADA requirements? Section 504?** Yes.
5. **Is the local Homebuilders Association a VAMA signatory?** No.
6. **Is there an identified community need for persons with disabilities?** No.
7. **Is there an identified community need for the construction of more affordable housing?** Yes.

Step 10 Environmental Discrimination

1. **Identify the location of hazardous materials within the community. Are they located disproportionately in areas of minority or low-income concentration?** A map, obtained from the EPA website, of all known facilities that house hazardous materials is attached. There are several locations indicating hazardous waste, this is not unusual in an area with manufacturing operations. Of all the sites listed on the attached EPA map none are disproportionately located in areas of minority or low-income concentrations.
2. **Identify any superfund sites within your jurisdiction. Are they located disproportionately in areas of minority or low-income concentration?** There are no Superfund sites in Watauga County.
3. **Identify any site selection policies or procedures that may contribute to the concentration of environmental hazards in minority or low-income areas.** No such policies are known.
4. **Identify any local, state, or federal efforts to remove environmental hazards.** The Towns of Beech Mountain, Blowing Rock, Boone, and Seven Devils operate water and wastewater services. To eliminate hazards of contaminated wells, failing septic tanks, and areas of undersized lines, the Towns occasionally apply for grant funds from the state and federal governments to extend and upgrade water and sewer services in areas with the greatest need.
5. **What barriers exist to the removal of environmental hazards from the community?** The lack of money to address public water and sewer needs of all residents.

BARRIERS TO EQUAL HOUSING OPPORTUNITIES

1. **Affordability.** Due to a growth of second-home sites, low-income individuals see a barrier to their choices of rental or owner-occupiable housing that in some areas of the county tend to be unreasonably priced for their income levels.

In addition, the large student population causes affordable housing within the Town of Boone to be in high demand and higher priced. Units in the Boone Town limits are out of reach for some lower-income individuals.

- *Fair Housing activities cannot affect the affordability of housing in the county.*

2. **Fair Housing Awareness.** Given that no complaints have been filed with the NC Human Relations Commission from this area, there is a need to educate minority and low-income persons about how to file complaints when discrimination happens. Realtors, builders, lenders, landlords and property owners also need to be better educated about fair housing issues.

- *Activities planned to increase fair housing awareness include distributing fair housing brochures to banks, relators, churches, and county buildings; publishing the fair housing complaint procedure in the local paper and posting it in county buildings; and working with NC Cooperative extension with providing them HUD and Fair Housing information for their clients.*

3. **Education.** Persons wishing to buy a home often have difficulty with the process of home buying. This includes how to buy a home, choosing a Realtor, applying for a mortgage, home maintenance, etc. Also, low-income families need to be made more aware of federal programs that may assist them in buying a home.

- *The County plans to refer families to the HUD website for additional information. They plant to distribute the web address for HUD along with Fair Housing materials upon request. The County will also furnish the HUD 1-800 number to those with no or inadequate internet connections.*

Signatures

Watauga County Chairman

Date

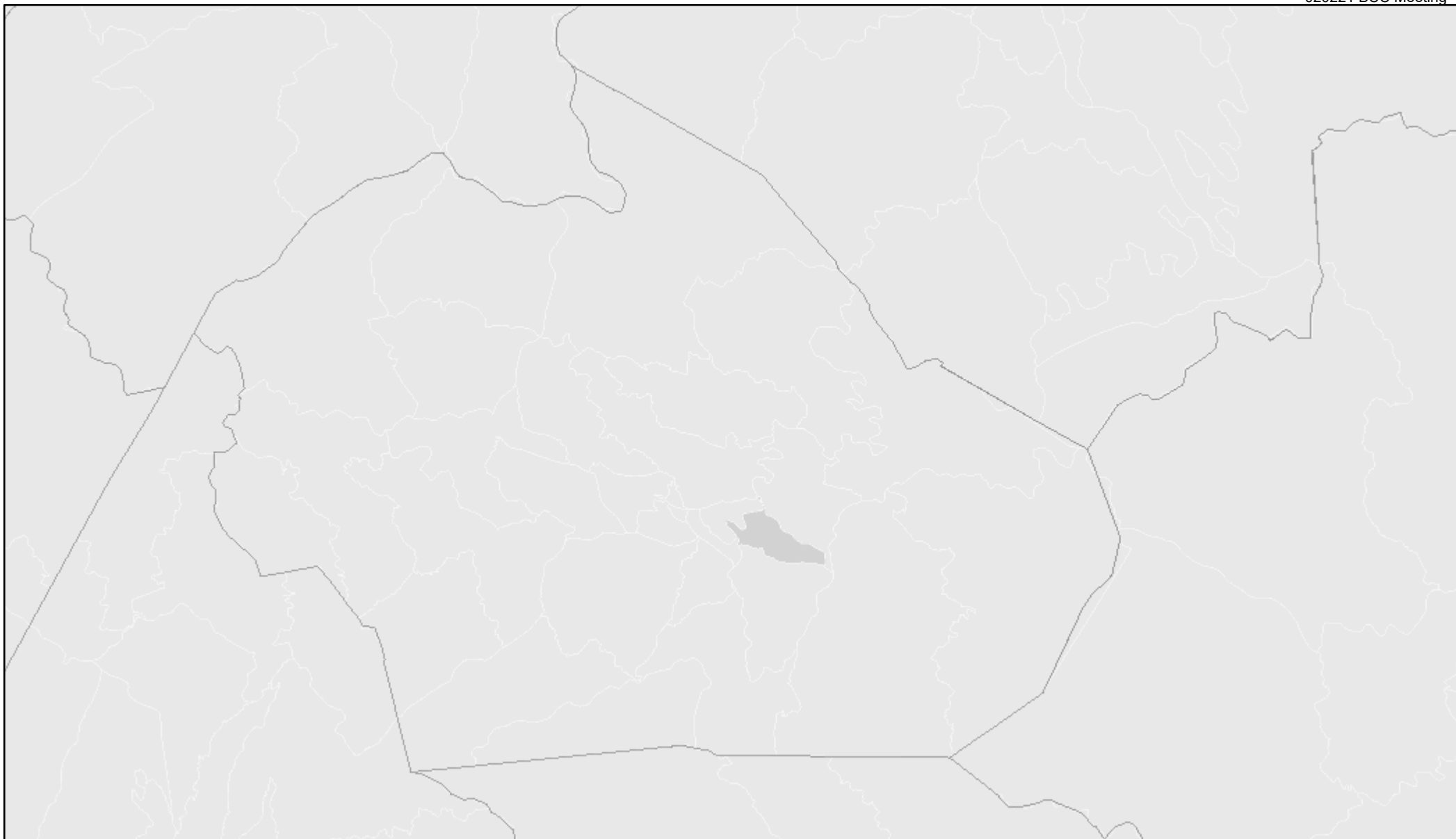
Attest:

Watauga County Clerk

Date

Watauga County - Minority Concentration

020221 BCC Meeting



December 10, 2020

Minority Population
(National Percentiles)

□ Data not available

□ Less than 50 percentile

□ 50 -60 percentile

□ 60 -70 percentile

□ 70 -80 percentile

□ 80 - 90 percentile

□ 90 - 95 percentile

□ 95 - 100 percentile

□ Counties

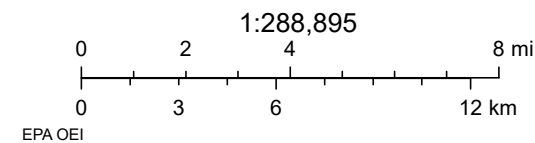


Table 1. County Summary Highlights: 2017 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

Item	Watauga	Wayne	Wilkes	Wilson	Yadkin	Yancey
Farms number	520	551	932	276	818	369
Land in farmsacres	49,614	165,345	106,710	122,946	87,522	30,824
Average size of farmacres	95	300	114	445	107	84
Median size of farmacres	37	88	56	69	39	48
Estimated market value of land and buildings:						
Average per farmdollars	614,311	1,497,288	586,674	1,685,619	585,403	454,909
Average per acredollars	6,439	4,990	5,124	3,784	5,471	5,446
Estimated market value of all machinery and equipment\$1,000	30,273	122,433	99,358	84,013	61,299	15,030
Average per farmdollars	58,217	222,201	106,608	304,394	74,938	40,731
Farms by size:						
1 to 9 acres	62	71	71	32	85	62
10 to 49 acres	240	148	348	89	368	128
50 to 179 acres	153	181	363	70	265	134
180 to 499 acres	47	65	119	37	70	43
500 to 999 acres	13	39	22	14	15	1
1,000 acres or more	5	47	9	34	15	1
Total croplandfarms	428	421	694	196	672	308
Harvested croplandfarms	14,352	130,530	41,397	100,339	48,318	10,204
.....acres	404	387	649	167	626	291
Irrigated landfarms	33	61	32	19	43	54
.....acres	44	4,817	61	1,145	886	101
Market value of agricultural products sold (see text)\$1,000	16,724	592,071	335,124	210,697	139,652	6,822
Average per farmdollars	32,162	1,074,539	359,576	763,396	170,724	18,489
Crops, including nursery and greenhouse crops\$1,000	8,932	106,981	14,838	162,671	27,245	5,667
Livestock, poultry, and their products\$1,000	7,792	485,090	320,286	48,027	112,406	1,156
Farms by value of sales:						
Less than \$2,500	193	141	322	97	315	167
\$2,500 to \$4,999	69	27	122	24	106	43
\$5,000 to \$9,999	73	31	135	10	122	54
\$10,000 to \$24,999	86	75	122	37	95	47
\$25,000 to \$49,999	46	37	43	6	53	27
\$50,000 to \$99,999	14	27	38	28	24	12
\$100,000 or more	39	213	150	74	103	19
Government payments (see text)farms	69	254	39	137	112	100
.....\$1,000	351	3,611	81	1,129	489	157
Total income from farm-related sourcesfarms	148	255	260	135	266	117
.....\$1,000	1,389	3,595	3,636	4,995	2,550	508
Total farm production expenses\$1,000	14,745	393,077	216,422	176,935	96,142	5,993
Average per farmdollars	28,355	713,388	232,213	641,070	117,534	16,241
Net cash farm income of the operationsfarms	520	551	932	276	818	369
.....\$1,000	3,720	206,201	122,418	39,885	46,548	1,494
Average per farmdollars	7,153	374,231	131,350	144,511	56,905	4,049
Livestock and poultry:						
Cattle and calves inventoryfarms	261	147	578	47	372	194
.....number	12,863	8,440	30,335	1,794	16,813	4,386
Beef cowsfarms	232	111	505	46	335	165
.....number	(D)	(D)	13,795	935	(D)	2,636
Milk cowsfarms	2	1	13	-	10	7
.....number	(D)	(D)	1,432	-	(D)	47
Cattle and calves soldfarms	219	102	458	32	304	140
.....number	8,842	4,080	15,221	1,106	7,683	1,628
Hogs and pigs inventoryfarms	14	82	13	6	24	9
.....number	66	548,561	55	(D)	(D)	277
Hogs and pigs soldfarms	6	83	7	5	28	7
.....number	54	2,041,069	68	(D)	(D)	103
Sheep and lambs inventoryfarms	18	6	26	20	15	17
.....number	221	270	358	182	322	181
Layers inventory (see text)farms	79	31	77	14	104	36
.....number	2,617	(D)	421,297	285	1,694,328	671
Broilers and other meat-type chickens soldfarms	-	29	100	4	18	10
.....number	-	9,874,135	58,113,138	(D)	6,941,400	2,388
Selected crops harvested:						
Corn for grainfarms	2	142	54	61	71	20
.....acres	(D)	24,767	6,557	14,237	7,907	194
.....bushels	(D)	3,285,078	837,181	1,893,080	945,308	25,544
Corn for silage or greenchopfarms	7	3	53	-	6	10
.....acres	22	292	3,573	-	489	166
.....tons	420	5,302	64,057	-	6,331	3,022
Wheat for grain, allfarms	-	86	11	49	27	-
.....acres	-	17,628	1,824	5,707	2,974	-
.....bushels	-	925,295	65,880	285,179	162,982	-
Other spring wheat for grain (see text)farms	-	-	-	-	-	-
.....acres	-	-	-	-	-	-
.....bushels	-	-	-	-	-	-
Winter wheat for grainfarms	-	86	11	49	27	-
.....acres	-	17,628	1,824	5,707	2,974	-
.....bushels	-	925,295	65,880	285,179	162,982	-
Oats for grainfarms	-	4	1	1	4	-
.....acres	-	131	(D)	(D)	85	-
.....bushels	-	6,968	(D)	(D)	3,400	-
Barley for grainfarms	-	-	4	-	9	-
.....acres	-	-	196	-	998	-
.....bushels	-	-	13,900	-	56,594	-
Sorghum for grainfarms	-	6	1	6	3	-
.....acres	-	92	(D)	417	318	-
.....bushels	-	3,858	(D)	29,938	22,910	-

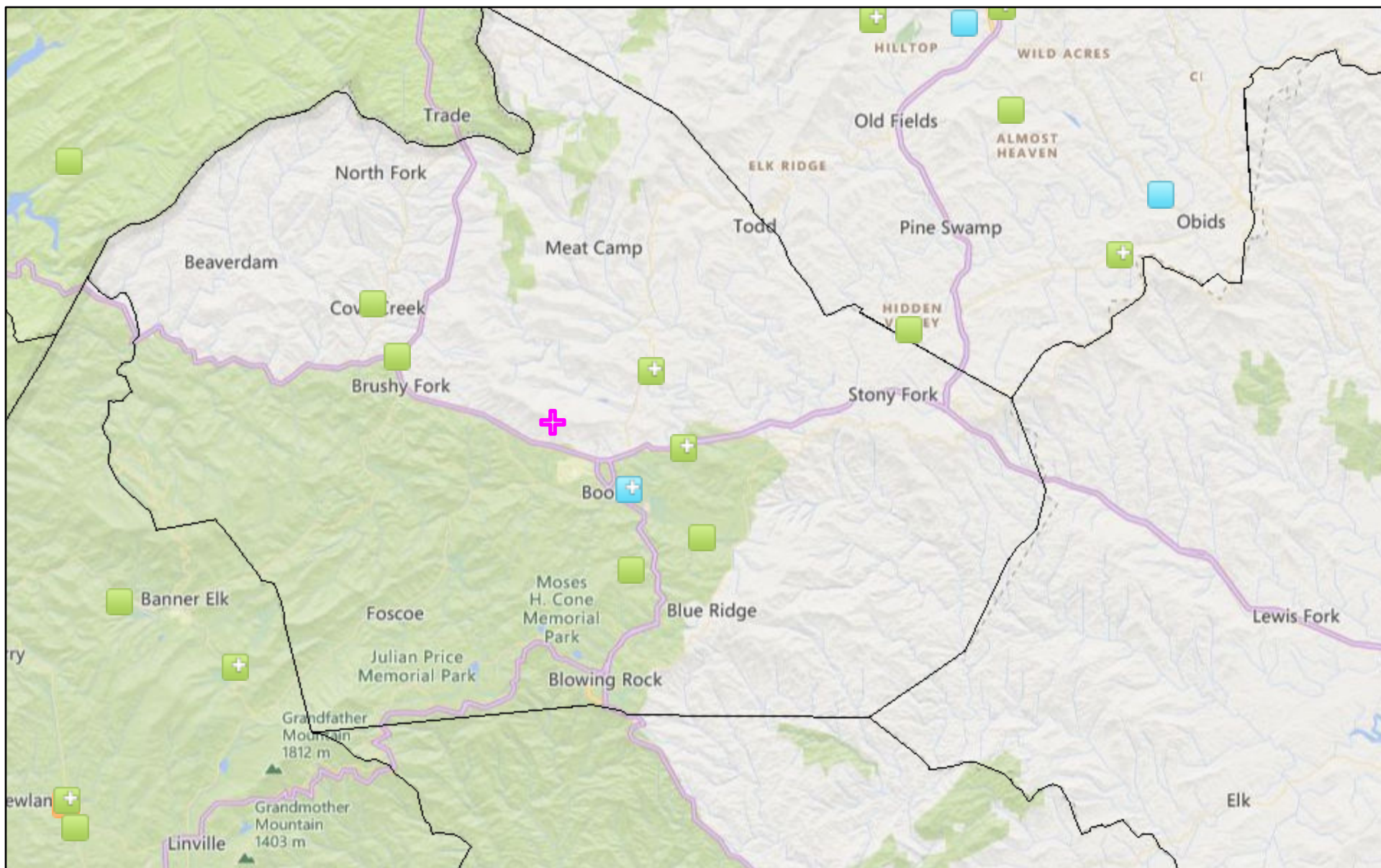
--continued

Table 1. County Summary Highlights: 2017 (continued)

[For meaning of abbreviations and symbols, see introductory text.]

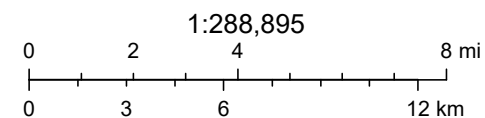
Item	Watauga	Wayne	Wilkes	Wilson	Yadkin	Yancey
Selected crops harvested: - Con.						
Sorghum for silage or greenchop						
farms	-	-	5	-	-	-
acres	-	-	500	-	-	-
tons	-	-	9,000	-	-	-
Soybeans for beans						
farms	-	207	12	113	106	-
acres	-	61,263	1,602	40,976	16,343	-
bushels	-	2,313,058	69,350	1,782,614	615,871	-
Dry edible beans, excluding chickpeas and limas (see text)						
farms	-	-	-	-	-	-
acres	-	-	-	-	-	-
cwt	-	-	-	-	-	-
Cotton, all						
farms	-	15	-	17	-	-
acres	-	4,434	-	8,525	-	-
bales	-	7,854	-	17,992	-	-
Upland cotton						
farms	-	15	-	17	-	-
acres	-	4,434	-	8,525	-	-
bales	-	7,854	-	17,992	-	-
Tobacco						
farms	-	50	4	51	16	10
acres	-	8,938	(D)	11,792	2,999	35
pounds	-	18,037,738	(D)	28,370,157	7,381,436	75,599
Forage - land used for all hay and haylage, grass silage, and greenchop (see text)						
farms	253	154	551	39	494	177
acres	8,358	8,234	20,831	1,514	14,861	4,274
tons, dry equivalent	20,626	29,650	50,270	3,690	34,946	9,967
Sunflower seed, all						
farms	-	-	-	-	-	-
acres	-	-	-	-	-	-
pounds	-	-	-	-	-	-
Peanuts for nuts						
farms	-	7	-	12	-	-
acres	-	3,589	-	2,954	-	-
pounds	-	11,474,834	-	11,297,660	-	-
Vegetables harvested for sale (see text)						
farms	37	60	25	45	24	54
acres	35	5,027	100	12,562	41	134
Potatoes						
farms	17	14	7	6	5	33
acres	3	47	5	(D)	1	34
Sweet potatoes						
farms	3	27	5	34	5	11
acres	(Z)	3,797	(D)	11,222	1	2
Land in orchards (see text)						
farms	29	12	27	4	31	21
acres	85	50	481	5	239	35

Hazardous Materials - Watauga County



December 15, 2020

- Hazardous Waste (RCRAInfo)
- Hazardous Waste (RCRAInfo)
- Brownfields (ACRES)
- Toxic Releases (TRI)
- Toxic Releases (TRI)
- Search Result (point)
- Counties



© 2020 Microsoft Corporation © 2020 TomTom, EPA OEI

Blank Page

AGENDA ITEM 6:

PROPOSED COMMUNITY DEVELOPMENT BLOCK GRANT COVID-RELIEF (CDBG-CV) PROGRAM MATTERS

B. Proposed Agreement with High Country Council of Governments for Administration of the CDBG-CV Program

MANAGER'S COMMENTS:

Mr. Furman will present the proposed agreement with the High Country Council of Governments to administer the Community Development Block Grant-COVID Relief (CDBG-CV) program.

Board action is required to execute the agreement with the High Country Council of Governments for grant administration of the Community Development Block Grant-COVID-CV (CDBG-CV) program.

AGREEMENT
Between the
High Country Council of Governments and Watauga County
For the Provision of
GRANT ADMINISTRATION ASSISTANCE
CDBG – Coronavirus Program (CDBG-CV)

February 1, 2021 – October 1, 2023

This Agreement, entered into by and between the High Country Council of Governments (hereinafter called the "Planning Agency") and Watauga County, North Carolina (hereinafter called the "Local Government"), WITNESSETH THAT:

WHEREAS, the Planning Agency is empowered to provide planning assistance by the North Carolina General Statutes. Planning assistance shall consist of the provision of grant administration assistance regarding Watauga County's CDBG – Coronavirus Project Number **20-V-3520**, more fully described on Attachment A to this Agreement; and

WHEREAS, the Local Government has requested the Planning Agency to provide such grant management assistance to the Local Government; and

WHEREAS, the Planning Agency desires to cooperate with the Local Government in every way possible to the end that the proposed activities are carried out in an efficient and professional manner.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

- 1) *Scope of Services* – Detailed in Attachment A of this Agreement.
- 2) *Compensation* - The Local Government will pay the Planning Agency a maximum sum of **\$32,333** (Thirty-two Thousand Three Hundred thirty-three dollars), which includes **\$3,500** (Three Thousand Five Hundred dollars) for grant preparation and **\$28,833** (Twenty-eight Thousand Eight Hundred thirty-three dollars) for the satisfactory performance of all services related to the administration of the project as described in the attached scope of services (Attachment A). It is expressly understood that the total compensation shall not exceed the maximum sum specified without prior approval of both agencies.

- 3) *Time of performance* - The Planning Agency shall ensure that all services required herein shall be completed and all required reports, maps, and documents submitted during the period beginning February 1, 2021 – October 1, 2023.
- 4) *Interest of Members, Officers, or Employees of the Planning Agency, Members of the Local Government, or Other Public Officials* - no member, officer, or employee of the Planning Agency, or its agents; no member of the governing body of the locality in which the program is situated; and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program. The Planning Agency shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this section.
- 5) *Nondiscrimination Clause* - No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under the Housing and Community Development Act of 1974, Section 109.
- 6) *Age Discrimination Act of 1975, as amended* - No qualified person shall on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.
- 7) *Section 504, Rehabilitation Act of 1973, as amended* - No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.
- 8) *Access to Records and Record Retainage* - All official project records and documents must be maintained during the operation of this project and for a period of three years following closeout, in compliance with 15 NCAC 13L Rule .0911, Record keeping. The North Carolina Department of Commerce, the North Carolina Department of Treasurer, U.S. Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Planning Agency which are pertinent to the execution of this Agreement, for the purpose of making audits, examination, excerpts, and transcriptions in compliance with 15 NCAC 13L Rule .0911, Record keeping.

- 9) *Termination of Agreement for Cause* - If, through any cause, the Planning Agency shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or violate any of the covenants, conditions, or stipulations of this Agreement, the Local Government shall thereupon have the right to terminate this Agreement by giving written notice of such termination and specifying the effective date thereof. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared under this Agreement shall, at the option of the Local Government, become its property, and the Planning Agency shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials in direct proportion to the extent of services actually completed.
- 10) *Grantee Assurances* - In the performance of this Agreement, the Planning Agency shall comply with all applicable Federal rules and procedures outlined on the attached pages as E.O. 11246 Clause. the Section 3 Clause, and lobbying clauses (Attachment B).
- 11) *Legal Remedies Provision* - As stated in 24 CFR Part 85.36, Contracts other than small purchases shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. Examples of legal remedies could be liquidated damages, consequential damages, arbitrations and others not listed.
- 12) *Remedies/Sanctions or Breach of Contract Terms* - In accordance with 24 CFR 85.36, upon written notice, the Local Government may withhold payments to the Planning Agency if the Planning Agency shall fail to fulfill in a timely and proper manner its obligations to the Local Government under this contract, or if the Planning Agency shall violate any of the conditions of this contract. The Local Government shall in its written notice to the Planning Agency fully describe the nature of failure or violation by the Planning Agency, the corrective action required of the Planning Agency, and the Local Government shall allow the Planning Agency thirty (30) days from the date of the notification to correct such failure and/or violation. If such failure or violation is corrected by the Planning Agency within thirty (30) days from the date of notification, then the Local Government shall process payment(s) to the Planning Agency. If such failure or violation is not corrected within thirty (30) days from the date of the notification, then the Local Government may proceed to terminate this contract.

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this Agreement as of _____, 2021.

For the Local Government

For the Planning Agency

COUNTY OF WATAUGA

**HIGH COUNTRY
COUNCIL OF
GOVERNMENTS**

By: _____
**Chairman Watauga County
Board of Commissioners**

By: _____
Executive Director

Attest

Attest

ATTACHMENT A

Scope of Services Watauga County CDBG – Coronavirus Program

Scope of Services/Staff Assignment

The Scope of Services includes activities associated with the project administration and service delivery. The High Country Council of Governments will assign Michelle Ball, High Country Regional Planner, the responsibility of administering the Watauga County CDBG - Coronavirus (CDBG-CV) Project CDBG Number 20-V-3520. Phillip Trew, Director of Planning and Development will provide overall supervision of this project.

The scope of services will include the following:

- 1) Maintain on file all correspondence, agreements, and documentation relating to project administration activities.
- 2) Maintain documentation on the use of all project funds.
- 3) Process reimbursement requisitions for CDBG funds, as necessary.
- 4) Complete all environmental review procedures.
- 5) Prepare all required public notices for publication, including request for Release of Funds.
- 6) Prepare necessary CDBG compliance documents required by the Department of Commerce including, but not limited to: Fair Housing Plan, Fair Housing Analysis of Impediments, Section 3 Plan, Language Access Plan, Citizen Participation Plan, and 504/ADA Documents.
- 7) Conduct quarterly Fair Housing activities outlined in Fair Housing Plan.
- 8) Prepare project amendments, as needed.
- 9) Attend meetings and monitoring visits with the Department of Commerce
- 10) Assist the Local Government with required Annual Performance Reports.
- 11) Assist the Local Government in closeout procedures.

Responsibilities of the County and/or Subcontractor/Non-profit:

- 1) Coordinate referrals and intake of participant applications.
- 2) Verify participant eligibility (income, COVID-19 effects, etc.)
- 3) Keep complete files on each participant including income verification, COVID-19 impacts, assistance provided, and amount of CDBG-CV and other funds spent per household.

- 4) Provide progress reports to Program Administrator quarterly. Reports may be required more frequently based up upon requests from the Department of Commerce.
- 5) Submit subsistence payment requests to the County finance office for processing.
- 6) The County will provide accurate homeowner and payment information to the program Administrator to submit reimbursement requisitions to the Department of Commerce.

Time of Performance

The High Country Council of Governments proposes to complete all activities involved in administration of the Watauga County CDBG – Coronavirus Project in a 32-month period beginning February 1, 2021 through October 1, 2023.

Cost

Administrative Budget

The High Country Council of Governments will provide the above services, which includes project administration associated with the CDBG-CV Program for a fee of \$28,833. The budget is broken down as follows:

Administration*	\$28,833
<u>Grant Preparation</u>	<u>\$ 3,500</u>
<i>Total</i>	<i>\$32,333</i>

* includes salaries, fringe benefits, and indirect costs

Amendments

This scope of services and budget may be amended as desired by mutual consent of the Local Government and Planning Agency.

ATTACHMENT B

Assurances of Compliance

Executive Order 11246

During the performance of this Contract, the contractor agrees as follows:

- 1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin. Such action shall include, but not be limited to the following: recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- 2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex age, or national origin.
- 3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, notice advising the labor union or workers' representative of the contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- 4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- 5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- 6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulation, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- 7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Section 3 Clause

"Section 3" Compliance in the Provision of Training, Employment, and Business Opportunities.

- A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulation.
- C. The contractor agrees to send each labor organization or representative or workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 2 clause, and will post copies of the notice in conspicuous places at the worksite where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violations of the regulations in 24 CFR part 135.

- E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- G. With respect to work performed in connection with Section 3 covered Indian housing assistance section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 to the maximum extent feasible, but not in derogations of compliance with section 7(b).

Lobbying Clauses

Required by Section 1352, Title 31, U.S. Code

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

AGENDA ITEM 7:

**UPDATED NC DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)/COUNTY
MEMORANDUM OF UNDERSTANDING (MOU) PURSUANT TO G. S. 108A-74**

MANAGER'S COMMENTS:

Mr. Tom Hughes, DSS Director, will present the updated MOU with the Department of Health and Human Services for all social services programs. Mr. Hughes believes that NCDHHS has made reasonable adjustments to their expectations and that percentages are achievable by our program units. The MOU does not allow the County to affix any documentation not included as part of the original document. Mr. Hughes is recommending the Board approve the MOU as presented.

Board action is required to approve the MOU as presented.



NC DEPARTMENT OF
**HEALTH AND
 HUMAN SERVICES**
 Division of Social Services

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

SUSAN G. OSBORNE • Assistant Secretary for County Operations

October 12, 2020

Dear County Manager and County Director of Social Services:

As you know, Session Law 2017-41 requires all counties to enter into an annual written agreement, referred to as a Memorandum of Understanding (MOU), with the Department of Health and Human Services (DHHS) for all social services programs excluding medical assistance (Medicaid). State Fiscal Year (SFY) 2018-2019 was the first year of these agreements.

As COVID-19 has impacted our daily business since March 2020, the leadership in NCDHHS made the decision to not issue formal corrective actions relating to MOU performance during SFY 2019-2020. We know that the focus of all our work has been providing services to the families of North Carolina and you continue to commit to meeting the needs in your communities. The Department chose to not issue a new MOU for SFY 2020-2021 but continued to work with counties to meet or exceed these standards. The Department determined that the next MOU would be issued for an effective date of January 1, 2021 to continue through June 30, 2022.

This letter provides an overview of the MOU process for SFY 2021-2022, outlines several changes to current measures and includes information about additional measures in this version of the MOU. County level data will continue to be provided to counties and we anticipate a pilot launch of the Rylan's Law Dashboard will occur by the end of the calendar year 2020.

The Department worked jointly with the NC Association of County Directors of Social Services to vet all measures prior to the finalization for the upcoming MOU. The SFY 2021-2022 MOU will include the addition of four Adult Services performance measures and one Child Welfare performance measure, also two measures have been deleted for a total of 16 performance measures.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • VISION OF SOCIAL SERVICES

LOCATION: 820 S. Boylan Avenue, McBryde Building, Raleigh, NC 27603

MAILING ADDRESS: 2401 Mail Service Center, Raleigh, NC 27699-2401

www.ncdhhs.gov • TEL: 919-527-6335 • FAX: 919-334-1018

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

The deleted measures are related to Program Integrity which is currently measured in the Management Evaluation review of counties, and Cost Effectiveness in Child Support, which is not a federal measure.

The measures for the 2021-22 MOU can be found in **Attachment I** of the new MOU and are titled Mandated Performance Requirements. **These are the only measures that will be evaluated as part of the MOU for SFY 2021-2022 and subject to performance improvement actions.**

Attachment II includes information concerning the upcoming Child and Family Services Review Round IV and the measures that will be reviewed by the Administration for Children and Families (ACF) and **will not be included in any corrective action.** Ongoing monitoring and support activities will continue as they have in prior years for these measures. We will continue to develop reports and validate data for these remaining performance measures. As always, we will work with the NC Association of County Directors of Social Services and counties to assist with the data validation process.

The goal of this work is not intended in any way to be punitive. NCDHHS will work collaboratively with counties that are having difficulty consistently meeting the measures and provide support using a Continuous Quality Improvement framework.

Several items are included with this letter for your review and information:

- Memorandum of Understanding for January 1, 2021 – June 30, 2022
- Fact Sheets for each program area that provide information on the measures
- Attachment I - New MOU Performance Measures At-A-Glance
- Attachment II - Child Welfare Performance Measures At-A-Glance

Please take the steps below and return signed agreements to Susan Osborne (susan.osborne@dhhs.nc.gov) and Gwen Waller (gwendolyn.waller@dhhs.nc.gov) no later than December 31, 2020.

1. On page 6 please add the name and contact person to whom information and notices regarding this agreement should be sent.
2. On page 10 submit this document for signature to the person who the county designates as the signature authority. In case the county elects to have the document co-signed by county leadership and the Department of Social Services director, two spaces for signatures have been provided.

3. Once we receive your returned, signed copy of the MOU it will be submitted to Secretary Mandy Cohen for signature and a signed copy will be returned for your records.

Please note that any signing statement, resolution or other documentation that a County may return to DHHS along with a signed MOU will be deemed separate from the MOU and not incorporated as a part of the MOU. If any documentation is physically affixed to the signed MOU, DHHS may return the MOU to be signed without any affixed documentation. DHHS will review and retain any submissions received from a County and follow up with a County as needed.

Thank you for your ongoing partnership with us in serving North Carolina's citizens with critical services. Please feel free to contact me directly if you have any questions or need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Susan G. Osborne".

Susan G. Osborne
Assistant Secretary for County Operations



CHILD WELFARE AND SOCIAL SERVICES REFORM LEGISLATIVE REPORT EXECUTIVE SUMMARY

NC Session Law 2017-41, Rylan’s Law¹ requires the Department of Health and Human Services (DHHS) to submit “a plan [to the Joint Legislative Oversight Committee on Health and Human Services] that outlines regional supervision of and collaboration by local social services programs,” and also requires DHHS to submit “preliminary recommendations to the Committee ... regarding legislative changes necessary to implement ... a plan to reform the State supervision and accountability for the social services system, including child welfare, adult protective services and guardianship, public assistance, and child support enforcement.”

The recommendations presented by both the Social Services Working Group (SSWG) and the Center for Support of Families (CSF) were carefully analyzed by DHHS and have significantly informed DHHS’ recommendations. SSWG and CSF included significant external stakeholder input gathered through surveys and focus groups held across the state in developing their reports. DHHS senior leadership actively participated as members of the SSWG. The Secretary’s leadership team, as well as various DHHS division directors and section chiefs, helped to inform the CSF report.

DHHS also considered these goals in developing recommendations:

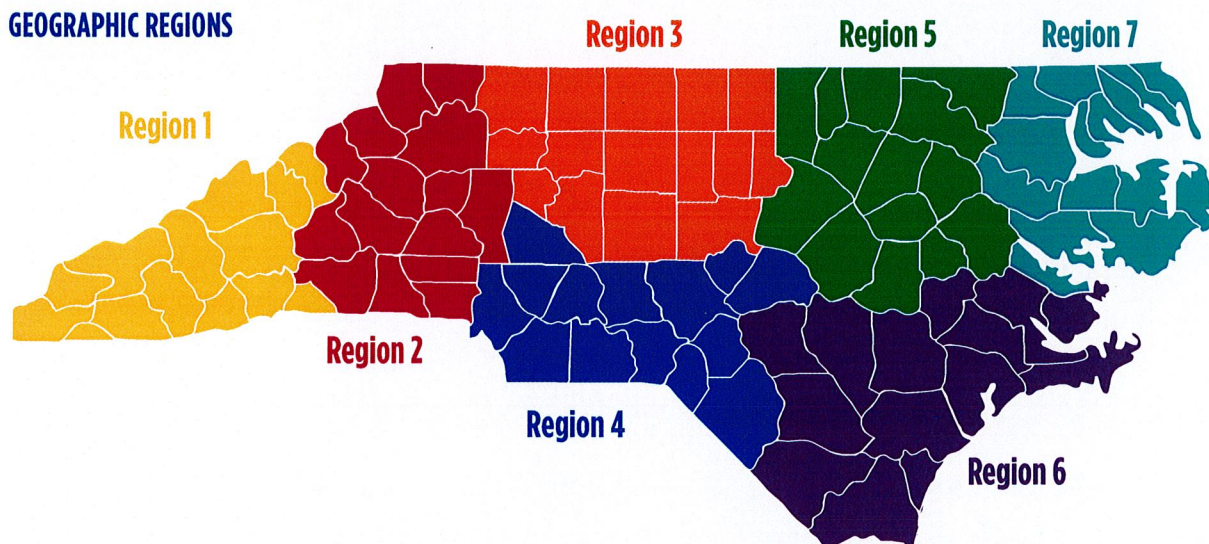
- All North Carolina citizens should have equal access to whole person-centered, high-quality social services.
- North Carolina’s social services system should produce better outcomes for the citizens it serves and deliver maximum value to its customers, communities and taxpayers.

Detailed background and justifications for the 14 recommendations can be found in the [full report](#).

A. Geographic Regions

The Department concurs with the recommendations from the SSWG to establish seven regions for regional supervision of county-administered child welfare and other social services. DHHS further recommends that legislation directing the establishment of regions allow for flexibility in determining county placement within regions. This will allow DHHS to make small adjustments as needed based on changes to judicial districts, new county level partnerships, significant population caseload changes, etc.

Among the considerations were ensuring that single counties are not divided by regions and that regions be contiguous. Also considered were total county population, geographic size and not disrupting judicial districts. DHHS supports the SSWG’s recommendation for establishing physical offices for regional supervision of child welfare and social services. However, it will take significant time and cost to procure and renovate or build offices. Therefore, DHHS recommends phasing in regional supervision by first establishing virtual regions and using existing community spaces for shared trainings and meetings while the procurement of physical office space is pursued.



¹ NC Session Law 2017-41, Rylan’s Law: <https://www.ncleg.net/Sessions/2017/Bills/House/PDF/H630v6.pdf>

B. Roles, Responsibilities and Staffing for Regional Supervision

Regional offices will be tasked with nine functions to strengthen support and supervision to counties:

- 1) best practice dissemination,
- 2) compliance monitoring,
- 3) fiscal monitoring,
- 4) integrated data systems and recordkeeping,
- 5) interagency coordination,
- 6) policy guidance and technical assistance,
- 7) quality improvement,
- 8) staffing standards and support, and
- 9) training.

Across these nine functions, a total of 40 duties are assigned to the central office in Raleigh and 45 are assigned to regional offices.

Both the CSF and SSWG Stage 1 reports recommended each region be staffed to cover all social services and child welfare areas: *Aging and Adult Services, Child Support Services, Child Welfare Services and Economic Services*. DHHS is proposing a staffing structure for regions based on caseloads, complexity of the program, and current staffing and performance.

TABLE 1. PROPOSED REGIONAL OFFICE STRUCTURE

ROLE		# OF POSITIONS
Leadership	Regional Director	1
	Administrative Assistant	1
Aging and Adult Services	Continuous Quality Improvement Specialist	3
Child Support	Continuous Quality Improvement Specialist/Trainer	2
Child Welfare	Continuous Quality Improvement Specialist	3
	Trainer	2
Economic Services	Continuous Quality Improvement Specialist	3
Fiscal Support	Local Business Liaison	2

In addition to the regionally-based positions, DHHS has sought to address the following resource deficiencies identified by CSF: *“There are five primary resource issues that must be addressed in order to successfully reform the current social services system: **inconsistent policy development and dissemination; deficiencies in workforce development in***

*the form of staff training; a lack of high quality community resources; underserved populations in need of mental health services; and **no easy access to reliable program and performance data ... The need for clear, consistent, accessible and timely policy and training was raised during focus groups, stakeholder interviews and calls, document reviews, and county and state-level conferences and meetings. The need for improved access to high-quality training cut across social services programs and was strongly voiced by counties of all sizes, types, and tier ranking.**”*

Maximizing efficient use of existing personnel was a top priority in developing the reorganization plan. DHHS conducted extensive analyses which resulted in recommendations to repurpose/redeploy existing central and home-based staff and identify the number of new positions needed.

DHHS recommends repurposing/redeploying 104 existing positions to support regionalization, repurposing/redeploying all managerial staff needed to support regionalization in the central office, and phasing in funding and positions to support 43 new regional and central office staff. DHHS further recommends prioritizing staffing to improve the child welfare system and moving to full implementation of a regional model with offices by March 2022.

C. Legislative Changes

The proposed legislative actions address preliminary key changes needed to transform our social services and child welfare systems and are responsive to the preliminary recommendations identified in the CSF report and Stage Two of the SSWG report. Examples include:

- Supporting the adoption of the child fatality review process recommendations made by the Child Fatality Review Taskforce.
- Protecting children by enhancing the scope and depth of background checks for employees of child caring institutions, pursuant to the Family First Prevention Services Act.
- Ensuring compliance with the Multi-Ethnic Placement Act to ensure placement for children are not denied or delayed due to race or ethnicity.
- Expanding scholarships for post-secondary education for youth who age out of foster care to include those exiting from the Guardianship Assistance Program.
- Including a statutory provision that offers increased training opportunities for Social Services Boards.
- Conducting a feasibility and cost study of a proposed child support tribunal with dedicated court officers to hear child support matters using quasi-judicial procedures.

- Amending state laws and delegating authority to DHHS and the Social Services Commission to better address conflicts of interest in casework related to services provided by county departments of social services.
- Undertaking a study to address the transferring of adult guardianship cases from DHHS to counties. The study and recommendations should address equitable distribution of slots and funds, capacity needs of counties to manage the cases, as well as any necessary legislative changes.

D. Other Key Enablers of Improved Child Welfare and Social Services

COUNTY STAFFING CAPACITY

Many county departments of social services have significant staff challenges that negatively impact the provision of quality, timely services to citizens. A feasibility and cost study is recommended to establish caseload range guidelines, pay scales, a funding equity formula and salary pool for county child welfare and social services staff.

WORKFORCE DEVELOPMENT, RECRUITMENT AND RETENTION

A competent workforce is essential for improving outcomes for children and families. Counties face significant challenges with recruiting, training and retaining qualified employees at all levels.

To achieve a high-quality social services system with consistent practices across the state, counties need strong leaders committed to developing relationships across county lines, building and supporting excellent staff, and following law and policy closely.

It is recommended that DHHS, in collaboration with the Department of Commerce, the Office of State Human Resources, a state public university partner, and key stakeholder groups, study and recommend a workforce development model for key positions in county departments of social services, regional offices and central offices.





2021-22 NCDHHS/COUNTY MEMORANDUM OF AGREEMENT ADULT SERVICES PERFORMANCE MEASURES FACT SHEET

Adult Services

Child Support Services

Child Welfare Services

Energy Programs

Food and Nutrition Services

Work First Services

WHAT ARE THE PERFORMANCE MEASURES?

In 2017, the North Carolina General Assembly passed the Family/Child Accountability and Protection Act/Rylan’s Law – Session Law 2017-41. The law requires all counties to enter into an annual agreement with the NC Department of Health and Human Services (NCDHHS) for all social services programs excluding medical assistance (NC Medicaid). The goal of the annual agreements is to support the provision of consistent, quality child welfare and social services that ensure the safety, health and well-being of children, adults and families served across North Carolina.

The law requires the agreement to contain performance requirements and administrative responsibilities. This fact sheet is one of six fact sheets describing the 21 performance measures in the 2021-22 Memorandum of Agreement. The six fact sheets address: 1) Adult Services, 2) Child Support Services, 3) Child Welfare Services, 4) Energy Programs, 5) Food and Nutrition Services, and 6) Work First Services.

Why Were These Adult Services Measures Selected?

The NCDHHS-County Memorandum of Agreement includes four Adult Services performance measures: two Adult Protective Services (APS) measures and two State-County Special Assistance measures. Together, these four measures address the immediate safety, ongoing protection from abuse and neglect, and long-term security and well-being of older adults and individuals with disabilities. The goal is to provide services and protections to individuals and families experiencing serious health and safety needs who are not, at least temporarily, able to assist themselves with the goal of helping them return to independent, community living.

BASIS

NC G.S 108A-103 Article 6 requires that an APS evaluation shall be completed within 30 days for allegations of abuse or neglect and within 45 days for allegations of exploitation. NC Administrative Rule: 10A NCAC 71P .0604 requires that applications be processed and a notice approving or denying the application stating the effective date be mailed within 45 calendar days from the date the application form is signed for individuals aged 65 and older, and within 60 calendar days for those younger than 65.

A Closer Look: Adult Protective Services Performance Measures

1. APS evaluations involving allegations of abuse or neglect will be completed within 30 days of the report for 85% of cases.

RATIONALE

Adult Protective Services are considered emergency services that involve cases of irreparable harm and potential for death. NC GS 108a, Article 6, requires that a prompt and thorough evaluation is made of all reports of adult maltreatment and does not allow for the provision of services until the evaluation is completed. Completing the prompt and thorough evaluation is essential to protecting the adult. While state statute does not specify a percentage, 85% was selected because counties encounter extenuating circumstances that preclude them from completing a timely evaluation. Timely completion of 85% of these reports indicates substantial compliance with the statute.

BASIS

State law requires that the director of social services receiving a report that an adult needs protective services make a prompt and thorough evaluation to determine whether the adult needs protective services and what services are needed. By statute, the evaluation shall be completed within 30 days for allegations of abuse or neglect.

- NC State Statute: [NC G.S 108A-103](#)

2. APS evaluations involving allegations of exploitation will be completed within 45 days of the report for 85% of cases.

RATIONALE

Protecting a disabled adult from exploitation is critical to ensuring the protection of the adult. The Statute covers exploitation of assets as well as the person. NC GS 108a, Article 6, requires that a prompt and thorough evaluation is made of all reports of adult maltreatment and does not allow for the provision of services until the evaluation is completed. Completing the prompt and thorough evaluation is essential to protecting the adult. The timeframe of 45 days is allowed to ensure collection of necessary financial information in cases of exploitation of assets which often involves court proceedings. Timely completion of 85% of these reports indicates substantial compliance with the statute.

BASIS

State law requires the director of social services to make a prompt and thorough evaluation of any report of potential adult abuse, neglect or exploitation and determine whether or not an adult needs protective services and what services are needed. The evaluation should be completed within 45 days for allegations of exploitation.

- NC State Statute: [NC G.S 108A-103](#)

A Closer Look: State-County Special Assistance Performance Measures

The NCDHHS-County Memorandum of Agreement includes two State-County Special Assistance Measures. These measures address the timeliness in which the County DSS processes applications for State-County Special Assistance (SA), which pays for room and board for low-income individuals needing care in an assisted living facility. NC Administrative Code (10NCAC 71P.0604) sets the timeliness requirement for processing SA applications.

1. The County will process 85% of Special Assistance for the Aged (SAA) applications within 45 calendar days of the application date.

RATIONALE

Individuals in need of placement in an assisted living facility generally require prompt placement to avoid further decline

in health or possible harm. State-County Special Assistance (SA) pays for room and board for eligible individuals in a licensed assisted living facility. Timely receipt of these benefits is essential to ensure proper care and treatment. While state rule does not specify a percentage rate, 85% was selected because counties may encounter extenuating circumstances that preclude them from completing a timely determination of eligibility. Timely determination for 85% of applications indicates substantial compliance with the state rule.

BASIS

State administrative rules require that applications be processed and a notice approving or denying the application stating the effective date be mailed within 45 calendar days from the date the application form is signed for individuals aged 65 and older.

- NC Administrative Rule: [10A NCAC 71P .0604](#)

2. The County will process 85% of Special Assistance for the Disabled (SAD) applications within 60 calendar days of the application date.

RATIONALE

Individuals in need of placement in an assisted living facility generally require prompt placement to avoid further decline in health or possible harm. State-County Special Assistance (SA) pays for room and board for eligible individuals in a licensed assisted living facility. Eligibility for SA also qualifies an individual to receive Medicaid benefits. Timely receipt of these benefits is essential to ensure proper care and treatment. DSS staff are required to verify several factors to determine eligibility related to income and assets.

While the state rule does not speak to a percentage rate, 85% was selected because counties may encounter extenuating circumstances that preclude them from completing a timely determination of eligibility. Timely determination for 85% of applications indicates substantial compliance with the Rule.

BASIS

State regulations require that applications be processed and a notice approving or denying the application stating the effective date of the payment be mailed within 60 calendar days from the date the application form is signed for individuals younger than 65.

- NC Administrative Rule: [10A NCAC 71P .0604](#)





2021-22 NCDHHS/COUNTY MEMORANDUM OF AGREEMENT CHILD SUPPORT PERFORMANCE MEASURES FACT SHEET

Adult Services

Child Support Services

Child Welfare Services

Energy Programs

Food and Nutrition Services

Work First Services

WHAT ARE THE PERFORMANCE MEASURES?

In 2017, the North Carolina General Assembly passed the Family/Child Accountability and Protection Act/Rylan's Law - Session Law 2017-41. The law requires all counties to enter into an annual agreement with the NC Department of Health and Human Services (NCDHHS) for all social services programs excluding medical assistance (NC Medicaid). The goal of the annual agreements is to support the provision of consistent, quality child welfare and social services that ensure the safety, health and well-being of children, adults and families served across North Carolina.

The law requires the agreement to contain performance requirements and administrative responsibilities. This fact sheet is one of six fact sheets describing the 21 performance measures in the 2021-22 Memorandum of Agreement. The six fact sheets address: 1) Adult Services, 2) Child Support Services, 3) Child Welfare Services, 4) Energy Programs, 5) Food and Nutrition Services, and 6) Work First Services.

Why Were These Child Support Measures Selected?

The NCDHHS-County Memorandum of Agreement includes four child support performance measures. The aim of the performance measures is to ensure that child support is a reliable, accessible source of income so that custodial families can become self-sufficient. Studies have shown that policies to collect child support not only increase financial resources to families, but their impact on payments increase visitation and contact between the children and their parents.

BASIS

The Personal Responsibility and Work Opportunity Reconciliation Acts (PRWORA) of 1996, Section 454 of the Social Security Act (42 U.S.C. 654), 42 U.S.C. 658a(b)(6), Public Law 105-200, Section 201, and N.C.G.S. 110-129.1(a)(9) establish guidelines for performance and an incentive system to provide additional payments to any State based on its performance under the program. The Child Support Performance and Incentive Act of 1998 (CSPIA) (Public Law 105-200, Section 201) provides the legal basis for the incentive award system. The purpose of Title IV-D incentives is to reward child support programs for good performance results, while holding these programs accountable for poor performance.

Eligibility for and the amount of incentive funding depends on all of the following:

- The total amount of federal funds that are available for a fiscal year.

- The state performance levels in five program service areas (paternity establishment, support establishment, current support payments, payments toward arrearages, and cost effectiveness). The federal Office of Child Support Enforcement (OCSE) distributes a shared pool of federal incentive funds to the states each year. To receive these funds, states must reach a specific level of performance for each of these program service areas.
- The reliability of the state's data as determined by OCSE's annual Data Reliability Audit (DRA). States must prove that their child support collection data in their computer systems is ninety-five percent (95%) reliable and accurate, based on the DRA (pursuant to 45 CFR 305).
- The relative performance levels of other states.

Each federal fiscal year, 85% of the federal incentive funds is shared with the counties, based on their performance in the program service areas mentioned above. The North Carolina Child Support Services (NCCSS) Central Office retains the remaining 15% to enhance centralized child support services.

Federal Regulations 45 CFR 303.52 require state IV-D programs to develop a standard methodology for the disbursement of incentive funds to the county/local agencies that are designated as the administrators of their child support programs.

NOTE: For 2021-22, the Child Support MOU measures will be separated from the goals designed to ensure continuous quality improvement of our child support program. All Child Support performance measures will be growth measures.

A Closer Look: Child Support Performance Measures

In accordance with Federal Regulations at 45 CFR 305.2, the federal Office of Child Support Enforcement (OCSE) determines incentive funding for states by measuring performance levels in these four program areas identified below. County performance measures are established not only to ensure that the child support program meets the performance measures set by the federal government, but that the program remains focused on improving the economic self-sufficiency of families with children. Counties falling below the minimum federal performance measure are subject to a corrective action plan.

1. County paternity establishment performance level must exceed 50% at the end of the State Fiscal Year (June 30).

NOTE: For 2021-22, all Child Support performance measures will be growth measures.

RATIONALE

Paternity establishment is an essential component in obtaining and enforcing support orders for children. The Paternity Establishment Percentage (PEP) is the percentage of children born out of wedlock for whom paternity has been established or acknowledged for.

BASIS

Monthly performance is calculated for county/local agencies by determining the number of children in the IV-D caseload who have been born out-of-wedlock and for whom paternity has been established or acknowledged to the total number of children as of the end of the preceding state fiscal year who were born out-of-wedlock. Federal regulations require states to have a 90% minimum PEP rate to earn full incentives and avoid penalties to TANF block grant funding. To be eligible for any portion of the incentive dollars, the applicable percentage must be no lower than 50%.

- Federal Code: [42 U.S.C. 652\(g\)\(1\)\(A\)](#)
- Federal Code: [42 U.S.C. 658a\(b\)\(6\)\(A\)](#)
- North Carolina General Statute: [110-129.1\(a\)\(9\)](#)

2. County support order establishment performance level must exceed 50% at the end of the State Fiscal Year (June 30).

NOTE: For 2021-22, all Child Support performance measures will be growth measures.

RATIONALE

A child support order obligates noncustodial parents to provide financial support for their children and stipulates the amount of the obligation and how it is to be paid. Child support payments enable parents who do not live with their children to fulfill their financial responsibility to them by contributing to the payment of childrearing costs.

BASIS

Monthly performance is calculated for county/local agencies by determining the number of IV-D cases with child support orders as a percentage of their overall caseload. The average of these monthly percentages is reported at the end of the federal fiscal year. Federal regulations require states to have an 80% minimum of cases under order rate to earn full incentives and avoid penalties to TANF block grant funding. To be eligible for any portion of the incentive dollars, the applicable percentage must be no lower than 50%.

- Federal Code: [42 U.S.C. 652\(g\)\(1\)\(A\)](#)
- Federal Code: [42 U.S.C. 658a\(b\)\(6\)\(B\)](#)
- North Carolina General Statute: [N.C.G.S. 110-129.1\(a\)\(9\)](#)

3. County current collections performance level must exceed 40% at the end of the State Fiscal Year (June 30).

NOTE: For 2021-22, all Child Support performance measures will be growth measures.

RATIONALE

The current collection rate is an indicator for the regular and timely payment of child support. Higher rates mean better compliance with the support order and lower accumulation of arrears.

BASIS

“Current support” is the money that is applied to current support obligations and does not include payments toward arrearages. Monthly performance is calculated by determining the amount of current support that is collected as a percentage of the total amount of current support obligations due. The average of these monthly percentages is reported at the end of the federal fiscal year. Federal

regulations require states to have an 80% minimum current support collections rate to earn full incentives and avoid penalties to TANF block grant funding. To be eligible for any portion of the incentive dollars, the applicable percentage must be no lower than 40%.

- Federal Code: [42 U.S.C. 652\(g\)\(1\)\(A\)](#)
- Federal Code: [42 U.S.C. 658a\(b\)\(6\)\(C\)](#)
- North Carolina General Statute: [110-129.1\(a\)\(9\)](#)

4. County arrearage collections performance level must exceed 40% at the end of the State Fiscal year (June 30).

NOTE: For 2021-22, all Child Support performance measures will be growth measures.

RATIONALE

Child support collections have been shown to reduce the child poverty rate and improve child well-being. Studies also show that receipt of child support has a positive effect on academic achievement and improves young children's cognitive development.

BASIS

Arrearage collections is the money that was applied to past-due support on cases that have a past-due child support obligation. Federal regulations require states to have an 80% minimum current support collections rate to earn full incentives. To be eligible for any portion of the incentive dollars, the applicable percentage must be no lower than 40%.

- Federal Code: [42 U.S.C. 652\(g\)\(1\)\(A\)](#)
- Federal Code: [42 U.S.C. 658a\(b\)\(6\)\(D\)](#)
- NC General Statute: [110-129.1\(a\)\(9\)](#)





2021-22 NCDHHS/COUNTY MEMORANDUM OF AGREEMENT CHILD WELFARE PERFORMANCE MEASURES FACT SHEET

Adult Services

Child Support Services

Child Welfare Services

Energy Programs

Food and Nutrition Services

Work First Services

WHAT ARE THE PERFORMANCE MEASURES?

In 2017, the North Carolina General Assembly passed the Family/Child Accountability and Protection Act/Rylan’s Law – [Session Law 2017-41](#). The law requires all counties to enter into an annual agreement with the NC Department of Health and Human Services (NCDHHS) for all social services programs excluding medical assistance (NC Medicaid). The goal of the annual agreements is to support the provision of consistent, quality child welfare and social services that ensure the safety, health and well-being of children, adults and families served across North Carolina.

The law requires the agreement to contain performance requirements and administrative responsibilities. This fact sheet is one of six fact sheets describing the 21 performance measures in the 2021-22 Memorandum of Agreement. The six fact sheets address: 1) Adult Services, 2) Child Support Services, 3) Child Welfare Services, 4) Energy Programs, 5) Food and Nutrition Services, and 6) Work First Services.

Why Were These Child Welfare Measures Selected?

The NCDHHS-County Memorandum of Agreement includes six child welfare performance measures. Together, the six measures address the immediate safety, ongoing protection from abuse and neglect, and long-term security and well-being for children entering the state’s child welfare system.

BASIS

The federal [Child Abuse Prevention and Treatment Act \(CAPTA\)](#) of 1974 and subsequent amendments provide the foundational guidance for government’s role in child protection. CAPTA requires states to identify a minimum set of acts or behaviors that define child abuse and neglect and establish timeframes for responding to reports of abuse and neglect. Other federal law, funding and regulations also govern components of child welfare — for example, both [Titles IV-B and IV-E of the Social Security Act \(SSA\)](#). Title IV-B addresses the provision of child welfare services that can be used for prevention of and response to child abuse and neglect. Title IV-E of the Social Security Act (SSA) focuses on providing safe and stable care for children who are in out-of-home care due to child maltreatment until they can achieve placement permanency by being safely returned home, placed permanently with adoptive families, or placed in other planned arrangements. The Code of Federal Regulations (CFR) [Part 45 1357.10](#) further defines requirements for child welfare services.

FEDERAL COMPLIANCE INSTRUMENTS

The federal Children’s Bureau (CB) is planning to conduct a fourth round of reviews under the Child and Family Services Reviews (CFSR) regulations, beginning in Federal Fiscal Year (FFY) 2022 (October 1, 2021). The purpose of these reviews is to determine compliance with Title IV-B and Title IV-E plan requirements, and in doing so, assess the extent to which federally funded child welfare programs function effectively to promote the safety, permanency, and well-being of children and families with whom they have contact.

The overall goals of the reviews remain to:

- Ensure conformity with Title IV-B and Title IV-E child welfare requirements using a framework focused on safety, permanency and well-being through seven outcomes and seven systemic factors;
- Determine what is happening to children and families as they are engaged in child welfare services including the legal and judicial processes; and
- Assist state child welfare systems in helping children and families achieve positive outcomes.*

To this end, the NC Department of Health and Human Services, Division of Social Services is advising counties that since these measures will be included in the Data Review and performance for CFSR Round IV, counties need to continue monitoring and striving to achieve progress toward accomplishing these measures, to ensure that North Carolina can be determined to be in “substantial

conformity.” In an effort to assist counties in monitoring and achieving these progress measures, check the following link for data provided by UNC-CH: <https://ssw.unc.edu/ma>.

* *Child and Family Services Review Technical Bulletin #12 Announcement of the CFSR Round 4 reviews, August 2020, Section I. Context and Overview of Next Round of CFSR – Round 4, pp 1-3*

The federal Children’s Bureau assesses states for “substantial conformity” with federal requirements for child welfare services through a periodic Child and Family Services Review (CFSR). Federal guidelines define “substantial conformity” to mean the measure is achieved in 95% of cases reviewed. Two relevant tools are used to evaluate state compliance during the CFSR. They are:

- National Standards for State Performance on Statewide Data Indicators: The Data Indicators are aggregate measures, calculated using available administrative data. These measures look at outcomes for children, for example, whether a child is: a victim of child abuse or neglect while in foster care; a repeat victim of abuse or neglect; or able to achieve a permanent home in 12 months.
- The Onsite Review Instrument (OSRI) includes only a limited sample of case reviews, interviews with children and families engaged in services, and interviews with community stakeholders – such as courts, community agencies, foster families, caseworkers, and service providers. The OSRI looks at **outcomes for children and the type and quality of services children in child welfare services receive**. The OSRI involves an intensive review of small samplings of family case records and looks not only at whether a particular service or action occurred, but whether it was performed in a quality manner. Therefore, the OSRI measures are NOT used as a basis for the NCDHHS County Performance Measures, because data for the Performance Measures must be available for all counties and all cases and recipients of services.

A Closer Look: Child Welfare Performance Measures

1. County will initiate 95% of all screened in reports within required timeframes.

NOTE: This measure is a growth measure. Performance over prior years will be compiled and shared with counties. For Fiscal Year 2020-2021 MOU, the Department will not initiate any corrective action for a county’s performance related to this MOU performance measure.

RATIONALE

The intent of this measure is to ensure allegations of child abuse, neglect and dependency are initiated within mandated timeframes. This measure addresses how quickly a “screened in” report of child maltreatment (physical, sexual or psychological abuse, neglect, dependency, or human trafficking) must be followed up on with a full investigation. A “screened in report” means that information gathered in the report of child maltreatment has been determined by a county child welfare intake caseworker and supervisors to meet the legal definition of child maltreatment. That same caseworker and their supervisor will determine the urgency of conducting the investigation depending on the nature and severity of the alleged abuse, neglect, exploitation, or dependency.

BASIS

In North Carolina, the timeframes for initiating an investigation of child maltreatment are defined in state law as, immediately, 24 or 72 hours, depending on the severity of the alleged abuse. NC Administrative Rule and the NCDHHS Family Services Manual further define the processes for adhering to the state law.

- NC State Statute: G.S. §7B-302
- NC Administrative Rule: 10A NCAC 70A.0105
- NCDHHS Family Services Manual: Vol 1, Chapter VIII, Section 1408 Investigative and Family Assessments

2. For children who were victims of maltreatment during a 12-month period, no more than 9.1% received a subsequent finding of maltreatment.

NOTE: This measure is a growth measure. Performance over prior years will be compiled and shared with counties. For Fiscal Year 2020-2021 MOU, the Department will not initiate any corrective action for a county’s performance related to this MOU performance measure.

RATIONALE

The intent of this measure is to ensure that children who have been substantiated as abused, neglected or dependent are protected from further harm. This measure assesses whether the child welfare agency was successful in preventing subsequent maltreatment of a child if the child was the subject of a substantiated or indicated report of maltreatment.

BASIS

This performance measure is one of the National Standards for State Performance on Statewide Data Indicators that the Children's Bureau uses to determine state's conformity with Titles IV-B and IV-E of the Social Security Act through the Child and Family Services Reviews (CFSRs). The National Standard is that the recurrence of substantiated or indicated maltreatment is 9.1% or less.

- [National Standards for State Performance on Statewide Data Indicators](#): pages 3, 4 and 6

3. The county will ensure that 95% of all foster youth have a face-to-face visit by the social worker each month.

NOTE: This is now a Performance Measure.

RATIONALE

The intent of this measure is to ensure the ongoing safety of children and the engagement and well-being of families. Caseworkers meet with children and families to monitor children's safety and well-being; assess the ongoing service needs of children, families and foster parents; engage biological and foster parents in developing case plans; assess permanency options for the child; monitor family progress toward established goals; and ensure that children and parents are receiving necessary services. Federal funding is contingent on the state ensuring that the safety and well-being of children in foster care is assured by a monthly face-to-face visit. Virtual face-to-face visits will count toward this measure as allowed, while this flexibility is allowed by the Administrative for Children and Families during the pandemic.

BASIS

The [Child and Family Services Improvement Act of 2006](#) amended Part B of Title IV of the Social Security Act to require that, "at a minimum ... children are visited on a monthly basis and that the caseworker visits are well-planned and focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the children."

- [Child and Family Services Improvement Act of 2006](#) Section 7 – Monthly Caseworker Standard; revises Section 422(b) of the Social Security Act (42 U.S.C. 622(b))

4. The county will provide leadership for ensuring that 40.5% of children who enter foster care in a 12-month period are discharged to permanency within 12 months of entering foster care.

NOTE: This measure is a growth measure. Performance over prior years will be compiled and shared with counties. For Fiscal Year 2020-2021 MOU, the Department will not initiate any corrective action for a county's performance related to this MOU performance measure.

RATIONALE

The intent of this measure is to ensure that children in out-of-home placements are able to obtain safe and permanent homes as soon as possible after removal from their homes. Permanency includes discharges from foster care to reunification with a child's parents or primary caregivers, living with a relative, guardianship, or adoption.

BASIS

This performance measure is one of the National Standards for State Performance on Statewide Data Indicators that the Children's Bureau uses to determine state's conformity with Titles IV-B and IV-E of the Social Security Act through the Child and Family Services Reviews (CFSRs). The National Standard is that at least 40.5% of all children who enter foster care in a 12-month period are discharged to permanency within 12 months of entering foster care.

- [National Standards for State Performance on Statewide Data Indicators](#): pages 4 and 6

5. The county will provide leadership to ensure that of children who enter foster care in a 12-month period and who were discharged within 12 months to reunification, kinship care, guardianship, or adoption, that no more than 8.3% re-enter foster care within 12 months of their discharge.

NOTE: This measure is a growth measure. Performance over prior years will be compiled and shared with counties. For Fiscal Year 2020-2021 MOU, the Department will not initiate any corrective action for a county's performance related to this MOU performance measure.

RATIONALE

The intent of this measure is to ensure that children exiting foster care either through reunification guardianship, or adoption are in stable homes so that they do not re-enter foster care. The measure assesses whether the agency's programs and practice are effective in supporting reunification and other permanency goals so that children do not return to foster care.

BASIS

This performance measure is one of the National Standards for State Performance on Statewide Data Indicators that the Children's Bureau uses to determine state's conformity with Titles IV-B and IV-E of the Social Security Act through the Child and Family Services Reviews (CFSRs). The National Standard is that no more than 8.3% of all children who enter into and are discharged from foster care within a 12-month period re-enter foster care within 12 months of their discharge.

- [National Standards for State Performance on Statewide Data Indicators](#): pages 5 and 6

6. The county will provide leadership to ensure that of all children who enter foster care in a 12-month period in the county, the rate of placement moves per 1,000 days of foster care will not exceed 4.1%.

NOTE: This measure is a growth measure. Performance over prior years will be compiled and shared with counties. For Fiscal Year 2020-2021 MOU, the Department will not initiate any corrective action for a county's performance related to this MOU performance measure.

RATIONALE

Research shows that children who experience fewer placement changes are more likely to experience fewer school changes, less trauma and distress, and fewer mental health and behavioral problems. Research also suggests that fewer placements therefore contribute to better academic achievement and lasting positive relationships with an adult. This measure assesses whether the agency ensures that children whom the agency removes from their homes experience stability while they are in foster care.

BASIS

This performance measure is one of the National Standards for State Performance on Statewide Data Indicators that the Children's Bureau uses to determine state's conformity with Titles IV-B and IV-E of the Social Security Act through the Child and Family Services Reviews (CFSRs). The National Standard is that of all children who enter foster care in a 12-month period, the average rate of placement moves per 1,000 days of foster care does not exceed 4.1%.

- [National Standards for State Performance on Statewide Data Indicators](#): pages 5 and 6





2021-22 NCDHHS/COUNTY MEMORANDUM OF AGREEMENT ENERGY PROGRAMS PERFORMANCE MEASURES FACT SHEET

Adult Services

Child Support Services

Child Welfare Services

Energy Programs

Food and Nutrition Services

Work First Services

WHAT ARE THE PERFORMANCE MEASURES?

In 2017, the North Carolina General Assembly passed the Family/Child Accountability and Protection Act/Rylan’s Law - Session Law 2017-41. The law requires all counties to enter into an annual agreement with the NC Department of Health and Human Services (NCDHHS) for all social services programs excluding medical assistance (NC Medicaid). The goal of the annual agreements is to support the provision of consistent, quality child welfare and social services that ensure the safety, health and well-being of children, adults and families served across North Carolina.

The law requires the agreement to contain performance requirements and administrative responsibilities. This fact sheet is one of six fact sheets describing the 21 performance measures in the 2021-22 Memorandum of Agreement. The six fact sheets address: 1) Adult Services, 2) Child Support Services, 3) Child Welfare Services, 4) Energy Programs, 5) Food and Nutrition Services, and 6) Work First Services.

Why Were These Energy Programs Measures Selected?

The NCDHHS-County Memorandum of Agreement includes two Energy Performance measures. Energy programs help low-income families, seniors and adults with home heating and cooling to protect their health and well-being. These energy programs provide financial assistance so that vulnerable populations in our communities do not have to make difficult choices between heating and cooling their homes or affording other basic necessities such as food, medicine or shelter. Together the two measures address the federal requirements to assist households with the lowest incomes that pay a high proportion of household energy bills.

BASIS

The Federal Low-Income Home Energy Assistance Program (LIHEAP) Statute and Regulations and subsequent amendments provide the foundational guidance for government’s role in the administration of the Energy program. The LIHEAP statute was amended in 2005 by Subtitle B of the Energy Policy Act of 2005 (Public Law 109-58) which reauthorized LIHEAP through FY 2007. The LIHEAP statute is codified in the United States Code at:

- [42 U.S.C. § 8621-8630 \(2008\)](#).

The US HHS regulations for the LIHEAP block grant are found in [45 C.F.R. § 96. Subparts A-F, H](#). The Administration for Children and Families (ACF) conducts compliance

reviews. States determined to be in noncompliance face penalties of repayment of misspent funds and/or withholding of federal funds.

A Closer Look: Energy Programs Performance Measures

- 1. The County will process 95% of Crisis Intervention Program (CIP) applications, with no heat or cooling source, within one (1) business day from the date of application or date all verification is received, whichever comes first.**

RATIONALE

The intent of this measure is to ensure that eligible individuals in a household without a heating or cooling source receive relief as soon as possible.

BASIS

Federal Code requires that within one business day after a household applies for crisis benefits, the State will provide assistance that will resolve the energy crisis if a household is eligible to receive benefits and is in a life-threatening situation. North Carolina Administrative Code provides regulations on eligibility criteria.

- Federal Regulation: [42 U.S.C. § 8621-8630 \(2008\)](#).
- NC Administrative Code: [10A NCAC 71V](#)

2. The County will process 95% of Crisis Intervention Program (CIP) applications that have a heat or cooling source disconnect notice within one (2) business days from the date of application or date all verification is received, whichever comes first.

RATIONALE

The intent of this measure is to ensure that eligible households who are in danger of losing a heating or cooling source receive financial assistance to avert the crisis.

BASIS

Federal Code requires that within 48 hours after a household applies for crisis benefits, the State will provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits and is in a life-threatening situation. North Carolina Administrative Code provides regulations on eligibility criteria.

- Federal Regulation: 42 U.S.C. § 8621-8630 (2008).
- NC Administrative Code: 10A NCAC 71V





2021-22 NCDHHS/COUNTY MEMORANDUM OF AGREEMENT FOOD AND NUTRITION SERVICES PERFORMANCE MEASURES FACT SHEET

Adult Services

Child Support Services

Child Welfare Services

Energy Programs

Food and Nutrition Services

Work First Services

WHAT ARE THE PERFORMANCE MEASURES?

In 2017, the North Carolina General Assembly passed the Family/Child Accountability and Protection Act/Rylan’s Law – Session Law 2017-41. The law requires all counties to enter into an annual agreement with the NC Department of Health and Human Services (NCDHHS) for all social services programs excluding medical assistance (NC Medicaid). The goal of the annual agreements is to support the provision of consistent, quality child welfare and social services that ensure the safety, health and well-being of children, adults and families served across North Carolina.

The law requires the agreement to contain performance requirements and administrative responsibilities. This fact sheet is one of six fact sheets describing the 21 performance measures in the 2021-22 Memorandum of Agreement. The six fact sheets address: 1) Adult Services, 2) Child Support Services, 3) Child Welfare Services, 4) Energy Programs, 5) Food and Nutrition Services, and 6) Work First Services.

Why Were These Food and Nutrition Services Measures Selected?

The NCDHHS-County Memorandum of Agreement includes three Food and Nutrition Services (FNS) performance measures. Research shows that FNS Supplemental Nutrition Assistance Program (SNAP) benefits reduce poverty and food insecurity, and that this leads to improved health and economic outcomes over the long-term, especially for those who receive SNAP as children.

BASIS

The Food and Nutrition Act of 2008 (as amended through P.L.113-79, Effective Feb. 7, 2014) provides the foundational guidance for administration of the FNS program.

FEDERAL COMPLIANCE AND STATE INSTRUMENTS

The USDA is mandated by federal regulations to monitor program administration and operation of the FNS Services program. Monitoring of the state’s compliance is completed through the Management Evaluation process. The Management Evaluation addresses and assesses State agency achievement of program objectives and FNS’ strategic performance objectives and priorities.

A Closer Look: Food and Nutrition Services Performance Measures

1. The County will process 95% of expedited FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 7th calendar day from the date of application.

RATIONALE

The intent of this measure is to ensure all households which are considered expedited FNS applications are processed within the required timeframe. A food-secure household means that all members of the household receiving FNS benefits have access to healthy and nutritious food to support the health and well-being of the family including children, the elderly and disabled.

BASIS

The State is required to ensure benefits are available to the household no later than thirty (30) calendar days following the date of application. To ensure households are provided with benefits in a timely manner, FNS applications and reapplications must be approved no later than the twenty-fifth (25th) calendar day from the date of the application for regular FNS application and no later than four (4) calendar days for households identified as expedited.

- Federal Regulation: [7 CFR 274.2](#)
- Federal Regulation: [FNS 315 Application Time Frames](#)

- Federal Regulation: [FNS 320 Expedited Service](#)
- Federal Program Policy: [FNS Administrative Letter 1-2015](#)

2. The County will process 95% of regular FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 30th calendar day from the date of application.

RATIONALE

The intent of this measure is to ensure all regular FNS applications are processed within the required timeframe. A food-secure household means that all members of the household receiving FNS benefits have access to healthy and nutritious food to support the health and well-being of the family including children, the elderly and disabled.

BASIS

The State is required to ensure benefits are available to the household no later than thirty (30) calendar days following the date of application. To ensure households are provided with benefits in a timely manner, FNS applications and reapplications must be approved no later than the twenty-fifth (25th) calendar day from the date of the application for regular FNS application and no later than four (4) calendar days for households identified as expedited.

- Federal Regulation: [7 CFR 274.2](#)
- Federal Regulation: [FNS 315 Application Time Frames](#)
- Federal Regulation: [FNS 320 Expedited Service](#)
- Federal Program Policy: [FNS Administrative Letter 1-2015](#)

3. The County will ensure that 95% of FNS recertifications are processed within the required timeframes each month.

RATIONALE

The intent of this measure is to ensure that families that were previously determined eligible have their recertification for benefits processed in a timely manner to ensure uninterrupted access to healthy and nutritious food to support the health and well-being of families that continue to be eligible for FNS benefits.

BASIS

In accordance with federal regulation, the State is required to ensure that households who received a notice of expiration and reapplied, receive either a notice of eligibility or a notice of denial no later than thirty (30) days from the last allotment received.

- Federal Regulation: [7 CFR 273.14 Recertification](#)





2021-22 NCDHHS/COUNTY MEMORANDUM OF AGREEMENT WORK FIRST PERFORMANCE MEASURES FACT SHEET

Adult Services

Child Support Services

Child Welfare Services

Energy Programs

Food and Nutrition Services

Work First Services

WHAT ARE THE PERFORMANCE MEASURES?

In 2017, the North Carolina General Assembly passed the Family/Child Accountability and Protection Act/Rylan’s Law – Session Law 2017-41. The law requires all counties to enter into an annual agreement with the NC Department of Health and Human Services (NCDHHS) for all social services programs excluding medical assistance (NC Medicaid). The goal of the annual agreements is to support the provision of consistent, quality child welfare and social services that ensure the safety, health and well-being of children, adults and families served across North Carolina.

The law requires the agreement to contain performance requirements and administrative responsibilities. This fact sheet is one of six fact sheets describing the 21 performance measures in the 2021-22 Memorandum of Agreement. The six fact sheets address: 1) Adult Services, 2) Child Support Services, 3) Child Welfare Services, 4) Energy Programs, 5) Food and Nutrition Services, and 6) Work First Services.

Why Were These Work First Measures Selected?

The NCDHHS-County Memorandum of Agreement includes two Work First performance measures. Together, the two measures assist families in receiving timely benefits to help with reaching their goals of self-sufficiency and reduce the need for public assistance programs. Providing timely assistance to eligible county residents is a provision of the federal block grant funding.

BASIS

Title IV-A of the Social Security Act (SSA) and The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) provide the foundational guidance for the government’s accountability in assisting needy families with children. Title IV-A addresses the required submission of a State Plan in which the State program defines timelines for the determination of assistance.

FEDERAL COMPLIANCE INSTRUMENT

The Administration for Children and Families (ACF) assesses states for compliance with federal. Title IV-A of the SSA requires that eligibility determination must be provided in a reasonable and prompt manner (timely). The North Carolina TANF State Plan defines reasonable and prompt manner or timeliness for applications as 45 calendar days from the application date. The timeliness for the recertification for a cash assistance is no later than the last day of the current certification period.

A Closer Look: Work First Services Performance Measures

1. The County will process 95% of Work First applications within 45 days of receipt.

RATIONALE

The intent of this measure is to ensure that families receive the Work First benefits for which they are eligible in a timely manner. Families that participate in the Work First Program rely on this service for cash assistance, job placement, training and education. Timely processing of applications ensures that applicants can access these services quickly and begin to receive services that lead to self-sufficiency.

BASIS

This performance measure determines the state’s conformity with Title IV-A of the Social Security Act to provide eligibility determination in a reasonable and prompt manner. NC General Statute and the NC State Plan provides the basis for program policy.

- North Carolina General Statute: NC GS 108A-31
- State Plan: TANF State Plan FFY 2019-2022

2. The County will process 95% of Work First recertifications no later than the last day of the current certification period.

RATIONALE

The intent of this measure is to ensure that families who were previously determined eligible for the Work First program continue to receive assistance and benefits without an unnecessary interruption in their benefits and case work services.

BASIS

This performance measure determines the state's conformity with Title IV-A of the Social Security Act to provide eligibility determination in a reasonable and prompt manner. NC General Statute and the NC State Plan provide the basis for program policy.

- North Carolina General Statute: [NC GS 108A-31](#)
- State Plan: [TANF State Plan FFY 2019-2022](#)





2021-22 NCDHHS/COUNTY MEMORANDUM OF AGREEMENT PERFORMANCE MEASURES AT-A-GLANCE

ATTACHMENT I

PERFORMANCE REQUIREMENTS:

The Standard Measure is the measure set forth in federal or state law, rule or policy that governs the particular program. This is the Measure that all counties are ultimately aiming to achieve.

The County Performance Measure is the measure that the County is required to achieve to be in compliance with this MOU. For some programs, the County's Performance Measure will be the same as the Standard Measure. For other programs, the County's Performance Measure may be greater or less than the Standard Measure, dependent upon previous year's performance.

The Report of Performance is the period of time in which a County's performance on a particular performance requirement is measured and reported.

ENERGY PROGRAMS

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	The County will process 95% of Crisis Intervention Program (CIP) applications, with no heat or cooling source, within one (1) business day from the date of application or date all verification is received, whichever comes first.	The County will process 95% of Crisis Intervention Program (CIP) applications, with no heat or cooling source, within one (1) business day from the date of application or date all verification is received, whichever comes first.	Ensure that eligible individuals in a household without a heating or cooling source receive relief as soon as possible. 42 USC §§ 8621-8630 10A NCAC 71V .0200	Monthly
2	The County will process 95% of Crisis Intervention Program (CIP) applications, that have heat or cooling source with a past due or final notice, within two (2) business days from the date of application or date all verification is received, whichever comes first.	The County will process 95% of Crisis Intervention Program (CIP) applications, that have heat or cooling source with a past due or final notice, within two (2) business days from the date of application or date all verification is received, whichever comes first.	Ensure that eligible households who are in danger of losing a heating or cooling source receive financial assistance to avert the crisis. 42 USC §§ 8621-8630 10A NCAC 71V .0200	Monthly

WORK FIRST

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	The County will process 95% of Work First applications within 45 days of receipt.	The County will process 95% of Work First applications within 45 days of receipt.	Ensure that eligible families receive Work First benefits in a timely manner. TANF State Plan FFY 2019-2022 NCGS 108A-31	Monthly
2	The County will process 95% of Work First recertifications within 60 calendar days prior to the last day of the current certification period.	The County will process 95% of Work First recertifications within 60 calendar days prior to the last day of the current certification period.	Ensure that Work First families continue to receive assistance and benefits without unnecessary interruption. TANF State Plan FFY 2019-2022 NCGS 108A-31	Monthly

FOOD AND NUTRITION SERVICES

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	The County will process 95% of expedited FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 7th calendar day from the date of application.	The County will process 95% of expedited FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 7th calendar day from the date of application.	Ensure all expedited FNS applications are processed within required timeframes. 7 CFR § 273.2 FNS Manual: Section 315 FNS Administrative Letter 1-2015	Monthly
2	The County will process 95% of regular FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 30th calendar day from the date of application.	The County will process 95% of regular FNS applications within the timeframe that allows the household to have access to the FNS benefits on or before the 30th calendar day from the date of application.	Ensure all regular FNS applications are processed within required timeframes. 7 CFR § 273.2 FNS Manual: Section 315 FNS Administrative Letter 1-2015	Monthly
3	The County will ensure that 95% of FNS recertifications are processed on time, each month.	The County will ensure that 95% of FNS recertifications are processed on time, each month.	Ensure that eligible families have their recertification benefits processed in a timely manner without interruption. 7 CFR § 273.14	Monthly

CHILD WELFARE - FOSTER CARE

Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1 The County will ensure that 95% of all foster youth have a face-to-face visit with the social worker each month.	The County will ensure that 95% of all foster youth have a face-to-face visit with the social worker each month. Virtual face-to-face visits are allowed during the current state of emergency in response to the pandemic.	Ensure the ongoing safety of children and the engagement and well-being of families. Child and Family Services Improvement Act of 2006 (Public Law 109-288, section 7) amending Section 422(b) of the Social Security Act (42 USC 622(b))	Monthly

ADULT PROTECTIVE SERVICES (APS)

Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1 The County will complete 85% of APS evaluations involving allegations of abuse or neglect within 30 days of the report.	DHHS will work with the County to identify the County's performance measure for FY 21-22 based on the County's performance for the preceding state fiscal year	Responding quickly to allegations of adult maltreatment is essential to case decision-making to protect the adult. State law requires that a prompt and thorough evaluation is made of all reports of adult maltreatment. NCGS 108A-103	Monthly
2 The County will complete 85% of APS evaluations involving allegations of exploitation within 45 days of the report.	DHHS will work with the County to identify the County's performance measure for FY 21-22 based on the County's performance for the preceding state fiscal year	Protecting a disabled adult from exploitation is critical to ensuring their safety and well-being. State law requires a prompt and thorough evaluation is made of all reports of adult exploitation. NCGS 108A-103	Monthly

SPECIAL ASSISTANCE (SA)

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	The County will process 85% of Special Assistance for the Aged (SAA) applications within 45 calendar days of the application date.	DHHS will work with the County to identify the County's performance measure for FY 21-22 based on the County's performance for the preceding state fiscal year	Ensure eligible individuals receive supplemental payments to support stable living arrangements. Timely application processing of SAA benefits is essential to an individual's proper care and treatment. 10A NCAC 71P .0604	Monthly
2	The County will process 85% of Special Assistance for the Disabled (SAD) applications within 60 calendar days of the application date.	DHHS will work with the County to identify the County's performance measure for FY 21-22 based on the County's performance for the preceding state fiscal year	Ensure eligible individuals receive supplemental payments to support stable living arrangements. Timely application processing of SAD benefits is essential to an individual's proper care and treatment. 10A NCAC 71P .0604	Monthly

CHILD SUPPORT SERVICES

	Standard Measure	County Performance Measure	Rationale and Authority	Report of Performance
1	Percentage of paternitys established or acknowledged for children born out of wedlock.	The County paternity establishment performance level must exceed 50% at the end of the State Fiscal Year (June 30).	Paternity establishment is an essential component in obtaining and enforcing support orders for children. 45 CFR § 305.33 (b) NCGS 110-129.1	Annual
2	Percentage of child support cases that have a court order establishing support obligations.	The County support order establishment performance level must exceed 50% at the end of the State Fiscal Year (June 30).	A court order creates a legal obligation for a noncustodial parent to provide financial support to their children. 45 CFR § 305.33 (d) NCGS 110-129.1	Annual
3	Percentage of current child support paid.	The County current collections performance level must exceed 40% at the end of the State Fiscal Year (June 30).	The current collections rate is an indicator for the regular and timely payment of child support obligations. 45 CFR § 305.33 (e) NCGS 110-129.1	Annual
4	Percentage of cases received a payment towards arrears.	The County arrearage collections performance level must exceed 40% at the end of the State Fiscal Year (June 30).	Collection of child support has been shown to reduce child poverty rates and improve child well-being 45 CFR § 305.33 (h) NCGS 110-129.1	Annual



MEMORANDUM OF UNDERSTANDING

(FISCAL YEAR 2020-21 and 2021-22)

BETWEEN

THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND
WATAUGA

**A Written Agreement Pursuant to N.C. Gen. Stat. § 108A-74,
an Act of the North Carolina General Assembly**

This Memorandum of Understanding (“MOU”) is made by and between the North Carolina Department of Health and Human Services, (hereinafter referred to as the “Department”) and Watauga a political subdivision of the State of North Carolina (hereinafter referred to as the “County”) to comply with the requirements of law, N.C. Gen. Stat. § 108A-74. The Department and the County may be referred to herein individually as a “Party” and collectively as the “Parties.”

TERMS OF UNDERSTANDING

In consideration of the mutual promises and agreements contained herein, as well as other good and valuable consideration, the sufficiency of which is hereby acknowledged by the Parties, the Parties agree to this MOU, effective January 1, 2021, in compliance with the mandates of law enacted by the North Carolina General Assembly and in recognition of possible amendments by the General Assembly, the Parties further agree to conform to changes made to the law, notwithstanding a contractual term previously agreed upon.

1.0 Parties to the MOU

The only Parties to this MOU are the North Carolina Department of Health and Human Services and Watauga, a political subdivision of the State of North Carolina.

1.1 Relationships of the Parties

Nothing contained herein shall in any way alter or change the relationship of the Parties as defined under the laws of North Carolina. It is expressly understood and agreed that the enforcement of the terms and conditions of this MOU, and all rights of action relating to such enforcement, shall be strictly reserved to the Department and the County. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Department and County that any such person or entity, other than the Department or the County, receiving services or benefits under this MOU shall be deemed an incidental beneficiary only.

Subcontracting: The County shall be responsible for the performance of all of its subcontractors. The County shall disclose the names of its subcontractors to the Department within thirty (30) days of the execution thereof. The County shall also provide additional information concerning its subcontractors as may be requested by the Department within thirty

(30) days of the request. The County additionally agrees not to enter into any confidentiality agreement or provision with a subcontractor or other agent to provide services related to this MOU that would prevent or frustrate the disclosure of information to the Department. Subcontractors shall be defined under this MOU to mean any party the County enters into a contractual relationship with for the complete administration of one or more social services programs covered by this MOU. Temporary employees hired by the County shall not be considered subcontractors under this MOU.

Assignment: No assignment of the County's obligations or the County's right to receive any funding made in any way concerning the matters covered by this MOU hereunder shall be permitted.

2.0 Terms of the MOU

The term of this MOU shall be for a period of 18 months beginning January 1, 2021 and ending June 30, 2022.

2.1 Default and Modification

Default: In the event the County fails to satisfy the mandated performance requirements as set forth in **Attachment I** or fails to otherwise comply with the terms of this MOU, the Department may withhold State and/or federal funding. Any such withholding shall be in compliance with, and as allowed by, state and/or federal law.

Performance Improvement: Prior to the Department exercising its authority to withhold State and/or federal funding for a failure to satisfy the mandated performance requirements set forth in **Attachment I** or failure to meet the terms of this MOU, the process for performance improvement set forth in N.C. Gen. Stat. § 108A-74 will govern. Nothing contained in this MOU shall supersede or limit the Secretary's authority to take any action otherwise set forth in N.C. Gen. Stat. § 108A-74.

Waiver of Default: Waiver by the Department of any default or breach in compliance with the terms of this MOU by the County shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this MOU unless stated to be such in writing, signed by an authorized representative of the Department and the County and attached to the MOU.

Force Majeure: Neither Party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, public health emergency or other catastrophic natural event or act of God.

Modification: The terms and conditions of this MOU may only be modified by written agreement of the Parties, signed by an authorized representative of the Parties.

3.0 MOU Documents

The Recitals and the following attachments are incorporated herein by reference and are part of this MOU:

- (1) The portions hereof preceding the Terms of Understanding, including but not limited to the introductory paragraph and the Recitals, which are contractual as well as explanatory
- (2) The Terms of Understanding
- (3) Attachment I – Mandated Performance Requirements:
 - a. I-A: Energy Programs
 - b. I-B: Work First
 - c. I-C: Food and Nutrition Services
 - d. I-D: Child Welfare – Foster Care
 - e. I-E: Adult Protective Services
 - f. I-F: Special Assistance
 - g. I-G: Child Support Services
- (4) Attachment II - Child Welfare - CFSR

4.0 Entire MOU

This MOU and any documents incorporated specifically by reference represent the entire agreement between the Parties and supersede all prior oral or written statements or agreements between the Parties.

5.0 Definitions

While “County” is used as an abbreviation above, the following definitions, some of which are contained in N.C. Gen. Stat. § 108A-74(a), also apply to this MOU:

- (1) "County department of social services" also means the consolidated human services agency, whichever applies.
- (2) "County director of social services" also means the human services director, whichever applies.
- (3) "County board of social services" also means the consolidated human services board, whichever applies.
- (4) "Child welfare services or program" means protective, foster care, and adoption services related to juveniles alleged to be abused, neglected, or dependent as required by Chapter 7B of the General Statutes.
- (5) "Social services programs" or “Social services programs other than medical assistance" means social services and public assistance programs established in Chapter 108A other than the medical assistance program (Part 6 of Article 2 of Chapter 108A). This includes, but is not limited to, child welfare programs, adult protective services, guardianship services for adults, and programs of public assistance established in Chapter 108A. It also includes the child support enforcement program, as established in Article 9 of Chapter 110 of the General Statutes, and the North Carolina Subsidized Child Care Program.

To the extent that any term used herein is defined by a statute or rule applicable to the subject matter of this MOU, the statutory or rule definition shall control. For all remaining terms, which

are not defined by statute or rule, those terms shall have their ordinary meaning. Should any further definition be needed, the Parties agree that the meanings shall be those contained in the current version (as of the time the dispute or question arises) of Black's Law Dictionary, and if not defined therein, then of a published unabridged modern American English Language Dictionary published since the year 2000.

6.0 Audit Requirements

The County shall furnish to the State Auditor, upon his/her request, all books, records, and other information that the State Auditor needs to fully account for the use and expenditure of state funds in accordance with N.C.G.S. § 147-64.7. Additionally, as the State funding authority, the Department of Health and Human Services shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

7.0 Record Retention

The County shall retain records at its own expense in accordance with applicable State and Federal laws, rules, and regulations. The County shall facilitate and monitor the compliance of its subcontractors with all applicable requirements of record retention and disposition.

In order to protect documents and public records that may be the subject of Department litigation, the Department shall notify the County of the need to place a litigation hold on those documents. The Department will also notify the County of the release of the litigation hold. If there is no litigation hold in place, the documents may be destroyed, disposed of, or otherwise purged through the biannual Records Retention and Disposition Memorandum from the Department's Controller's Office.

8.0 Liabilities and Legal Obligations

Each party hereto agrees to be responsible for its own liabilities and that of its officers, employees, agents or representatives arising out of this MOU. Nothing contained herein is intended to alter or change the relationship of the Parties as defined under the laws of the State of North Carolina.

9.0 Confidentiality

Any medical records, personnel information or other items exempt from the NC Public Records Act or otherwise protected by law from disclosure given to the Department or to the County under this MOU shall be kept confidential and not divulged or made available to any individual or organization except as otherwise provided by law. The Parties shall comply with all applicable confidentiality laws and regulations, including but not limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the administrative simplification rules codified at 45 Parts 160, 162, and 164, alcohol and drug abuse patient records laws codified at 42 U.S.C. §290dd-2 and 42 CFR Part 2, and the Health Information Technology for Economics and Clinical Health Act (HITECH Act) adopted as part of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

10.0 Secretary’s Authority Undiminished

Certain functions delegated to the County pursuant to this MOU are the duty and responsibility of the Department as the grantee of federal grant funds. The Parties understand and agree that nothing in this MOU shall be construed to diminish, lessen, limit, share, or divide the authority of the Secretary of the Department to perform any of the duties assigned to the Department or its Secretary by the North Carolina General Statutes, the terms and conditions of the federal funds and their applicable laws and regulations or other federal laws and regulations regarding any federal funding which is used by the Department to reimburse the County for any of its duties under this MOU.

11.0 MOU does not Diminish Other Legal Obligations

Notwithstanding anything to the contrary contained herein and to facilitate the mandated performance requirements of N.C. Gen. Stat. § 108A-74, the Parties acknowledge and agree that this MOU is not intended to supersede or limit, and shall not supersede or limit, the County’s obligations to comply with all applicable: 1) federal and state laws; 2) federal and state rules; and 3) policies, standards, and directions of the Department, as all such currently exist and may be amended, enacted, or established hereafter.

12.0 Notice

The persons named below shall be the persons to whom notices provided for in this MOU shall be given. Either Party may change the person to whom notice shall be given upon written notice to the other Party. Any notice required under this MOU will only be effective if actually delivered to the Parties named below. Delivery by hand, by first class mail, or by email are authorized methods to send notices.

For the Department of Health and Human Services, Division of Social Services

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Susan Osborne, Assistant Secretary NCDHHS 2417 Mail Services Center Raleigh, NC 27699-2001	Susan Osborne NCDHHS Doretha Dix Campus, McBryde Building Phone: 919-527-6338 E-mail: Susan.Osborne@dhhs.nc.gov

For Watauga:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Tom Hughes, Director Watauga County DSS 132 Poplar Grove Connector Suite C Boone, NC 28607	Tom Hughes Watauga County DSS Courier #15-92-11 Phone: 828-265-8100 E-mail: tom.hughes@watgov.org

13.0 Responsibilities of the Department

The Department hereby agrees that its responsibilities under this MOU are as follows:

- (1) The Department shall develop performance requirements for each social services program based upon standardized metrics utilizing reliable data. The performance requirements are identified in Attachments I and II.
- (2) The Department shall provide supervision, program monitoring and technical assistance to the counties in the administration of social services programs.
- (3) The Department shall provide leadership and coordination for developing strategies that address system-level barriers to the effective delivery of social services programs, including but not limited to: the Administrative Office of Courts, the LME/MCO, Department of Public Instruction, and the Department of Public Safety.
- (4) The Department shall have the following administrative responsibilities:
 - a. Staff Training and Workforce Development:
 - i. Develop training requirements for county personnel and provide guidance for adequate staffing patterns related to the provision of social services programs. The Department will publish annually, a list of required and recommended trainings for county personnel directly involved in the administration of social services programs covered under this MOU.
 - ii. Develop training curricula and provide, timely, adequate access to statewide training opportunities for county personnel related to the provision of social services programs. Training opportunities may include in-person, self-guided, web-based and remotely facilitated programs.
 - iii. The Department will publish a training calendar, at least quarterly, notifying the counties of training opportunities.
 - iv. Provide timely written guidance related to new federal or state statutes or regulations. The Department will provide information in advance of the effective date of new policy to the extent possible, including interpretations and clarifications of existing policy.
 - v. Provide technical assistance and training in areas where quality control, monitoring or data indicates a lack of correct application of law, rule or policy.
 - b. Performance Monitoring:
 - i. Monitor and evaluate county compliance with applicable federal and state laws, rules and policies.

- ii. Provide feedback to counties with recommended changes when necessary.
 - iii. Monitor that all financial resources related to the provision of social services programs covered by this MOU are utilized by the county in compliance with applicable federal and state laws.
- c. Data Submission:
 - i. Maintain and review data submitted by counties pursuant to the mandatory performance requirements.
 - ii. Provide counties with reliable data related to their performance requirements as well as accuracy and timeliness of programs in accordance with state and federal program guidelines. This includes but is not limited to processing applications and recertification, quality control standards, program statistics and fiscal information.
 - iii. The Department shall be responsible for the maintenance and functionality of its information systems utilized in the statewide administration of social services programs covered by this MOU.
- d. Communication:
 - i. Provide counties with clarification or explanation of law, rule or policy governing social services programs when necessary or as requested.
 - ii. Disseminate policy on social services programs and provide counties with timely information on any updates to policy.
 - iii. Provide timely information to counties on any changes to federal law or policy made known to the Department.
 - iv. Provide counties with a timely response to requests for technical assistance or guidance.
 - v. Maintain all policies covering social services programs in a central, accessible location. Policies will be updated, to the extent possible, in advance of the effective date of any new policies or policy changes.
 - vi. Provide counties with an opportunity to submit questions, concerns and feedback related to the administration of social services programs to the Department and provide County a timely response to such communication.
 - vii. Communicate proactively with the County Director of Social Services on matters that effect social services programs covered under this MOU.
 - viii. Communicate directly with the County Manager, Governing Boards, and the County Director of Social Services on matters including but not limited to, corrective action, and significant changes to law, rule and policy that impact the administration of social services programs covered by this MOU.
- e. Inter-agency Coordination:
 - i. Provide guidance to counties in the event they are unable to reach a resolution on a conflict of interest that arises related to the provision of social services programs covered by this MOU.
 - ii. Provide guidance for county DSS personnel on federal and state Emergency Management, mass shelter, Business Continuity Plan (BCP) and Continuity of Operations Plan (COOP) requirements.
 - iii. Coordinate with and communicate to county DSS agencies regarding available and required training opportunities associated with DSS Mass Shelter, BCP and COOP responsibilities.

- iv. Assist and support counties as needed in implementation of operational functions of mass shelter operations and as needed during other emergencies as they arise.
- (5) The Department shall timely meet all of its responsibilities contained in this MOU. “Timely” shall be defined consistent with timeliness requirements set forth in relevant statute, regulation, and policy. Where timeliness is not otherwise defined, “timely” shall mean within a reasonable time under the circumstances.

14.0 Responsibilities of the County

The County hereby agrees that its responsibilities under this MOU are as follows:

- (1) The County shall adhere to the mandated performance requirements for each social services program as identified in Attachment I. The County will ultimately work toward achievement of the Standard Measure for all performance requirements set forth in Attachments I and II.
- (2) The County shall comply with the following administrative responsibilities
 - a. Staff Requirements and Workforce Development:
 - i. The personnel, including new hires and existing staff, involved in the County’s provision of social services programs covered by this MOU shall complete all required and necessary training, which is documented as required by federal and state law and policy.
 - b. Compliance:
 - i. Perform activities related to its social services programs in compliance with all applicable federal and State laws, rules, regulations and policies. Nothing contained herein is intended to, nor has the effect of superseding or replacing state law, rules or policy related to social services programs.
 - ii. Develop and implement internal controls over financial resources related to the County’s social services programs to ensure that all financial resources are used in compliance with applicable federal and state laws.
 - iii. Provide and adhere to corrective action plans as required based on monitoring findings and the Single Audit.
 - c. Data Submission:
 - i. Maintain accurate, thorough records of all social services programs covered by this MOU, in particular, records related to the mandated performance requirements that can be accessed for the purpose of data collection, service provision, monitoring or consultation
 - ii. Ensure reliable data entry into state systems utilized for the administration of social services programs covered under this MOU.
 - iii. Provide, upon request, data to the state for the purpose of, but not limited to, conducting monitoring, case file reviews, error analysis and quality control.
 - iv. Utilize data to understand the performance of their county and to conduct analysis and implement changes where needed if performance measures are not being met.
 - d. Communication:
 - i. Respond and provide related action in a timely manner to all communications received from the Department.

- ii. Provide timely information on all matters that have a potential negative impact on the social services programs they administer, including but not limited to, litigation risks (not including child welfare cases governed by Chapter 7B or adult services cases governed by Chapter 35A or 108A), network and computer issues, or data breaches.
 - iii. Provide timely information regarding temporary or permanent changes to the Social Services Governing Board. or the County Social Services Director, including retirements, separations, or any leaves of absence greater than two calendar weeks.
- e. Inter-agency Cooperation:
- i. Ensure that county social services personnel complete required training and are prepared to engage in Disaster Management, mass shelter, BCP and COOP operations.
 - ii. Ensure that all plans and systems are in place to meet potential disaster (natural, technical, otherwise) response requirements.
 - iii. Engage with DHHS, state Emergency Management and local leadership in associated efforts.
 - iv. Assist or operate mass shelter operations or other required disaster management responsibilities.
- (3) The County shall timely meet all its responsibilities contained in this MOU. “Timely” shall be defined consistent with timeliness requirements set forth in relevant statute, regulation, policy or as otherwise required by the Department. If timeliness is not otherwise defined, “timely” shall mean within a reasonable time under the circumstances.

15.0 Data Security and Reporting

Data Security: The County shall adopt and apply data privacy and security requirements to comply with all applicable federal, state, department and local laws, regulations, and rules. To the extent that the Department and the County have already entered into one or more data privacy agreements covering all or any portion of the work to be performed under this MOU, the Parties hereby adopt and incorporate such agreements by reference into this MOU as if fully set forth herein.

Duty to Report: The County shall report all privacy and security incidents related to the provision of social services programs covered by the MOU to the Department and the Privacy and Security Office within twenty-four (24) hours after the privacy and security incident is first discovered, provided that the County shall report a breach involving Social Security Administration data or Internal Revenue Service data within one (1) hour after the incident is first discovered. During the performance of this MOU, the County is to notify the Department of any contact by the federal Office for Civil Rights (OCR) received by the County related to the provision of social services programs covered by the MOU. In case of a privacy and security incident, the County, including any subcontractors or agents it retains, shall fully cooperate with the Department.

16.0 Miscellaneous

Choice of Law: The validity of this MOU and any of its terms or provisions, as well as the rights and duties of the Parties to this MOU, are governed by the laws of North Carolina. The Parties,

by signing this MOU, agree and submit, solely for matters concerning this MOU, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this MOU and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This MOU may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Department and the County. The Parties agree to obtain any necessary approvals, if any, for any amendment prior to such amendment becoming effective. Also, the Parties agree that legislative changes to state law shall amend this MOU by operation of law to the extent affected thereby.

Effective Date: This MOU shall become effective January 1, 2021 and shall continue in effect until June 30, 2022.

Signature Warranty: Each individual signing below warrants that he or she is duly authorized by the party to sign this MOU and to bind the party to the terms and conditions of this MOU.

Watauga

BY: John Welch
Name

BY: Tom Hughes
Name

TITLE: Watauga County Commissioner
Chairperson

TITLE: Watauga County DSS Director

DATE: _____

DATE: _____

North Carolina Department of Health and Human Services

BY: _____
Secretary, Department of Health and Human Services

DATE: _____

AGENDA ITEM 8:

MISCELLANEOUS ADMINISTRATIVE MATTERS

A. Tentative Agenda for Annual Pre-Budget Retreat

MANAGER'S COMMENTS:

A draft agenda is enclosed for Board review. The agenda may change between now and the retreat based on input from the Board or the County Manager receiving additional items for consideration. County staff have started the process of preparing and compiling the information for the retreat. Please feel free to contact me during the upcoming weeks should you have any questions or require additional information.

Board action is required.

TENTATIVE RETREAT AGENDA
WATAUGA COUNTY BOARD OF COMMISSIONERS
ORIGINATING FROM THE COMMUNITY ROOM IN THE
WATAUGA COUNTY COMMUNITY RECREATION CENTER, BOONE, NC
FEBRUARY 8 & 9, 2021

TIME	TOPIC	PRESENTER	PAGE
MONDAY, FEBRUARY 8, 2021			
12:00 PM	OPENING REMARKS AND LUNCH	MR. DERON GEOUQUE	
1:00 PM	FY 2020 REVIEW AND DISCUSSION OF FY 2021 BUDGET	MS. MISTY WATSON	1
	A. Revenues		1
	B. Expenditures		
	C. Debt Service Report		
	D. Budget Calendar		
	E. Future Appropriations		
1:15 PM	REVIEW OF CURRENT CAPITAL IMPROVEMENT PLAN (CIP)	MR. DERON GEOUQUE & MR. ROBERT MARSH	
	A. Current CIP Status Report		
	B. Courtroom # 2 Renovations		
	C. Valle Crucis Elementary School		
	D. East Annex Building Program		
	E. Courthouse and Administration Roof Replacements		
	F. County Facilities Assessment Update		
	G. Courthouse Parking		
	H. Recreation Matters		
	1. Tennis Courts		
	2. Basketball Court		
	3. Pickleball Courts		
	I. Community Recreation Center Update		
	J. Library		
	K. Habitat Road Request		
	L. School Facilities		
2:45 PM	BREAK		
3:00 PM	SANITATION MATTERS	MR. REX BUCK	
	A. Organics Recycling Market Study		
	B. Facility Upgrades		
3:30 PM	APPALACHIAN DISTRICT HEALTH	MS. JENNIFER GREENE	
4:00 PM	TOURISM DEVELOPMENT AUTHORITY (TDA)	MR. MATT VINCENT & MR. WRIGHT TILLEY	
4:30 PM	CALDWELL COMMUNITY COLLEGE & TECHNICAL INSTITUTE	DR. MARK POARCH	
4:45 PM	BREAK		
5:00 PM	SCHOOL BOARD FUNDING ISSUES	DR. SCOTT ELLIOTT & SCHOOL BOARD MEMBERS	
	A. FY 2022 Funding Needs		
	B. Schools' Capital Improvement Plan		
6:00 PM	PUBLIC SAFETY AND EMERGENCY COMMUNICATIONS SYSTEMS UPDATE	MR. WILL HOLT	
6:15 PM	COUNTY MANAGER'S SUMMARY	MR. DERON GEOUQUE	
7:00 PM	RECESS UNTIL FRIDAY, FEBRUARY 14, 2020, AT 9:00 AM		

**Monday, February 8, & Tuesday, February 9, 2021
Tentative Retreat Agenda
Board of County Commissioners**

TUESDAY, FEBRUARY 9, 2021

8:30 AM	BREAKFAST	
9:00 AM	MIDDLE FORK GREENWAY UPDATE	MS. WENDY PATOPRSTY
9:15 AM	MINIMUM HOUSING STANDARDS	MR. JOE FURMAN
9:30 AM	CENSUS 2020	MR. JOE FURMAN
9:45 AM	BROADBAND UPDATE	MR. JOE FURMAN
10:00 AM	2022 REVALUATION	MR. LARRY WARREN
10:30 AM	WATAUGA MEDICS	MR. CRAIG SULLIVAN
	A. Annual Report	
	B. Future Needs	
11:15 AM	EMPLOYEE COMPENSATION AND RETENTION PLAN	MR. DERON GEOUQUE
11:30 AM	MISCELLANEOUS & COMMISSIONER MATTERS	MR. DERON GEOUQUE
	A. State Issues	
	B. Commissioner Matters	
11:45 PM	WRAP UP, GOALS & OBJECTIVES, BOARD DIRECTIVES	
12:00 PM	ADJOURN	

Blank Page

AGENDA ITEM 8:

MISCELLANEOUS ADMINISTRATIVE MATTERS

B. Boards and Commissions

MANAGER’S COMMENTS:

Boone Rural Fire Protection Service District Board

Watauga County Planning Board

Each Commissioner nominates a representative to the Boone Rural Fire Protection Service District Board and the Watauga County Planning Board whose terms run concurrent with the term of the appointing Commissioner. Planning Board members must live within the appointing Commissioner’s District and action must be taken by the entire Board of Commissioners to make these appointments. Boone Rural Fire Service District Board members must own property and reside within the Fire Service District.

Local Firefighters Relief Fund Board of Trustees

Cove Creek Fire Chief Chris Hicks has requested that the Board of Commissioners appoint Andrew Ellis to the Local Firefighters Relief Fund Board of Trustees.

Blank Page

AGENDA ITEM 8:

MISCELLANEOUS ADMINISTRATIVE MATTERS

C. Announcements

MANAGER'S COMMENTS:

The Annual Pre-Budget Retreat will be held on February 8, 2021, from 12:00 to 7:00 P.M. and February 9, 2021, from 9:00 A.M. to 1:00 P.M. The virtual meeting will originate from the Community Room in the Community Recreation Center.

Watauga County Parks and Recreation is teaming up with the Hospitality House, Casting Bread and Hunger & Health Coalition to collect food items. Please drop your items off at the new Community Recreation Center between 8:00 A.M. and 5:00 P.M. from Monday, January 11, through Friday, February 12.

A copy of a letter of support for the partnership with Caldwell Hospice to bring an inpatient hospice facility to the High Country region.

Food for Friends FOOD DRIVE

Watauga County Parks and Recreation is teaming up with Hospitality House, Casting Bread and Hunger & Health Coalition to collect food items for our community friends in need. During this winter season and this COVID-19 challenging time, we could all use a helping hand.

Please drop your items off at the new Watauga Community Recreation Center between 8 a.m. and 5 p.m. Monday through Friday.

DRIVE DATES: Monday, January 11th—Friday, February 12th
Delivery Date to Food Pantries by Valentine’s Day, 2021

SUPPORT HEALTHY AND HUNGER-FREE COMMUNITIES

Donations of non-perishable, staple food items are an important complement to fresh produce donated by farmers, community gardens, grocery retailers and others.

<p>FRUITS & VEGETABLES</p> <ul style="list-style-type: none"> Low sodium canned vegetables Diced tomatoes Tomato sauce Canned fruit in juice, water or light syrup Unsweetened apple sauce Shelf-stable fruit cups in juice Raisins 		<p>DAIRY</p> <ul style="list-style-type: none"> Dry milk (low fat) Evaporated milk (2%) Shelf-stable milk (1%)
<p>PROTEINS</p> <ul style="list-style-type: none"> Dried or low-sodium canned beans Canned tuna in water Canned salmon Canned chicken Low sodium bean soups Peanut butter 	<p>GRAINS</p> <ul style="list-style-type: none"> Whole wheat pasta Whole grain crackers Cereals: oatmeal, grits, raisin bran and other whole grain cereals Brown rice High fiber, low sugar granola bars 	

CASTING BREAD



Increase Food Security

HUNGER AND HEALTH COALITION

HOSPITALITY HOUSE
 NORTHWEST NORTH CAROLINA
 Helping Rebuild Lives



County of Watauga

Administration Building, Suite 205 • 814 West King Street • Boone, North Carolina 28607

BOARD OF COMMISSIONERS

John Welch, Chairman
Billy Kennedy, Vice-Chairman
Carrington Peralion
Larry Turnbow
Charlie Wallin

Telephone 828-265-8000
TDD 1-800-735-2962
Voice 1-800-735-8262

COUNTY MANAGER
Deron T. Geouque

COUNTY ATTORNEY
Anthony di Santi

January 26, 2021

Dear Committee Members:

Thank you for your consideration of the request to bring an inpatient hospice facility to the High Country region. The County wholeheartedly recommends the construction and location of an inpatient hospice facility in Watauga County.

Watauga County is a rural county and many times citizens are required to travel out-of-county to receive certain services. The location of an inpatient hospice facility is long overdue for the community. The facility would provide medical care to help citizens with terminal illnesses to live as well as possible for as long as possible and increase quality of life. Further, an interdisciplinary team of professionals would address physical, psychosocial, and spiritual distress focused on both the dying person and their entire family. Lastly, an inpatient hospice facility would offer care that addresses symptom management, coordination of care, communication and decision making, clarification of goals of care, and quality of life. All of this would be provided in the individual's home county.

Those facing the decision in determining when it's time for hospice have tough choices to make and require discussions with loved ones and a physician. Many times, when hospice is required patients have six (6) months or less to live and are rapidly declining despite medical treatment (weight loss, mental status decline, inability to perform activities of daily living). Typically, at this time the patient is ready to live more comfortably and forego treatments aimed at prolonging their life.

The inpatient hospice facility would enable access to:

- Time and services of the care team, including visits to the patient's location by the hospice physician, nurse, medical social worker, home-health aide and chaplain/spiritual adviser
- Medication for symptom control or pain relief
- Medical equipment such as wheelchairs, walkers, catheters and other medical supplies
- Physical and occupational therapy
- Speech-language pathology services
- Dietary counseling
- Any other Medicare-covered services needed to manage pain and other symptoms related to the terminal illness, as recommended by the hospice team

- Short-term inpatient care (e.g. when adequate pain and symptom management cannot be achieved in the home setting)
- Short-term respite care (e.g. temporary relief from caregiving to avoid or address “caregiver burnout”)
- Grief and loss counseling for patient and loved ones

The facility would allow the care to come to the patients and not require the patients to move out-of-county to receive these critical services. Members of our community must travel sometimes hours to visit loved ones in need of inpatient care who are in their final stage of life.

Please help Watauga County lessen the burden on our citizens and their families in need of hospice care. These families are already suffering and making difficult decisions; let’s not make their burden greater by having to travel outside of the County to receive treatment or for loved ones to visit. On behalf of Watauga County, our leaders unequivocally support the partnership with Caldwell Hospice to bring an inpatient hospice facility to the High Country region.

We look forward to working with them to create lasting, systemic change to the benefit of our citizens.



John Welch, Chairman,
Watauga County Board of Commissioners

AGENDA ITEM 9:

PUBLIC COMMENT

AGENDA ITEM 10:

BREAK

AGENDA ITEM 11:

CLOSED SESSION

Attorney/Client Matters – G. S. 143-318.11(a)(3)
Land Acquisition – G. S. 143-318.11(a)(5)(i)