

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AMERICAN RESCUE PLAN COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
MAY 2, 2022 – 10:00 AM
SPECIAL MEETING MINUTES

PRESENT: Commissioner Jimmy Keefe, ARP Committee Chairman
Commissioner Glenn Adams
Amy Cannon, County Manager
Sally Shutt, Assistant County manager
Vicki Evans, Finance Director
Ivonne Mendez, Deputy Finance Director
Brenda Jackson, ARP Program Manager
Tye Vaught, Management Analyst
Rick Moorefield, County Attorney
Chris Carr, Assistant County Attorney
Kevin McGuckin, Assistant County Attorney
Dee Taylor, Community Development Director
Candice H. White, Clerk to the Board

ABSENT: Commissioner Toni Stewart

1. CALL TO ORDER

Commissioner Keefe called the special meeting to order at 10:42 a.m.

2. APPROVAL OF AGENDA

Amy Cannon, County Manager, requested an addition to the agenda of Update on Courtroom Renovation as ARPA Project and referenced the memorandum provided by Rick Moorefield, County Attorney.

MOTION: Chairman Adams moved to approve the agenda with the addition of an update on courtroom renovation as ARPA project.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

3. APPROVAL OF MINUTES

MOTION: Chairman Adams moved to approve the ARP Committee March 14, 2022 special meeting minutes.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

4. ITEMS OF BUSINESS

A. Consideration of Required APRA Policies

Ms. Cannon informed the committee ARP staff participate in weekly briefings regarding ARP funds and associated guidance, and stated the guidance is continuing to be refined and changed. Ms. Cannon stated staff have also been advised to expect continuing revisions to the guidance. Ms. Cannon stated many of the policies have to be revised or added to as the guidance changes because if the appropriate policies are not in place when the audit is conducted, it will result in an audit exception. Questions and a brief discussion followed about the process and how other counties elected to allocation their ARP dollars compared to the approach taken by Cumberland County. Ms. Cannon stated Cumberland County is ahead of many counties in setting up the appropriate infrastructure.

1. Non-Discrimination Policy

Brenda Jackson, ARP Program Manager, stated the Non-Discrimination Policy (included herein as Attachment A) ensures the county is following the federal statutes and regulations prohibiting discrimination in the administration of funds and establishes a mechanism in which the county will accept complaints with regards to discrimination and who will investigate any complaints. Ms. Jackson provided highlights of the policy and stated the policy designated the Chief Diversity Officer as the primary contact and HR Employee Relations Manager as the secondary contact.

MOTION: Chairman Adams moved to approve the Non-Discrimination Policy and forward to the agenda of the Board of Commissioners' May 16, 2022 meeting.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

2. Conflict of Interest Policy

Ms. Jackson stated the Conflict of Interest Policy (included herein as Attachment B) sets the standards of not only state but also federal regulations as it relates to contracts, subawards and the process of spending the ARP money. Ms. Jackson provided highlights of the policy and referenced the ARP Conflict of Interest Disclosure Form for Contracts and Subawards (included herein as Attachment C) and stated the form will have to be completed at various intervals throughout the process. Ms. Jackson stated ARP staff are working with ITS staff to automate this process and to maintain documentation. Mr. Moorefield responded to questions and explained the School of Government took standardized federal forms, adapted them to North Carolina law, and the county adapted them to its business practices. Mr. Moorefield stated the county should adhere to the policy so it does not result in an audit finding.

MOTION: Chairman Adams moved to approve the Conflict of Interest Policy and forward to the agenda of the Board of Commissioners' May 16, 2022 meeting.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

3. Eligibility Determination Policy

Ms. Jackson stated the Eligibility Determination Policy (included herein as Attachment D) was adapted from the School of Government and establishes categories of expenditures of ARP/CSLFRF funds. Ms. Jackson stated each category has eligibility determination policies based on federal guidelines. Ms. Jackson stated the policy outlines procedures for who, what will be done, and which eligibility determination will be conducted. Ms. Jackson stated this is basically a federal requirement and is key because every project and every award that is issued has to go through an eligibility determination. Questions and discussion followed about the eligibility and project approval process as the basic foundation for the use of ARP funds. Ms. Cannon stated staff recommendations will come back to the committee.

MOTION: Chairman Adams moved to approve the Eligibility Determination Policy and forward to the agenda of the Board of Commissioners' May 16, 2022 meeting.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

4. Aid to Non-Profit Organizations Policy Revision

Chairman Adams stated he is on the Board of Directors for the non-profit organization Action Pathways and because they may have filed an application, he probably should not vote. Mr. Moorefield stated this discussion is not about Action Pathways but about how all non-profits will be handled; the only time Chairman Adams should abstain is if there is a decision about Action Pathways' application. Chairman Adams stated he is disclosing this for purposes of the record and the consensus of the county manager and county attorney is that he can discuss/act on policies.

Ms. Jackson stated the Aid to Non-Profit Organizations Policy Revision (included herein as Attachment E) is in response to the final rules that allow funding to non-profits either through a contract or as a subaward. Ms. Jackson stated also added was more guidance to make sure the awards are evidence based which will have to be documented.

a. Responsive Proposal Review Guidelines

Ms. Jackson stated the Aid to Non-Profit Organizations Responsive Proposal Review Guidelines (included herein as Attachment F) have been prepared as an outline of steps to be taken internally as it relates to reviewing responses to the RFPs.

MOTION: Chairman Adams moved to approve the Aid to Non-Profit Organizations Policy Revision and the Responsive Proposal Review Guidelines and forward to the Board of Commissioners May 16, 2022 meeting as consent agenda items.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

Ms. Jackson stated more policies specific to the ARPA are expected to come forward such as the minority, women and business policy and records retention policy; more policy revisions are also possible as the county continues to receive more information, interpretation and clarification.

B. ARPA Program Updates

1. Aid to Non-Profit Organizations

Ms. Jackson referenced the original and updated ARPA Non-Profit RFP Timelines (included herein as Attachment G) and stated the updated timeline is due to changes in the categories for non-profit proposals for which ARP funds can be allocated. Ms. Jackson stated there were initially 54 non-profit proposals, 42 requested changes in their categories and the county is now at \$19.36M in non-profit funding requests. Ms. Jackson stated staff have targeted to present the panel reviews and all the rankings between May and June. Questions and discussion followed.

Ms. Jackson stated the panel will assess and rank non-profit applications and submit to the internal ARP staff committee for vetting and the internal committee will make recommendations to the ARP Committee. Commissioner Keefe asked whether staff recommendations will be up to \$3.5M. Ms. Cannon stated that is the amount set by the ARP Committee and the only amount staff have. Chairman Adams stated the ARP Committee pulled that amount out of the air and he wants the ARP Committee to see the entire list of non-profit proposals that totals \$19.36M. Mr. Moorefield stated staff have to conduct a risk assessment as a federal requirement and for those applicants who have not filed income taxes, 990s or do not meet federal administrative regulations, staff would advise they are not qualified. Chairman Adams stated staff should still bring forward the entire list of non-profit proposals that totals \$19.36M and advise the ARP Committee which ones do not meet the requirements.

2. Small Business Economic Assistance Program

Ms. Jackson referenced the Small Business Economic Assistance Program (included herein as Attachment H) and stated staff have communicated with all of the 157 small businesses that submitted applications about the application review process and the workflow. Ms. Jackson stated it has been very time consuming but very important to get all of the data into one communication form in order to move the small businesses through the process. Ms. Jackson stated a “fake” application was used to test the Laserfiche workflow process to ensure the process is working and staff are consistent in their review of the applications. Ms. Jackson stated as of March 14, 2022, small business ARP funding requests totaled \$54M with a timeline similar to that for non-profits.

3. Homeless Partnership

Ms. Cannon stated the county is working with Cape Fear Valley Hospital System on this project that will not be funded with ARP dollars. Ms. Cannon stated the county is in the process of looking at sites close to available transportation and not too far away from the day center. Ms. Cannon stated the next step will be to report back to the committee and determine the number of beds and the programming moving forward. Chairman Adams stated Commissioner Stewart who chairs the Homeless Advisory Committee indicated transitional housing is needed, not just a shelter.

Commissioner Keefe asked whether the various homeless groups in the community are operating together or independently. Tracy Jackson, Assistant County Manager, stated that is a concern but all are intertwined; the Homeless Advisory Committee is working on a strategic plan and will work through the plan to determine who can do what. Discussion followed.

4. Shaw Height Projects - Sanitary Sewer & Affordable Housing Projects

Ms. Cannon stated staff have had conversations with the City of Fayetteville, PWC and the Board of Education about how to move forward with this project. Ms. Cannon stated one of the many challenges is the cost to homeowners for sewer because there is not a lot of density in the area. Ms. Cannon stated the second challenge is whether the area will be subject to annexation, which will be the decision of Fayetteville City Council; PWC has looked at this project through the lens of future development, but ARP funds can only be used to benefit those that are currently there today. Ms. Cannon stated staff are looking at unresolved questions such as what the plan is for Shaw Heights and whether there will be a replacement E.E. Smith High School in that area. Discussion followed. Mr. Moorefield stated the city cannot annex Shaw Heights unless it is voluntary. In response to a question from Commissioner Keefe, Ms. Cannon stated Community Development did a comprehensive plan for Shaw Heights that was presented to the Board of Commissioners in 2021 and staff used that plan in locating sewer and affordable housing projects; there has been a recommendation to discuss this at the next Fayetteville-Cumberland Liaison Committee meeting because the county needs to know the city's intent for the area.

5. Broadband

Ms. Jackson stated the county partnered with Brightspeed who is submitting a grant application to the state; the submission deadline has been extended to May 4, 2022 so no further information is available at this time.

C. Consideration of Financial Compliance Requirements by Finance Director and General Manager of Financial Services

1. ARPA Grant Project Budget Ordinance Proposed Revisions for Appropriation of CSLFRF Funds due to changes in Subaward & Contract Interpretation
 - a. Narcan
 - b. FTCC Job Training
 - c. Homeless Shelter Site & Design

Vicki Evans, Finance Director, referenced the American Rescue Plan Fund 240 (included herein as Attachment I) and stated Budget Ordinance Amendment B220002 allocates \$140,000 for the purchase of Narcan to be administered by Cape Fear Valley Hospital System, \$2M for a job training program to be administered by FTCC, and de-allocates \$250,000 originally allocated to support a homeless shelter. Ms. Evans stated that decreased the unassigned amount by \$1.75M which brings the fund allocation down to \$2,192,726 of the \$65M.

5. QUARTERLY REPORTS

A. Quarterly Project & Expenditure Report

Vicki Evans, Finance Director, referenced the Quarterly Project & Expenditure Report (included herein as Attachment J) as provided to the committee.

6. Update on Courtroom Renovation as ARPA Project

Mr. Moorefield presented the information below regarding the historic courtroom located in the Historic Courthouse. Mr. Moorefield provided this to the committee in the form of a memorandum.

The Final Rule on the use of ARPA funds was issued by the Treasury Department January 27, 2022. It governs all ARPA projects that were not contracted by March 31, 2022. I have waited to see what further guidance would be issued before applying the Final Rule to the Courtroom Renovation Project. “Adaptions to public buildings to implement COVID-19 mitigation tactics” is still a permissible capital project under the Final Rule; however, it also states “construction of a new, larger public facility for the purpose of increasing the ability to socially distance generally would not be considered a reasonably proportional response compared to other less time and resource-intensive options that may be available and would be equally or more effective.”

Even though the courtroom renovation is not new construction, large renovation projects are still a challenge because the Final Rule seeks to limit the use of ARPA funds for large construction projects, defined as those with total expected capital expenditures of \$1 million or greater. The justification requirements for projects over \$1 million require the proposed capital project be compared against at least two alternative capital expenditure that could be made. If the analysis is done with minimal or no quantitative data, an explanation must be given for doing so. That is a challenge because Treasury has already determined that construction of a new, larger facility would not be a reasonably proportional response. It is also a challenge because the Final Rule also states that recipients must not segment a larger project into smaller projects under \$1 million to evade review.

The impact of this is that the courtroom renovation must be done as a stand-alone project and not as a part of the larger renovation of the building. The things that can be paid for with ARPA funds to adapt the courtroom to the governing board’s public meeting room must be limited to those things that adapt the room to implement COVID-19 mitigation tactics. Ventilation improvements are specifically allowed because they can be made more quickly and are more cost-effective than construction of a larger facility. Installation of technology to conduct remote meetings and installation of a dais that enhances COVID-19 mitigation practices would also be appropriate expenditures. The total cost of these improvements still must not exceed \$1 million.

Commissioner Keefe stated he no longer cares whether the historic courtroom becomes the commissioners’ meeting room, but the entire Historic Courthouse needs to be updated. Questions and discussion followed.

Chairman Adams stated aside from non-profits and small businesses, when is the ARP Committee going to look at what else the county can do with its allocation. Ms. Evans stated the Board of Commissioners allocated all \$65M with the exception of \$2.1M. Chairman Adams asked when policies will be considered for the other allocations. Ms. Evans stated the committee was originally told the county would have to have policies to implement each of the allocations and as far as the projects go, the only policies brought forward are for small businesses and non-profits. Ms. Jackson stated there are also universal policies such as the Non-Discrimination Policy, Conflict of Interest Policy, and Eligibility Determination Policy.

MOTION: Chairman Adams moved the Non-Discrimination Policy, Conflict of Interest Policy, and Eligibility Determination Policy are universal for the ARPA funding.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

Ms. Cannon stated county departments made requests for ARP funding which can be brought to the ARP Committee and in the event the Shaw Heights sewer project does not materialize, staff are looking at other projects to bring to the ARP Committee for consideration.

7. ADJOURN

MOTION: Commissioner Keefe moved to adjourn.
SECOND: Chairman Adams
VOTE: UNANIMOUS (2-0)

There being no further business, the meeting adjourned at 12:10 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
(ARPA/CLSFRRF)

1.0 PURPOSE

Cumberland County has received an allocation of funds from the “Coronavirus State Fiscal Recovery Fund” or “Coronavirus Local Fiscal Recovery Fund” (together “CLSFRRF funds”), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the “ARP/CLSFRRF award”). These funds are subject to the U.S. Department of Treasury (“Treasury”) regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

2.0 SCOPE

As a condition of receiving CLSFRRF funds, Cumberland County agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CLSFRRF under the terms and conditions of the ARP/CLSFRRF award, including, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

3.0 STATEMENT OF THE POLICY

It is the policy of Cumberland County to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by Cumberland County, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
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("CLSFRRF"), which Cumberland County received from the U.S. Department of Treasury ("Treasury") pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the "ARP/CLSFRRF award").

GOVERNING STATUTORY & REGULATORY AUTHORITIES

As required by the CLSFRRF award terms and conditions, Cumberland County shall ensure that each "activity," "facility," or "program"¹ that is funded in whole, or in part, with CLSFRRF and administered under the ARP/CLSFRRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

DISCRIMINATION PRACTICES PROHIBITED IN THE ADMINISTRATION OF ARP/CLSFRRF AWARD

¹ 22 C.F.R. § 22.3 defines "program" and "activity" as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. "Federal financial assistance" includes, among other things, grants and loans of federal funds. "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
State and Local Fiscal Recovery Funds
(ARPA/CLSFRRF)

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, Cumberland County shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. **Unlawfully** discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-10: Policy of Nondiscrimination: American Rescue Plan Act Coronavirus
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(ARPA/CLSFRR)

REPORTING & ENFORCEMENT

1. Cumberland County shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. Cumberland County shall comply with information requests, on-site compliance reviews, and reporting requirements.
2. Cumberland County shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. Cumberland County shall inform the Treasury if it has received no complaints under Title VI.
3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.
4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by Cumberland County in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

Primary Contact: Chief Diversity Officer
Office of the County Manager
Cumberland County Courthouse, 5th Floor
117 Dick Street
Fayetteville, NC 28302-1829
(910) 678-7723

Secondary Contact: Employee Relations Manager
Cumberland County Human Resources Department
County Courthouse, 117 Dick Street, Room 25
Fayetteville, NC 28301
(910)-678-7653

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
CONFLICT OF INTEREST POLICY
APPLICABLE TO CONTRACTS AND SUBAWARDS OF CUMBERLAND COUNTY
SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE

Adopted May _____, 2022

I. Scope of Policy

- a. Purpose of Policy. This Conflict of Interest Policy (“*Policy*”) establishes conflict of interest standards that (1) apply when Cumberland County (“*Unit*”) enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).
- b. Application of Policy. This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. Definitions

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II: Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

- a. “*COI Point of Contact*” means any individual identified in Section III of this Policy.
- b. “*Contract*” means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a federal award.
- c. “*Contractor*” means an entity or individual that receives a Contract.
- d. “*Covered Individual*” means a Public Officer, employee, or agent of the Unit.
- e. “*Covered Nonprofit Organization*” means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or the Unit.

- f. “*Direct Benefit*” means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
- g. “*Federal Financial Assistance*” means federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).
- h. “*Governing Board*” means the Board of County Commissioners of the Unit.
- i. “*Immediate Family Member*” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.
- j. “*Involved in Making or Administering*” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.
- k. “*Pass-Through Entity*” means a non-federal entity that provides a Subaward to a Subrecipient to carry out part of a federal program.
- l. “*Public Officer*” means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.
- m. “*Recipient*” means an entity, usually but not limited to non-federal entities, that receives a federal award directly from a federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.
- n. “*Related Party*” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

- o. “*Subaward*” means an award provided by a Pass-Through Entity to carry out part of a federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a federal program.
- p. “*Subcontract*” means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.
- q. “*Subcontractor*” means an entity that receives a Subcontract.
- r. “*Subrecipient*” means an entity, usually but not limited to non-Federal entities, that receives a subaward from a Pass-Through Entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a federal awarding agency.
- s. “*Unit*” has the meaning specified in Section I hereof.

III. COI Point of Contact.

The county manager may appoint an employee of the Unit to have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy on a grant-by-grant or project basis. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III shall be known as the “*COI Point of Contact*.”

IV. Conflict of Interest Standards in Contracts and Subawards

- a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section IV.
 - i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.
 - ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.
 - iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization, such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt

to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.

- iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

- i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

- 1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

- 2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

- ii. Identification and Management of Conflicts of Interest.

- 1. Duty to Disclose.

Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact, or the county manager if a COI Point of Contact has not been designated, potential real or apparent conflicts of interest arising under this Policy.

2. Notice of Disclosure.

Upon the county manager's receipt of notice of a potential conflict of interest under this Section IV, the county manager shall consult with the county attorney to determine the appropriate action to be taken to address it and report such proposed action to the Governing Board.

V. Oversight of Subrecipient's Conflict of Interest Standards

- a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the county manager shall ensure that the proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.
- b. Obligation to Disclose Subrecipient Conflicts of Interest. The county manager shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact designated in the agreement any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the county manager shall disclose such information to the federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. Gift Standards

- a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.
- b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed \$50 in a calendar year:
 - i. honorariums for participating in meetings;
 - ii. advertising items or souvenirs of nominal value; or
 - iii. meals furnished at banquets.
- c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact or the county manager if a COI Point of Contact has not been designated. If required by regulation of a federal awarding agency, the COI Point of Contact or county manager shall report such gifts to the federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

- a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Unit.
- b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.
- c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; or (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

Adopted this the _____ day of April, 2022.

EXHIBIT A

Examples

<i>Potential Examples of a “Financial or Other Interest” in a Firm or Organization Considered for a Contract or Subaward</i>	<i>Potential Examples of a “Tangible Personal Benefit” From a Firm or Organization Considered for a Contract or Subaward</i>
<p>Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none"> - Stock in a corporation. - Membership interest in a limited liability company. - Partnership interest in a general or limited partnership. - Any right to control the firm or organization’s affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract. - Option to purchase any equity interest in a firm or organization. 	<p>Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract.</p> <p>A position as a director or officer of the firm or organization, even if uncompensated.</p>
<p>Holder of any debt owed by a firm considered for a Contract or Subaward, which may include:</p> <ul style="list-style-type: none"> - Secured debt (e.g., debt backed by an asset of the firm (like a firm’s building or equipment)) - Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan). <ul style="list-style-type: none"> o Holder of a judgment against the firm. 	<p>A referral of business from a firm considered for a Contract or Subaward.</p>
<p>Supplier or contractor to a firm or organization considered for a Contract or Subaward.</p>	<p>Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).</p>



ARP CONFLICT OF INTEREST DISCLOSURE FORM FOR CONTRACTS AND SUBAWARDS

Name:	
County Department or Employer:	
Position/Job Title:	
Date of Completion:	

Background: Cumberland County has received an allocation of funds from the "Coronavirus State Fiscal Recovery Fund" or "Coronavirus Local Fiscal Recovery Fund" (together "CSLFRF funds"), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the "ARP/CSLFRF award"). These funds are subject to the U.S. Department of Treasury ("Treasury") regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

Purpose: Compliance with conflict of interest standards when Cumberland County enters into a Contract or Subaward using federal financial assistance such as ARP/CSLFRF funding. The purpose of disclosure of financial and personal interests (business, professional, or political) related to covered individuals is to avoid real or apparent conflicts of interest as it relates to contracts or subawards supported by federal financial assistance. Covered individuals include Public Officers such as the Board of Commissioners, employees or anyone involved in the selection, decision-making, award, or administrative process of the contract or subaward.

Covered Individuals have an affirmative duty to disclose any real or apparent conflicts of interest between their public and private interests. Also, personal relationships that may inappropriately influence (bias) or appear to influence actions must be disclosed.

Please answer the following questions:

I acknowledge that I have reviewed and understand Cumberland County's Conflict of Interest Policy.

Yes _____ No _____

If no, do not proceed to complete this form until you have reviewed the County's Conflict of Interest Policy.

1. Do you or your spouse or someone that you reside with serve as a director, officer, or governing board member of the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

2. Do you or your spouse or someone that you reside with have a ten percent (10%) ownership interest or other interest in the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

3. Do you or your spouse or someone that you reside with have any financial interest in the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

4. Do you or your spouse or someone that you reside with derive any income or commission directly from the firm that is under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

5. Will you or your spouse or someone that you reside with acquire any property as a result of the firm under consideration being awarded the Contract or Subaward?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

6. Will you or your spouse or someone that you reside receive any tangible personal benefit as a result of the firm under consideration being awarded the Contract or Subaward? See Exhibit A attached hereto for a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

7. Do you or your spouse or someone that you reside with have any financial interest in any property, transaction, employer (other than the county), business or enterprise which may be affected by the approval of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

8. Will you or your spouse or someone that you reside with gain any financial benefits (regardless of the amount) by the approval of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

9. Will you or your spouse or someone that you reside with derive any type of benefit (financial or otherwise) from the approval of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

10. Have you or your spouse or someone that you reside with solicited or received any gift, favor, reward, service, or promise of reward, including a promise of future employment in exchange for recommending, influencing or attempting to influence the award of the Contract or Subaward to the firm under consideration?

Yes _____ No _____ Unsure _____

If the answer is Yes or Unsure, please explain:

For purposes of the following questions your "Immediate Family Members" include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

11. Do you have an Immediate Family Member with any financial interest in the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

12. Do you have an Immediate Family Member that will receive a tangible personal benefit from the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

13. Do you have an Immediate Family Member who has any type of interest (financial or otherwise) in the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

14. Does a current or potential employer of any of your Immediate Family Members have a financial or other interest in the firm under consideration for the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

15. Will a current or potential employer of any of your Immediate Family Members receive a tangible personal benefit should the firm under consideration receive the Contract or subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

16. Do you or your spouse or someone that you reside with have any contact with or any kind of relationship with the owners or employees or anyone associated with the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

17. Does any existing personal or business situation or personal or business relationship create the appearance that you have a financial or other interest in the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

18. Does any existing personal or business situation or personal or business relationship create the appearance that you will receive a tangible personal benefit from the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

19. Does any existing personal or business situation or personal or business relationship of an Immediate Family Member of yours create the appearance that an Immediate Family Member of yours has a financial or other interest in a firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

20. Does any existing personal or business situation or personal or business relationship of an Immediate Family Member of yours create the appearance that an Immediate Family Member of yours will receive a tangible benefit from the firm under consideration for the Contract or Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

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If replying "Yes" to questions 1 through 20 above, the ARP/CSLFRF County Designee will complete a description of the steps that will be taken to address any conflicts of interest.

Signature:		Date:	
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For County Designee Use Only

Identified Real or Apparent Conflict of Interest	Action Steps
County Designee	
Name:	
County Department:	
Position/Job Title:	
Date of Completion:	

Cumberland County
Section I – Board Approved Policies
Subsection 3 – Cumberland County Financial/Audit
Policy No. 3-9: Policy for Eligibility Determination for Expenditures of American Rescue
Plan Act Coronavirus State and Local Fiscal Recovery Funds
(ARPA/CLSLFRF)

1.0 PURPOSE

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CLSLFRF). A separate ARPA fund has been established through an ARPA Grant Project Ordinance to budget and account for receipt and use of the funds.

2.0 SCOPE

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Provide services to disproportionately impacted communities to include providing housing support, healthy childhood environments, social, emotional and mental health services;
4. Provide premium pay for essential workers offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.
6. Revenue replacement; and,
7. Administrative expenses.

These funds are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) which dictate implementation of the ARP/CLSLFRF award terms and compliance requirements. Cumberland County must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

3.0 STATEMENT OF THE POLICY

Cumberland County hereby adopts and enacts the following Eligibility Determination Policy for the expenditure of ARPA/CLSLFRF funds.

PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its **Final Rule** regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Cumberland County must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires Cumberland County to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

Cumberland County and any of its contractors or subrecipients, shall not expend any ARP/CSLFRF funds for these purposes.

PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Cumberland County employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding eligibility determination, must be documented on the Cumberland County ARPA Project Funding Eligibility Determination Form which shall include all the following:
 - a. Brief description of the project
 - b. Identification of ARP/CSLFRF Expenditure Category (EC)
 - c. Required justifications for applicable projects, according to the requirements in the Final Rule.
 - d. Proposed budget, broken down by cost item, in accordance with Cumberland County's Allowable Cost Policy.
 - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Eligibility Determination forms must be submitted to Cumberland County's ARPA Staff Committee for consideration and preliminary review.
3. If a proposal does not meet the required criteria as documented on the form, the requesting party may be requested to revise and resubmit.
4. All requests being recommended to move forward to the Board of Commissioner's ARP Committee will be reviewed by the County Attorney's Office for ARP/CSLFRF compliance and by the ARPA Finance Accountant for contractor/sub-recipient relationship determination other financial review such as a valid SAM registration (if applicable) and vendor setup information required to establish a formal agreement with Cumberland County.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Any changes in project budgets must be approved in advance and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the ARPA Program Manager immediately.
6. The ARPA Finance Accountant must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. No ARP/CSLFRF project expenditures may be obligated or expended before the Board of County Commissioners approves the use within the grant project budget ordinance.
8. For audit purposes, the ARPA Finance Accountant must maintain a file containing project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

Cumberland County American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Fund Project Funding Eligibility Determination

Reference Cumberland County Policy No. 3-9 – Policy for Eligibility Determination for Expenditure of ARPA/CLSFRR

BASIC INFORMATION AND DESCRIPTION

Program/Project Name:	
Program/Project Description:	
Responsible Department/Committee:	
Program/Project Manager Name:	
Total Amount Requested:	
Treasury Expenditure Category Level:	Choose an item.
Treasury Expenditure Category:	Choose an item.

ELIGIBILITY REVIEW

Please select appropriate ARP/CLSFRR Category below and complete the required information. Note that each requested project may only be associated with one of the following categories as selected above. Please complete all information in the applicable category and attach any required additional justifications and documentation.

1. <u>Public Health</u>		
A. Enumerated Uses/ Safe Harbors (Must select one) <input type="checkbox"/> COVID-19 mitigation & prevention* <input type="checkbox"/> Medical expenses* <input type="checkbox"/> Behavioral health care* <input type="checkbox"/> Preventing & responding to violence* <input type="checkbox"/> Not on Enumerated List (Must complete Box B.)		
<i>*See detailed list of enumerated projects in each of these categories in Attachment A.</i>		
B. Written Justification (Please provide detailed responses to both these questions if checked "Not on Enumerated List" in Box A) (1) What is the specific negative public health impact or harm experienced by an individual or a class? (2) How does proposed project address the negative public health impact or harm?		
C. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
D. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
E. Does proposed project involve a capital expenditure between \$1 million and \$10 million?	<input type="checkbox"/> Yes – Proceed to Box F.	<input type="checkbox"/> No – Proceed to Box G.
F. Is proposed project on enumerated list in Box A? <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none"> Describe the harm or need to be addressed; Explain why a capital expenditure is appropriate; and Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior. 	<input type="checkbox"/> Yes – Record written justification* in file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* in file and include in Project & Expenditure Reports

G. Does the proposed project involve a capital expenditure of \$10 million or more?	<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> No – No further action required.		
2. Negative Economic Impact				
<p>A. Enumerated Beneficiaries (Must select one) <i>*See detailed list of enumerated beneficiaries and income in Attachment B.</i></p> <table border="0"> <tr> <td data-bbox="191 478 829 1388"> Beneficiaries Who Experience Negative Economic Impact from the Pandemic <ul style="list-style-type: none"> <input type="checkbox"/> Low-moderate income households or communities <input type="checkbox"/> Household that experienced unemployment <input type="checkbox"/> Households that experienced increased food or housing insecurity <input type="checkbox"/> Households that qualify for the Children’s Health Insurance Program, Childcare Subsidies through the Child Care Development Fund Program, or Medicaid <input type="checkbox"/> When providing affordable housing programs: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program <input type="checkbox"/> When providing services to address lost instructional time in K-12 schools: any student that lost access to in-person instruction for a significant period <input type="checkbox"/> Small business that experienced decreased revenue or gross receipts, increased costs, financial insecurity, or other financial challenges due to the pandemic <input type="checkbox"/> Nonprofit the experienced decreased revenue, increased costs, financial insecurity, or other financial challenges due to the pandemic <input type="checkbox"/> Travel, tourism, hospitality industries <input type="checkbox"/> Other industry that experienced at least 8% employment loss from pre-pandemic levels or is experiencing comparable or worse economic impacts as national tourism, travel, and hospitality sector <input type="checkbox"/> Local government </td> <td data-bbox="899 478 1479 1388"> Beneficiaries Who Experienced Disproportionately Negative Economic Impact from the Pandemic <ul style="list-style-type: none"> <input type="checkbox"/> Low-income households and communities <input type="checkbox"/> Households residing in a Qualified Census Tract (QCT) <input type="checkbox"/> Households that qualify for Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible. <input type="checkbox"/> Small businesses operating in a Qualified Census Tract (QCT) <input type="checkbox"/> Nonprofits operating in a Qualified Census Tract (QCT) <p><input type="checkbox"/> Not on enumerated list (Must complete Box B.)</p> </td> </tr> </table>			Beneficiaries Who Experience Negative Economic Impact from the Pandemic <ul style="list-style-type: none"> <input type="checkbox"/> Low-moderate income households or communities <input type="checkbox"/> Household that experienced unemployment <input type="checkbox"/> Households that experienced increased food or housing insecurity <input type="checkbox"/> Households that qualify for the Children’s Health Insurance Program, Childcare Subsidies through the Child Care Development Fund Program, or Medicaid <input type="checkbox"/> When providing affordable housing programs: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program <input type="checkbox"/> When providing services to address lost instructional time in K-12 schools: any student that lost access to in-person instruction for a significant period <input type="checkbox"/> Small business that experienced decreased revenue or gross receipts, increased costs, financial insecurity, or other financial challenges due to the pandemic <input type="checkbox"/> Nonprofit the experienced decreased revenue, increased costs, financial insecurity, or other financial challenges due to the pandemic <input type="checkbox"/> Travel, tourism, hospitality industries <input type="checkbox"/> Other industry that experienced at least 8% employment loss from pre-pandemic levels or is experiencing comparable or worse economic impacts as national tourism, travel, and hospitality sector <input type="checkbox"/> Local government 	Beneficiaries Who Experienced Disproportionately Negative Economic Impact from the Pandemic <ul style="list-style-type: none"> <input type="checkbox"/> Low-income households and communities <input type="checkbox"/> Households residing in a Qualified Census Tract (QCT) <input type="checkbox"/> Households that qualify for Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. 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<p>B. Written Justification (Provide detailed response to this question if proposed beneficiary not on enumerated list in Box A) Define the group/class/geographical area that experienced a negative economic impact from the COVID-19 pandemic. Be specific in defining group/class/area and in defining the negative economic impact to the group/class/area.</p>				
<p>C. Enumerated / Safe Harbor Projects (Must Select One)</p> <table border="0"> <tr> <td data-bbox="191 1759 829 1927"> Projects for Negatively Economically Impacted <p><u>Households & Communities</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Food assistance & food banks <input type="checkbox"/> Emergency housing assistance: rental assistance, mortgage </td> <td data-bbox="899 1759 1479 1927"> Projects for Disproportionately Negatively Economically Impacted <p><u>Households & Communities</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pay for community health workers to help households access health & social services </td> </tr> </table>			Projects for Negatively Economically Impacted <p><u>Households & Communities</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Food assistance & food banks <input type="checkbox"/> Emergency housing assistance: rental assistance, mortgage 	Projects for Disproportionately Negatively Economically Impacted <p><u>Households & Communities</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pay for community health workers to help households access health & social services
Projects for Negatively Economically Impacted <p><u>Households & Communities</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Food assistance & food banks <input type="checkbox"/> Emergency housing assistance: rental assistance, mortgage 	Projects for Disproportionately Negatively Economically Impacted <p><u>Households & Communities</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Pay for community health workers to help households access health & social services 			

assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness

- ☐ Health insurance coverage expansion
- ☐ Benefits for surviving family members of individuals who have died from COVID-19
- ☐ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly- employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ☐ Financial services for the unbanked and underbanked
- ☐ Burials, home repair & home weatherization
- ☐ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ☐ Cash assistance
- ☐ Paid sick, medical, and family leave programs
- ☐ Assistance in accessing and applying for public benefits or services
- ☐ Childcare and early learning services, home visiting programs, services for child welfare- involved families and foster youth & childcare facilities
- ☐ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ☐ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing

Small Businesses

- ☐ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs
- ☐ Technical assistance, counseling, or other services to support business planning

Nonprofits

- ☐ Loans or grants to mitigate financial hardship
- ☐ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Travel, Tourism, Hospitality Industry

- ☐ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ☐ Technical assistance, counseling, or other services to support business planning
- ☐ COVID-19 mitigation and infection prevention measures (see section Public Health)

- ☐ Remediation of lead paint or other lead hazards
- ☐ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ☐ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ☐ Investments in neighborhoods to promote improved health outcomes
- ☐ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing
- ☐ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ☐ Schools and other educational equipment & facilities

Small Businesses

- ☐ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ☐ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- ☐ Support for microbusinesses, including financial, childcare, and transportation costs

Local Government

- ☐ Public safety, public health, and human services salaries/benefits, to extent responding to the COVID-19 public health emergency
- ☐ Restoring pre-pandemic employment levels
- ☐ Effective service delivery

☐ Not on enumerated list (Must proceed to Box D.)

D. Written Justification (Provide detailed response to this question if proposed project not on enumerated list in Box C.)

- (1) What is the specific negative economic impact or harm caused or exacerbated by the pandemic?
- (2) How does the proposed project address the impact or harm?

E. Is the project reasonably designed to benefit the individual or class that experienced a public health impact or harm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
F. Is the project related and reasonably proportional to the extent and type of public health impact or harm experienced?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
G. Does proposed project involve a capital expenditure between \$1 million and \$10 million?	<input type="checkbox"/> Yes – Proceed to H.	<input type="checkbox"/> No – Go to Box I.
H. Is proposed project on enumerated list in Box C? <i>*Written justification must include the following elements:</i> <ul style="list-style-type: none"> Describe the harm or need to be addressed; Explain why a capital expenditure is appropriate; and Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior. 	<input type="checkbox"/> Yes – Record written justification* for file, but not required in Project & Expenditure Reports	<input type="checkbox"/> No – Record written justification* for file and include in Project & Expenditure Reports
I. Does the proposed project involve a capital expenditure of \$10 million or more?	<input type="checkbox"/> Yes – Record written justification* for file and include in Project & Expenditure Reports	<input type="checkbox"/> No – No further action needed

3. Premium Pay

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(c). (More details on this expenditure category are available [here](#).)

4. Water, Sewer, Stormwater Infrastructure

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(1).

5. Broadband Infrastructure

Please provide description of project and attach any necessary documentation. Must conform with requirements in 31 CFR 35.6(e)(2).

6. Revenue Loss

This portion of ARP/CSLFRF funds may be used for the provision of government services. Please provide description of project and attach any necessary documentation. Note that water, sewer, stormwater, and broadband projects may be funded in this category, without having to meet all of the criteria specified in the other categories.

Key Project Dates

Due Date	Task Type	Task Description	Status
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.
	Choose an item.		Choose an item.

Proposed Project Budget, delineated by Cost Item for Allowable Cost Review

U.G. Provisions	Cost Items	Estimated Amount	Necessary/ Reasonable	% Allocable	Required Documentation
200.430	Compensation		Choose an item.		
200.431	Fringe Benefits		Choose an item.		
200.475	Travel		Choose an item.		

200.439	Equipment & Other Capital		Choose an item.		
200.453	Materials & Supplies		Choose an item.		
200.318 & 200.92	Contractual Services & Subawards		Choose an item.		
200.459	Consultants / Professional Services		Choose an item.		
200.465	Occupancy (Rent & Utilities)		Choose an item.		
200.471	Telecommunications		Choose an item.		
200.473	Training & Education		Choose an item.		
200.413 (c)	Direct Administrative Costs		Choose an item.		
	Add'l Cost Item		Choose an item.		
	Total Direct Costs		Choose an item.		
200.414	Indirect Costs		Choose an item.		
Total Project Budget					

PROHIBITIONS VERIFICATION:

By checking these boxes, the [REVIEWER NAME HERE] attests that the statements are true.

- ☐ Project does not contravene the statutory purpose of ARP, including program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID-19
- ☐ No Conflict of Interest

- ☐ Complies with all state and federal laws and local ordinance
- ☐ No pension fund deposit
- ☐ No borrowings or debt service
- ☐ No financial reserves

STOP HERE – REVIEW MOVES FORWARD ONLY IF PROJECT IS BEING RECOMMENDED TO THE BOARD OF COMMISSIONERS' ARP COMMITTEE

Administrative Classification – to determine whether contractor/vendor OR sub-recipient/subaward, complete Attachment C. After completing Attachment C and the determination is Sub-recipient/subaward, complete Attachment D – Risk Assessment. The level of risk will determine the needed monitoring at levels described on Attachment E - Monitoring.

Administration Type	<input type="checkbox"/> In-House	<input type="checkbox"/> Contractor/Vendor	<input type="checkbox"/> Sub-Recipient/Subaward
If Contractor/Vendor or Sub-recipient, has this been verified using the Classification Checklist?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Program Sub-Recipient and/or Contractor List:

Name	Tax ID #	Completion of Classification Checklist?	Contractor or Sub-Recipient	DUNS #/UEI	Date checked SAM.gov
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		
		Choose an item.	Choose an item.		

JUSTIFICATION AND LEGAL REVIEW FOR STATE AUTHORITY:

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DRAFT 5-2-22 ARP COMMITTEE

ATTACHMENT A (PAGE 1)

SPECIFIC ENUMERATED PROJECTS FROM THE FINAL RULE

RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans' health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:

- | | |
|---|---|
| <ul style="list-style-type: none"> ✓ Vaccination programs, including vaccine incentives and vaccine sites ✓ Testing programs, equipment and sites ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants) ✓ Public communication efforts ✓ Public health data systems ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances ✓ Medical and PPE/protective supplies ✓ Support for isolation or quarantine ✓ Ventilation system installation and improvement ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety ✓ Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations | <ul style="list-style-type: none"> ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms) ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems) ✓ Public telemedicine capabilities for COVID-19 related treatment |
|---|---|

ATTACHMENT A (PAGE 2)

- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
 - ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
 - ✓ Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
 - ✓ Emergency medical response expenses
 - ✓ Treatment of long-term symptoms or effects of COVID-19

- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:
 - ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
 - ✓ Enhanced behavioral health services in schools
 - ✓ Services for pregnant women or infants born with neonatal abstinence syndrome
 - ✓ Support for equitable access to reduce disparities in access to high-quality treatment
 - ✓ Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
 - ✓ Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
 - ✓ Behavioral health facilities & equipment

- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:
 - ✓ Referrals to trauma recovery services for victims of crime
 - ✓ Community violence intervention programs, including:
 - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
 - ✓ In communities experiencing increased gun violence due to the pandemic:
 - Law enforcement officers focused on advancing community policing
 - Enforcement efforts to reduce gun violence, including prosecution
 - Technology & equipment to support law enforcement response

ATTACHMENT B (PAGE 1)**SPECIFIC ENUMERATED BENEFICIARIES AND INCOME FROM THE FINAL RULE**

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as “impacted” households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as “disproportionately impacted” households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were “impacted” and “disproportionately impacted” by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.

However, note that the final rule maintains that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible under this eligible use category, unless the project responded to a specific pandemic public health need or a specific negative economic impact. Similarly, general economic development or workforce development – activities that do not respond to negative economic impacts of the pandemic but rather seek to more generally enhance the jurisdiction’s business climate – would generally not be eligible under this eligible use category.

ATTACHMENT B (PAGE 2)

Assistance to Households

Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- ✓ Low- or-moderate income households or communities
- ✓ Households that experienced unemployment
- ✓ Households that experienced increased food or housing insecurity
- ✓ Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ *When providing affordable housing programs:* households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ✓ *When providing services to address lost instructional time in K-12 schools:* any student that lost access to in-person instruction for a significant period of time

Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area's median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$65,880 per year.³ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury's standards.

³ For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$75,780 per year.

ATTACHMENT B (PAGE 3)

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- ✓ Food assistance (e.g., child nutrition programs, including school meals) & food banks
- ✓ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ✓ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly-employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ✓ Financial services for the unbanked and underbanked
- ✓ Burials, home repair & home weatherization
- ✓ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- ✓ Assistance in accessing and applying for public benefits or services
- ✓ Childcare and early learning services, home visiting programs, services for child welfare-involved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ✓ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund⁴

⁴ Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).

ATTACHMENT B (PAGE 4)

Disproportionately Impacted Households and Communities

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low -income households and communities
- ✓ Households residing in Qualified Census Tracts
- ✓ Households that qualify for certain federal benefits⁵
- ✓ Households receiving services provided by Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from these governments

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$40,626 per year.⁶ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

⁵ These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

⁶ For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$46,731 per year.

ATTACHMENT B (PAGE 5)

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- ✓ Remediation of lead paint or other lead hazards
- ✓ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ✓ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes
- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing⁷
- ✓ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ✓ Schools and other educational equipment & facilities
- ✓ Responses available to respond to impacts of the pandemic on households and communities

⁷ Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury's presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.

Attachment C (Page 1)**Cumberland County Checklist to Determine if Partner Entity is a Subrecipient or Contractor
Classification for Purposes of the Uniform Guidance****DEFINITIONS FROM UNIFORM GUIDANCE (2 CFR 200):**

- Subrecipient:** *§200.93 Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding*
- Contractor:** *§200.23 Contractor means an entity that receives a contract as defined in §200.22*
- Contract:** *§200.22 Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award.*

INSTRUCTIONS: Complete sections one and two of the checklist by marking all characteristics that apply to the outside entity. The section with the greatest number of marked characteristics indicates the likely type of relationship the entity will have with Cumberland County. On occasion there may be exceptions to the type of relationship indicated by the completed checklist. In these situations, the substance of the relationship should be given greater consideration than the form of agreement between Cumberland County and the outside entity. Section 3 should be used to provide documentation on the use of judgment in determining the proper relationship classification.

ATTACHMENT C (PAGE 2)

NAME OF OUTSIDE ENTITY:

SECTION 1 - SUBRECIPIENT. *A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the contractor:*

- ☐ Determines who is eligible to receive what Federal assistance;
- ☐ Has its performance measured in relation to whether objectives of a Federal program were met;
- ☐ Has responsibility for programmatic decision-making;
- ☐ In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

Entities that include these characteristics are responsible for adherence to applicable Federal program requirements specified in the Federal award.

SECTION 2 - CONTRACTOR. *A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the non-Federal entity receiving the Federal funds:*

- ☐ Procurement relationship
- ☐ Provides the goods and services within normal business operations;
- ☐ Provides similar goods or services to many different purchasers;
- ☐ Normally operates in a competitive environment;
- ☐ Provides goods or services that are ancillary to the operation of the Federal program.

Entities that include these characteristics are not subject to compliance requirements of the Federal program because of the agreement, though similar requirements may apply for other reasons.

SECTION 3 - USE OF JUDGMENT. (Use only when the determination cannot clearly be made using the above criteria) *In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.*

Explanation of Use of Judgment Determination:

FINAL DETERMINATION:

- ☐ SUBRECIPIENT
- ☐ CONTRACTOR

Signature: _____

Date: _____

ATTACHMENT D

Subrecipient Risk Assessment Tool

Subrecipient Entity Name:

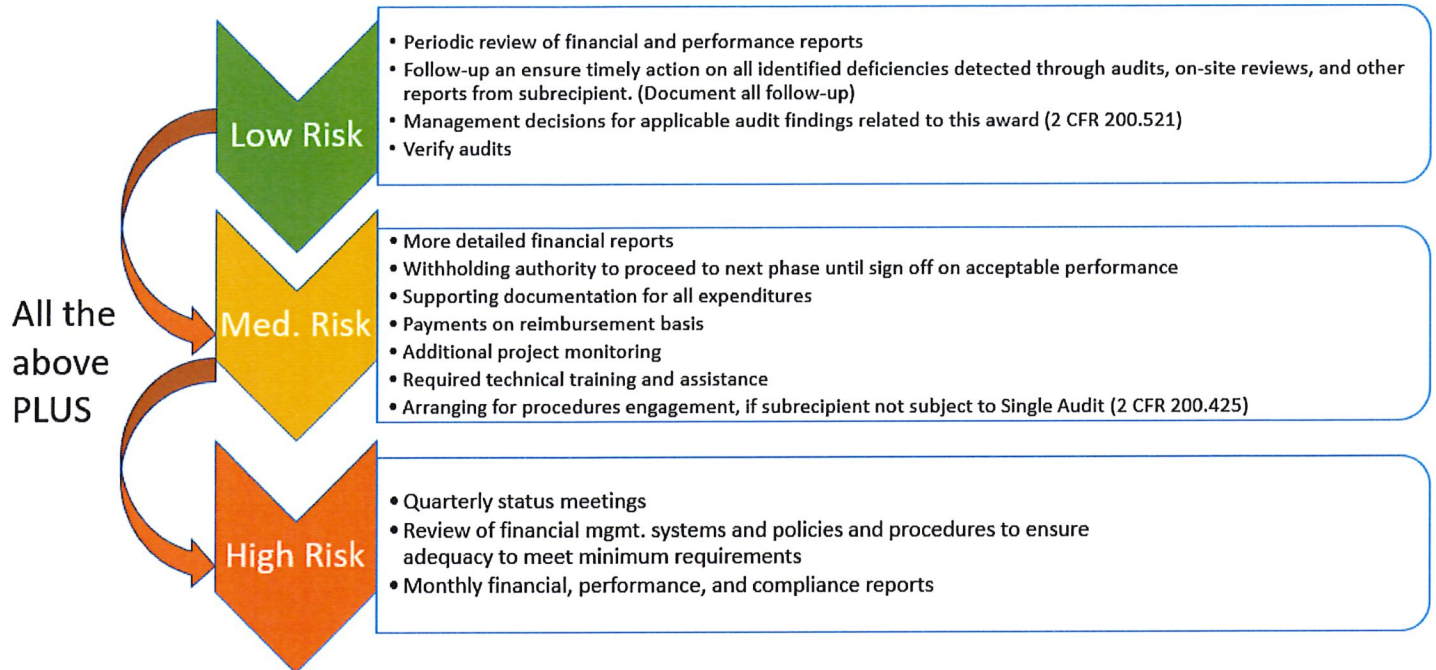
Reviewer Name:

Source for risk assessment determination (circle all that apply): most recent audit, org chart, staff resumes, project staff credentials, listing of entity federal awards by year, financial policies review. Place a check mark beside the applicable risk measure below.

LOW RISK	
<input type="checkbox"/>	No audit findings
<input type="checkbox"/>	Minor audit findings & assessed as low risk by auditor
<input type="checkbox"/>	Successful history with federal awards
<input type="checkbox"/>	Seasoned staff and systems
MEDIUM RISK	
<input type="checkbox"/>	Organization without prior experience with federal awards
<input type="checkbox"/>	Newer staff or systems
<input type="checkbox"/>	Limited prior audits
HIGH RISK	
<input type="checkbox"/>	No prior audits
<input type="checkbox"/>	Prior audit findings with major deficiencies/material weakness
<input type="checkbox"/>	Organization without sufficient personnel, accounting systems & internal controls

ATTACHMENT E

Monitoring



The following [revised](#) policy was approved at the _____ Board of Commissioner's meeting.

Cumberland County

Section I – Board Approved Policies

Subsection 10: American Rescue Plan Act of 2021

**[Revised](#) Policy No. 10-2.10: Aid to Nonprofit Organizations Serving Residents
Affected by COVID-19 Impacts**

1.0 PURPOSE

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CSLFRF). The Board of Commissioners approved allocating ARPA funding to nonprofit organizations that conduct programs and projects that help the community recover from and respond to COVID-19 and its negative impacts and to aid in a strong and equitable recovery.

2.0 SCOPE

The County will seek proposals from nonprofit organizations [or will provide direct subawards](#) for projects or programs to help the Cumberland County community respond to and recover from COVID-19. Proposals [and subawards](#) should align with the priorities of ARPA funding and further the County Board of Commissioners' goals. Collaborative proposals are welcome and collaborating nonprofit organizations should select a lead entity for application submission and contracting purposes.

Funded projects must:

- Meet the eligible use of funds for Coronavirus State and Local Fiscal Recovery Funds, per [U.S. Treasury guidance](#)
- Meet the eligible use of funds per the [Federal Office of Management and Budget Uniform Guidance](#).
- Meet a public purpose and fall within County authority to fund per NC General Statutes, to be affirmed and reviewed by the Cumberland County legal department prior to execution of a contract or funding agreement.
- Identify and directly address a need or negative impact of the COVID-19 public health emergency
- Support equitable outcomes for most impacted populations
- Leverage and align with other funding sources
- Make best use of this one-time infusion of resources
- [Support evidence-based outcomes](#)
- Provide [evidence-based](#) performance reporting regarding use of funds and project impact
- Comply with all provisions of the funding contract, including expenditure tracking and federal subrecipient monitoring include costs incurred no earlier than March 3, 2021
- All funds must be obligated by December 31, 2024
- Complete all work and fully expend all funds by December 31, 2026

3.0 STATEMENT OF THE POLICY

Cumberland County will solicit funding requests through a competitive Request for Proposal process. Proposals will be assessed by members of the Cumberland County ARPA Staff Committee using a scoring tool. [The ARPA Staff Committee may designate a Review Panel to assist with the assessment of proposals.](#) Proposals need to clearly demonstrate eligibility under ARPA guidance and must include a budget utilizing the Budget Template for ARPA Projects form.

[Note: The Board of Commissioners has the authority to subaward ARPA/SLFRF funds to nonprofit and/or other governmental entities without conducting a competitive bid process. \(Reference April 4, 2022 UNC SOG Training\)](#)

Programs must be reasonably connected to a legitimate aim of government and the ultimate gain must be in the public's interest, not that of the private entity. [Bid award](#) Recommendations will be presented to the commissioners' ARP Committee. The ARP Committee funding recommendations will go to the full Board of Commissioners for approval. Once [grants/funds](#) are awarded, contracts [or subawards](#) will be established in compliance with the Fiscal Recovery Compliance and Reporting Guidance and general federal subrecipient requirements.

The ARPA Staff Committee will review, analyze, and rank [proposed all](#) submittals based on their response to the information requested. [The ARPA Staff Committee may designate a Review Panel to assist with reviewing, analyzing, and ranking the proposals submitted.](#) The selection process will include the following criteria in the evaluation of proposals.

- Amount of Funds Requested
- Recovery Fund Eligible Category
- Project Plan
- Statement of Need
- Link to COVID-19
- Population Served
- Results
- [Evaluation](#)
- [Evidence-based performance metrics](#)
- Equity Impact
- Project Partners
- Organizational Capacity
- Budget
- Special Considerations
- Federal, State or Local Assistance Related to COVID-19 previously applied for and/or received

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4.0 IMPLEMENTATION

The Assistance to Nonprofit Organization program will be implemented internally by the County. A Cumberland County ARPA Staff Committee will vet the requests for proposals using a scoring instrument.

Recommendations for funding will be presented to the ARP Committee with final approval

| coming from the Board of Commissioners. A contractual [or subaward](#) relationship will be
| established between the County and the nonprofit to ensure compliance with county, state and
federal guidelines._

Draft 5-2-22 ARP Committee

Implementation and enforcement of this policy shall be the responsibility of County Administration, Finance, and Legal.

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Draft 5-2-22 ARP Committee



Aid to Non-Profit Organizations RESPONSIVE PROPOSAL REVIEW GUIDELINES

The following guidelines are based on the American Rescue Plan Act of 2021- Assistance to Non-Profit Organizations Policy No. 10-2.10 as revised during the May 16 2022, Board of County Commissioner's meeting.

NOTE: A Conflict-of-Interest Disclosure Form must be completed before the review process begins IAW the County's Conflict of Interest Policy.

REVIEW GUIDELINES

1. Minimum Requirement Review – Cumberland County Purchasing will conduct an initial screening to ensure the proposal is complete/responsive.
2. Programmatic Review – The ARP Staff Committee may designate a Panel to conduct a review; complete the ARPA Project Funding Eligibility Determination Form, analyze, and rank all proposals by using a scoring tool (Attachment A) based on the below criteria.
 - Amount of Funds Requested
 - Recovery Fund Eligible Category
 - Project Plan
 - Statement of Need
 - Link to COVID-19
 - Population Served
 - Results
 - Evaluation
 - Equity Impact
 - Project Partners
 - Organizational Capacity
 - Budget
 - Special Considerations
 - Federal, State or Local Assistance Related to COVID-19 previously applied for and/or received
3. Rankings along with the proposed funding requests and ARPA Project Funding Eligibility Determination Forms completed through page 6 will be submitted to the ARPA Program

Manager to be prepped for presentation to the BOCC ARPA Committee at the next scheduled meeting.

4. The BOCC ARPA Committee members (who will be subject to completing the Conflict-of-Interest Disclosure Form IAW the County's conflict of interest policy) will take action to make recommendations for bid award based on the rankings provided by the ARPA Program Manager and overall total funding amount desired.
 - In anticipation of the bid award approval by the BOCC, the County Attorney's Office and finance staff will finalize the ARPA Project Funding Eligibility Determination Forms and will prepare contracts and/or subrecipient agreements IAW County Policy.
5. The BOCC ARPA Committee recommendations for bid award will be forwarded to the next scheduled meeting of the BOCC (who will be subject to completing the Conflict-of-Interest Disclosure Form IAW the County's conflict of interest policy) for bid award approval as a consent agenda item. At that meeting, the BOCC may take action to also designate contract/agreement signature authority to the County Manager to save time in the process of getting fully executed contracts/agreements in place.
6. If the BOCC does not designate contract/agreement signature authority, the contracts/agreements will be provided to the BOCC as a consent agenda item at a meeting after the contracts/agreements have been approved for legal sufficiency.
7. A bid award notification will be provided by purchasing staff to all proposal responders and will be posted on the County's website.

ATTACHMENT A

RFP FOR Aid to Non-Profit Organizations
RFP-22-15-CTY

Evaluation Sheet / Scoring Tool

Entity Name			
Amount of Funds Requested	\$		
Recovery Fund Eligibility Category	select one from drop down		
Project Partners	if yes, insert partners if no, insert "NA"		
Federal, State, or Local Assistance Related to COVID-19 previously applied for and/or received	yes/no (if yes, amount received) if no, insert "NA"	\$	
MEASURE	NOTES	MAX POINTS AVAILABLE	POINTS ASSIGNED
Project Plan Description		10	
Statement of Need		15	
Link to COVID-19		5	
Population Served		5	
Results		15	
Evaluation		15	
Equity Impact		15	
Organizational Capacity		10	
Budget	allowable/practical/reasonable	10	
Special Considerations		include points in measures above	
TOTALS		100	-

ORIGINAL NONPROFIT RFP TIMELINE

- January 19, 2022 • Issue RFP
- January 24, 2022 • Virtual Preproposal Funding Workshop
- 3 PM on January 26, 2022 • Deadline to submit RFP Questions
- February 3, 2022 • Responses to Questions Provided in RFP Addendum
- 4:30 PM on February 28, 2022 • Proposals Due
- March 2022 • Staff Review and Rank Proposals
- NLT April 11, 2022 • ARPA Committee Review/Recommend
- NLT April 19, 2022 • Board of Commissioners Award
- NLT May 31, 2022 • Formalize Contracts
- December 31, 2024 • All Funds Obligated
- December 31, 2026 • Projects Completed and Funds Fully Paid Out

UPDATED ARPA NONPROFIT RFP TIMELINE

Table of Contents

- January 19, 2022 • Issue RFP
- January 24, 2022 • Virtual Preproposal Funding Workshop
- 3 PM on January 26, 2022 • Deadline to submit RFP Questions
- February 3, 2022 • Responses to Questions Provided in RFP Addendum
- 4:30 PM on February 28, 2022 • Proposals Due
- March 11, 2022 – March 18, 2022 • RFC Issued for Proposers to Provide Budget Template in Correct Format
- April 11, 2022 – April 22, 2022 • RFC Issued for Proposers to Provide Updated Expenditure Category
- May 2, 2022 • Nonprofit Policy Update presented to BOC ARPA Committee
- May 16, 2022 • Nonprofit Policy Update presented to BOC
- May-June 2022 • Staff/Review Panel Review and Rank Proposals
- July ? 2022 • ARPA Committee Review/Recommend
- August 1, 2022 • Board of Commissioners Award
- NLT August 31, 2022 • Formalize Contracts
- December 31, 2024 • All Funds Obligated
- December 31, 2026 • Projects Completed and Funds Fully Paid Out



Small Business Economic Assistance Program

Update as of April 27, 2022

157 Applications

Correspondence to Applicants:

- Explanation of Application Review Process
- Communication Mode & Email Validation (emailed & postal mail)

Application Review Process – Laserfiche Workflow:

- Purpose:
 - Manage and tract the large volume of applications
 - Capture and report data
 - Document compliance for audit and monitoring purposes
 - Ease of communication with applicants
 - Use lesson learned that can be used for other projects
- Workflow for Step 1-Minimum Requirements – created, automated and testing:
 - 22 of 157 application receive in paper form keyed and scanned in the database
 - A “fake” application to test the workflow
 - Checklist developed, automated and testing
 - Request for Information developed, automated and testing
- Workflow for Step 2-Allowability Assessment – created, automate and testing:
 - Correspondence informing applicants progressing from Step 1 – Minimum requirements to Step 2-Allowability Assessment
 - An Allowability Assessment to determine the minimum requirements based on the Final Rules (pre-eligibility) and qualifying conditions set out in the adopted ARP Small Business policies and approved guidelines
 - Correspondence informing applicants who do not meet the pre-eligibility and/or qualifying conditions and providing the applicant an opportunity to meet (virtual) with member(s) of the Application Review Team to provide further clarification
 - Final Eligibility Determination to be conducted in compliance with the County’s adopted policy. Item on ARP Committee agenda on May 2, 2022
- Workflow for Step 3-Programmatic Review – created, automated and testing:
 - Correspondence informing applications progressing from Step 2-Allowability Assessment to Step 3-Programmatic Review
 - Programmatic Review scoring tool
 - Mechanism to capture components of the required information needed for the Final Eligibility Determination process and Steps 4-Awards, Step 5-Notifications and Step-Contractual Relations

American Rescue Plan (ARP) Fund 240

The Board is requested to approve Budget Ordinance Amendment B220002 to update the ARPA Grant Project Ordinance as approved by the BOC ARP Committee on May 2, 2022. This budget ordinance amendment allocates \$140,000 for the purchase of Narcan to be administered by Cape Fear Valley Hospital System, \$2,000,000 for a job training program to be administered by FTCC, and de-allocates \$250,000 originally allocated to support a homeless shelter. The net amount of the total increases/decreases are off set in the Administration - Unassigned category which has been reduced to \$2,192,726.

Details provided for the BOC ARP Committee on May 2, 2022.

DRAFT ARPA GRANT PROJECT ORDINANCE AMENDMENT				as of March 21, 2022		MAY 2022 ADJUSTMENTS	BUDGET ORDINANCE AMENDMENT B220002	
ARPA Reporting Code	Fund 240 Expenditure Category	Project Description	Cost Object	Appropriation of CSLFRF Funds	Project Allocation Total	Appropriation of CSLFRF Funds	Appropriation of CSLFRF Funds	Project Allocation Total
1.13	Public Health (2404551)	Substance Use Services: Purchase Narcan for distribution to the Sheriff's Office and County Fire Departments	Medical Supplies	\$ -	\$ -	\$ 140,000	\$ 140,000	140,000
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Mortgage Assistance: Make funding available to assist residents at risk of foreclosure.	Contracted Services	2,000,000	2,000,000	-	2,000,000	2,000,000
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Rental Assistance: Make funding available to assist renters at risk of eviction.	Contracted Services	1,500,000	1,500,000	-	1,500,000	1,500,000
2.10	Negative Economic Impacts (2404552)	Assistance to Unemployed or Underemployed Workers: Trade job training programs in partnership with FTCC, Mid-Carolina COG - Workforce Development, and Cumberland County Schools	Contracted Services	-	-	2,000,000	2,000,000	2,000,000
1.8 2.29-2.33	Public Health (2404551)	COVID19 Assistance to Small Business (1.8) Assistance to Small Businesses (2.29-2.33)	Contracted Services	3,500,000	3,500,000		3,500,000	3,500,000
1.9 2.34	Public Health (2404551)	COVID19 Assistance to Non-Profits (1.9) Assistance to Non-Profits (2.34)	Contracted Services	3,640,000	3,640,000	(140,000)	3,500,000	3,500,000
2.15	Negative Economic Impacts (2404552)	Long-term Housing Security: Affordable Housing - New construction of a multi-family housing development in the Shaw Heights neighborhood (QCT 24.01).	Engineering/Construction	10,000,000	10,000,000		10,000,000	10,000,000
2.16	Negative Economic Impacts (2404552)	Long-term Housing Security: Services for Unhoused Persons - Planning funding for a homeless shelter to determine number of beds, who will be served, how large facility should be, construction cost, operational questions and other aspects.	Engineering/Construction	250,000	250,000	(250,000)	-	-
2.18	Negative Economic Impacts (2404552)	Housing Support: Other Housing Assistance - First-time homebuyers program	Contracted Services	2,500,000	2,500,000		2,500,000	2,500,000
5.5	Infrastructure (2404555)	Clean Water: Other Sewer Infrastructure - Construction of a sanitary sewer system to be located in the Shaw Heights neighborhood (QCT 24.01).	Engineering/Construction	12,000,000	12,000,000		12,000,000	12,000,000
5.15	Infrastructure (2404555)	Drinking Water: Other Water Infrastructure - Construction of a water system to be located in the Gray's Creek Water and Sewer District	Engineering/Construction	10,000,000	10,000,000		10,000,000	10,000,000
5.21	Infrastructure (2404555)	Broadband: Other projects Broadband expansion into underserved areas in partnership with the State of NC, and a vendor to be selected through a competitive RFP process	Contracted Services	1,000,000	1,000,000		1,000,000	1,000,000
6.1	Revenue Replacement (2404556)	Provision of Government Services Salaries and benefit costs of Public Safety Personnel	Salaries/Benefits	10,000,000	10,000,000		10,000,000	10,000,000
1.4	BOC Meeting Room	Physical plant changes to Public Facilities that respond to the COVID-19 Public Health Emergency	Engineering/Construction	3,000,000	3,000,000		3,000,000	3,000,000
7.1	Administration (2404557)	Administrative Expenses - 3.5 County positions to manage CSLFRF programs and compliance requirements. ARPA allows up to 10% of total award.	Salaries	1,321,348	5,778,690		1,321,348	4,028,690
			Benefits	389,281			389,281	
			Operating	125,335			125,335	
			Unassigned	3,942,726		(1,750,000)	2,192,726	
NA	Unallocated Funds	Funds to be allocated at a future date	Unallocated Funds	-	-		-	-
TOTAL				\$65,168,690	\$ 65,168,690	\$ -	\$ 65,168,690	\$ 65,168,690

SLFRF Compliance Report - SLT-1353-P&E Report-Q1 2022

Report Period : Quarter 1 2022 (January-March)

Recipient Profile

Recipient Information

Recipient UEI	VAUSC2ZZKJ78
Recipient TIN	566000291
Recipient Legal Entity Name	County Of Cumberland, North Carolina
Recipient Type	
FAIN	
CFDA No./Assistance Listing	
Recipient Address	117 Dick Street
Recipient Address 2	
Recipient Address 3	
Recipient City	Fayetteville
Recipient State/Territory	NC
Recipient Zip5	28301
Recipient Zip+4	
Recipient Reporting Tier	Tier 1. States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents
Discrepancies Explanation	
Is the Recipient Registered in SAM.Gov?	Yes

Project Overview

Project Name: Direct Costs to Administer ARPA Funds

Project Identification Number	AR701
Project Expenditure Category	7-Administrative
Project Expenditure Subcategory	7.1-Administrative Expenses
Status To Completion	Completed less than 50%
Adopted Budget	\$5,778,690.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$18,010.82
Total Cumulative Expenditures	\$18,010.82
Current Period Obligations	\$18,010.82
Current Period Expenditures	\$18,010.82
Project Description	Salary and benefit costs of ARPA program manager. Advertising costs.

Project Name: Grays Creek Water Project

Project Identification Number	AR515
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.15-Drinking water: Other water infrastructure
Status To Completion	Not Started
Adopted Budget	\$10,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	The Grays Creek area of Cumberland County has been tested and confirmed to have above normal/unsafe limits of contaminants within its ground water and wells that provide water to the schools, residences, and businesses in the area. Construction is planned to create a community water system to address the existing public health problems associated with consuming unsafe drinking water provided by the individual well. ARPA funds will assist in partially funding the initial phases of this water project.

Project Name: Shaw Heights Sanitary Sewer System Project

Project Identification Number	AR505
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Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.5-Clean Water: Other sewer infrastructure
Status To Completion	Not Started
Adopted Budget	\$12,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County is in the process of exploring the addition of a sanitary sewer system located within the Shaw Heights community, which is located within a Qualified Census Tract (QCT). Failing septic systems has been an issue within this community and in order for the Shaw Heights Affordable Housing ARPA Project (AR215) to be the most successful, the installation and construction of new pipes, pump stations, and force mains for sewer systems is required.

Project Name: Broadband Expansion

Project Identification Number	AR521
Project Expenditure Category	5-Infrastructure
Project Expenditure Subcategory	5.21-Broadband: Other projects
Status To Completion	Not Started
Adopted Budget	\$1,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County plans to partner with an internet service provider to expand fiber optic internet access into the more remote areas of the County. ARPA funds will provide for a portion of the project cost with the remaining required funds coming from the State of North Carolina and the internet service provider. A state grant request has been submitted and results are pending. If awarded, the combined funds will provide access to approximately 2,017 homes.

Project Name: Homeless Shelter Property

Project Identification Number	AR216
Project Expenditure Category	2-Negative Economic Impacts
	2.16-Long-Term Housing Security: Services for Unhoused

Project Expenditure Subcategory	persons
Status To Completion	Not Started
Adopted Budget	\$250,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County is in the process of exploring potential property/building locations for a homeless shelter to be located within a qualified census tract. A previously issued needs assessment survey indicated the County is lacking in available temporary housing solutions and beds available for the homeless population. Although this item is budgeted utilizing a portion of ARPA funds currently, it is expected that this will be removed from consideration as we now understand with the Final Rule this type of project is not allowed.
What is the Total expected capital expenditure, including pre-development costs, if applicable	\$250,000.00
Type of capital expenditures, based on the following enumerated uses	Improvements to existing facilities

Project Name: Shaw Heights Affordable Housing

Project Identification Number	AR215
Project Expenditure Category	2-Negative Economic Impacts
Project Expenditure Subcategory	2.15-Long-Term Housing Security: Affordable Housing
Status To Completion	Not Started
Adopted Budget	\$10,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County is in the planning phase of construction of affordable housing to be located within the Shaw Heights community, which is located within a Qualified Census Tract (QCT). This project is being explored in conjunction with the installation of a sanitary sewer system described in the Shaw Heights Sanitary Sewer System ARPA Project (AR505). The number of housing units is to be determined. The affordable housing units will provide for permanent housing options for those citizens who are within the low to moderate income range.

What is the Total expected capital expenditure, including pre-development costs, if applicable	\$10,000,000.00
Type of capital expenditures, based on the following enumerated uses	Affordable housing, supportive housing, or recovery housing
Does the project prioritize local hires?	No
Does the project have a Community Benefit Agreement, with a description of any such agreement?	No

Project Name: First Time Home Buyers Program

Project Identification Number	AR218
Project Expenditure Category	2-Negative Economic Impacts
Project Expenditure Subcategory	2.18-Housing Support: Other Housing Assistance
Status To Completion	Not Started
Adopted Budget	\$2,500,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County plans to issue a request for applications, with a focus on first-time home buyers of low to moderate income and/or those who have had an adverse economic impact as a result of COVID-19, and/or residents of a Qualified Census Tract (QCT). Eligible applicants may receive financial assistance in the household per person amounts that do not exceed the payment totals provided by the federal government within the COVID-19 Stimulus & Relief packages.

Project Name: Mortgage Assistance

Project Identification Number	AR202
Project Expenditure Category	2-Negative Economic Impacts
Project Expenditure Subcategory	2.2-Household Assistance: Rent, Mortgage, and Utility Aid
Status To Completion	Not Started
Adopted Budget	\$3,500,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
	Cumberland County plans to issue a request for applications

Project Description	tailored to those who had existing mortgages, who were negatively affected by the pandemic, and who have been thus rendered unable to maintain their current mortgage payments. Eligibility will be limited to providing mortgage assistance to those who reside in a QCT, and/or those who qualify as low to moderate income households, without duplicating similar assistance that has already been provided to these households.
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Project Name: Board Meeting Room Update

Project Identification Number	AR104
Project Expenditure Category	1-Public Health
Project Expenditure Subcategory	1.4-Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.)
Status To Completion	Not Started
Adopted Budget	\$3,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Board of Commissioner meetings are required to be open to the public. Sufficient space is not available in the current congregate meeting room to allow for social distancing between commissioners or in the employee/public seating area. Funds will be utilized to enhance airflow, provide commissioner and employee/public seating sufficient enough to provide for social distancing in a different meeting room that will allow for safety in this congregate setting.
What is the Total expected capital expenditure, including pre-development costs, if applicable	\$3,000,000.00
Type of capital expenditures, based on the following enumerated uses	Improvements to existing facilities

Project Name: CCOVID Assistance to Nonprofits

Project Identification Number	AR109
Project Expenditure Category	1-Public Health
Project Expenditure Subcategory	1.9-COVID-19 Assistance to Non-Profits
Status To Completion	Not Started
Adopted Budget	\$3,640,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00

Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County has issued a formal request for proposals seeking the assistance of nonprofit entities to recommend ideas on how to best provide county citizens in need with supports/services to aid in COVID-19 recovery efforts. The highest ranked proposals will be considered for a subaward agreement.

Project Name: Provision of Government Services

Project Identification Number	AR610
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	
Adopted Budget	\$10,000,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	The salary and benefit costs of public safety employees will be the basis for drawing down the allowable \$10,000,000 standard allowance for revenue replacement.

Project Name: COVID Small Business Assistance

Project Identification Number	AR108
Project Expenditure Category	1-Public Health
Project Expenditure Subcategory	1.8-COVID-19 Assistance to Small Businesses
Status To Completion	Not Started
Adopted Budget	\$3,500,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Cumberland County has issued a request for applications, focused on for-profit small businesses located within the County. Eligible small businesses have an opportunity to receive a one-time amount up to \$50,000 to aid in COVID-19 recovery efforts. Higher priority is being given

to eligible small businesses who employ one or more individuals of low to moderate income and/or whose business is located within a qualified census tract.

Expenditures

Aggregate Expenditures for Awards less than \$50,000

Expenditure: EN-00305141

Project Name	Direct Costs to Administer ARPA Funds
Subaward Type (Aggregates)	Aggregate of Direct Payments
Total Period Expenditure Amount	\$18,010.82
Total Period Obligation Amount	\$18,010.82

Report

Revenue Replacement

Is your jurisdiction electing to use the standard allowance of up to \$10 million, not to exceed your total award allocation, for identifying revenue loss?	Yes
Revenue Loss Due to Covid-19 Public Health Emergency	\$10,000,000.00
Were Fiscal Recovery Funds used to make a deposit into a pension fund?	No
Please provide an explanation of how revenue replacement funds were allocated to government services	The funds will be utilized to cover staff costs of the Sheriff's Office and Detention Center. The funds will cover the regular and routine overtime salaries and corresponding fringe benefit expenses for those employees beginning in April 2022 until available funds are exhausted. Covered salaries are based on Cumberland County's current pay schedule and the fringe benefits are based on the Board of Commissioner adopted benefits ordinance.

Ineligible Activities: Tax Offset Provision

Revenue-reducing Covered Changes from date of award through July 31, 2021	
Revenue-reducing Covered Changes from August 1, 2021 – September 30, 2021	

Overview

Total Obligations	\$18,010.82
Total Expenditures	\$18,010.82
Total Number of Projects	12
Total Number of Subawards	1
Total Number of Expenditures	0

Certification

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Submission Date	4/28/2022 5:08 PM