

Special Meeting ARPA Workshop – August 6, 2021

The Graham County Board of Commissioners met Friday, August 6, 2021, at 9:00 a.m. in the Graham County Community Building located at 196 Knight Street Robbinsville, NC for a special meeting to have discussion on the American Rescue Plan Act Funds (ARPA). Board present: Keith Eller, Jacob Nelms, Dale Wiggins, and Lynn Cody. Board absent Connie Orr. Also, present Manager Jason Marino, Finance Director Becky Garland and Clerk Kim Crisp.

1. Vice-Chairman Eller called the meeting to order.
2. Vice-Chairman Eller asks for changes to the agenda. Manager Marino asks that we add 3a. Public Comment. Commissioner Nelms made the motion to approve the agenda with the stated change. Commissioner Wiggins seconded this motion. Vote unanimous.
3. Vice-Chairman Eller asks Manager Marino to begin the discussion on the ARPA Funds. Manager Marino welcomed everyone attending the meeting and asks that Director Garland lead the conversation. Director Garland stated her appreciation to the commissioners for allowing them to apply for the funding and stated that as of May 19th Graham County received their first tranche of \$819,782.50 and in May of 2022, we will receive the same amount. Director Garland stated that the National Association of Counties gave guidance on the allowable uses of recovery funds per the U.S. Treasury Interim Final Rules and Guidance and presented a copy to the board for their review. Director Garland stated that this money is very restricted and must be used following the specific guidelines which required approval of a resolution to accept the funding which the Board did approve. Director Garland stated that she also requested that the Board allow her to open a separate bank account at United Community Bank because this is special revenue funds and under the statutes and under the Local Government requirement it is good fiscal management practices for accountability. Director Garland stated that they did not have to put these funds in a separate account, but she feels that was best accountability purposes. Director Garland stated that she is 100% transparent on every level including federal, state, and local funding so if anyone wants to have more information on the how is and why has please come to her office and she will show what the money is spent on. Director Garland stated that they have until December 31, 2024, to obligate the funds to the State on what expenditures and they have until December 31, 2026, to spend the money and if the money is not spent by that date the county will be required to give the funds back to the federal government. Director Garland stated that this money is not as restricted as the CARES ACT Funds, they are broader, and the Local Government Commission is allowing more leeway for the use of the funds. Director Garland stated that some of the funds can be used to handle issues with the drug pandemic, substance abuse, mental health and is not intended to fund our general revenue or to be saved as a rainy-day fund. Director Garland stated that this would not be good fiscal practice anyway and we need to do the best we can do to help our citizens and set goals to help our local hero's. Director Garland stated that she printed a handout prepared by the National Association of County Commissioners which tries to give sample allowable uses of the funds. Director Garland stated that the funds can be used to support Public Health Response; replace Public Sector Revenue Loss; Water and Sewer Infrastructure; Address negative Economic Impacts; Premium Pay for Essential Workers and Broadband infrastructure.
4. Director Garland that the first illustration concerning supporting public health response includes funding for COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.
5. Director Garland stated that the second illustration is to replace public safety sector revenue loss to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
6. Director Garland stated that the third illustration is the water and sewer infrastructure of which the county does not have but it also allows for investment in wastewater and stormwater infrastructure.
7. Director Garland stated that the fourth illustration is to address negative economic impacts to respond to economic harm to workers, families, small businesses, impacted industries and the public sector.
8. Director Garland stated that the fifth illustration is premium pay for essential workers to offer additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors.

9. Director Garland stated that the sixth illustration is broadband infrastructure to make necessary investments to provide unserved or underserved locations with new or expanded broadband access.
10. Director Garland stated that she is held to key date deadlines for reporting. Director Garland stated that the first report is due April 31, 2021.
11. Director Garland stated that the federal government gave some updates for use of the funds to include to cover costs of consultants to assist with managing and administering the funds; to establish public jobs programs (i.e. subsidized employment, combined education and on-the-job training, job training to accelerate rehiring or address negative economic impacts; clarification on revenue loss languages (audited financial data, county data versus Census Bureau data); flexibility for costs incurred by March 3, 2021 for public health response/negative economic impacts, premium pay, revenue loss and water, sewer and broadband projects; and counties do not need approval from Treasury to determine whether an investment in water, sewer or broadband project is eligible under the Recovery Fund IFR (Interim Final Rule).
12. Director Garland stated that they may be used to provide government services for reduction in revenue experienced due to COVID-19 and recipients may use funds to support government services which include but are not limited to:
 - a. Maintenance of infrastructure or pay-go spending for building new infrastructure, including roads.
 - b. Modernization of cybersecurity including hardware, software, and protection of critical infrastructure.
 - c. Health services.
 - d. Environment remediation.
 - e. School or educational services; and
 - f. Police, first responders and other public safety services.
13. Director Garland stated that counties may consider public health safety employee to be entirely devoted to mitigating / responding to COVID-19 and are fully recovered if the employee or his/her operating unit or division is primarily dedicated to responding to the COVID-19 public health emergency. Director Garland stated that these departments are public health and EMS, the ones considered front line. Director Garland stated that our paramedicine program is a program that can benefit once the money is no longer funded by the Duke Endowment. Director Garland stated that you can use the funds for Four Square, HUD, assist in housing for homeless and building affordable housing through the RDA Authority. Director Garland stated that DSS Child and Adult Welfare are also frontline workers, but guidance has not been given concerning these departments.
14. Director Garland stated that public safety employees are assumed to be eligible one hundred percent of the time but currently DSS employees do not fall in this category per State guidelines. Director Garland stated that public health and public safety do qualify. Director Garland stated that a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services dedicated to mitigating or responding to the COVID-19 public health emergency unless the chief executive or equivalent of the relevant government determines that specific circumstances indicate otherwise. Director Garland stated that all such costs of such employees may be covered using payments from the fund for services.
15. Director Garland stated that counties may provide up to \$13.00 per hour to eligible county workers performing essential work during the COVID-19 emergency or to provide grants to third-party employees with eligible workers who performed essential work. Director Garland stated that essential employees are defined as:
 - a. Any work performed by an employee of the state, local, or tribal government
 - b. Staff at nursing homes, hospitals, and home care settings
 - c. Workers at farms, food production facilities, grocery stores and restaurants
 - d. Janitors and sanitation workers
 - e. Truck drivers, transit staff and warehouse workers
 - f. Public Health and safety staff
 - g. Childcare workers, educators, and other school staff
 - h. Social Service and Human Services Staff
16. Director Garland stated that essential work is defined as: Work involving regular in-person interactions or regular handling of items that were also handled by others and a worker would NOT be engaged in essential work and accordingly may not receive premium pay for telework

performed from a residence. Director Garland stated that other provisions related to premium pay:

- a. Premium pay may be retroactive before March 3, 2021
 - b. Counties have discretion to designate additional sectors
 - c. Additional reporting requirements in certain cases including higher wage workers and grants to third party employers
17. Director Garland stated that that the counties may invest in broadband projects that targets to support households and businesses that do not deliver 25 mbps download / 3 mbps upload and projects that deliver reliable services minimum 100 mbps download / 100 mbps upload speed unless impactable due to geography, topography or excessive costs and complement broadband investments made by the stated through the ARPA Capital Projects Funds.
 18. Director Garland stated that the funds could be used for pension funds if we owed that State of NC back pay but it cannot be used for debt service.
 19. Director Garland stated that the funds can be used to support public health response, address negative economic impacts, provide equity-focused services, replace lost revenue experienced due to Covid-19, public health and safety employee payroll and premium pay for essential employees. Director Garland stated that she had spoken with representatives from Region A and the money can be used in addition to the HCCBG (Home and Community Care Block Grant) funds for home improvements on low to moderate income individuals.
 20. Vice-Chairman Eller asks for public comment. Eric Reese, Robbinsville Methodist Pastor thanked the board for allowing the public to attend these workshops and Director Garland has helped him to understand the funding which he did not realize was 250 pages long.
 21. Misty Hembree, 911 Director asks what plans the board had for the designation of the funds, workshop sessions, etc. Vice-Chairman Eller stated that they did not know at this point. Director Garland stated that she would request that the board drill down into the numbers to see how they look on addressing the staffing and/or looking at substance abuse pieces, community housing and more. Director Garland anticipates two weeks for her to complete the reading of the requirements. Director Hembree stated that it seems the money can do a lot of help, which is exciting for our county and a huge opportunity to use funds that are not taxpayers' dollars.
 22. Juanita Colvard, Transit Director stated that she would like to use her Transit ARPA funds for her drivers and she came before the board two months ago with this request and asks permission to be allowed to use her funds to set a budget for her transit employees. Director Colvard stated that the board could keep the other funds that are being discussed because she has dedicated monies to use to give her employees incentives.
 23. Larry Hembree, EMS/EM Director stated that his staff stepped up from day one of Covid-19 and to date have not received any type of bonus or raise in the last two years and this is not taxpayer dollars that can be given to his staff as incentives. Director Hembree stated that his staff has hauled seven positive Covid cases in the past two weeks, the surrounding ERs are full and feels that his staff deserve back bonus pay because they have worked over 3000 hours (about 4 months) and the average is 2080 hours (about 3 months) per year. Director Hembree stated that he would appreciate it if the board would give bonus pay to his department.
 24. Wanda Hill, Senior Center Director gave an update on the results of the pandemic and stated that they closed the center to the public in March 2020, doubled up on the number of meals distributed to the seniors serving breakfast and lunch by delivery only and sent two boxes of stable meals every day along with fresh vegetables and fruit. Director Hill stated that she was down to three employees during this period and thanked the board for hiring back the staff that she needed. Director Hill stated that she is grateful to her staff that never went home during the pandemic and thanked Harold Millsaps, Tim Ledwell, Hope Self and Kim Crisp for delivering meals for her department when she was short staffed. Director Hill stated that during this pandemic she received a Senior Center of Excellence and the board allowed for a pay increase due to the extra funding that was received due to their senior center designation. Director Hill stated that they served 57,231 meals during this time and asks that the board remember her team when deciding on the best use of the ARPA funding. Director Hill thanked the board for their consideration.
 25. Bob Keber, EMS Paramedic stated that he has been on the front line even prior to the vaccines and it is hard to watch people struggle to breath and die because of COVID. Mr. Keber stated that their staff was not allowed to work from home or have holidays with their families as regular employees are allowed to do. Mr. Keber stated that he received an injury and the board allowed him to work at dispatch and he was glad to help, but the overall morale of the EMS and

Dispatchers is exceptionally low, everyone is stressed out and asks that the board support them to help their morale because right now they are the lowest employees in the county and overall, all the employees county wide's morale is in the pits.

26. Director Misty Hembree stated that Bob Keber has a few more months to go before he goes back to the truck, and she is still short staffed and asks that the board allow him to work part time for her until she can get fully trained staff. Director Hembree stated that she would request that the county use this money for incentives to get people to want to come to work here and morale is exceptionally low, so she asks that the board help fix this issue and use the funds to help their departments.
27. Manager Jason Marino expressed his thanks to EMS and Dispatch for their work and for taking care of our citizens every day. Manager Marino thanked the Senior Center as well and further stated that their voices are being heard and he and the board are aware of the work that they do.
28. Vice-Chairman Eller stated that the board did know the commitment these departments make and thanked them and further stated that they will be giving the employees some type of bonus.
29. Director Garland stated that the board can give up to an extra \$13.00 per hour with a maximum of \$25,000.00 per employee. Director Garland stated that she is working on the numbers at this time and EMS worked 4700 hours (about 6 and a half months) from January 2020 to date and the board would need to review this closely when determining the bonus pay. Director Garland stated that the employees working longer hours dedicated to COVID should be considered first.
30. Vice-Chairman Eller asks for new or old business. Vice-Chairman Eller stated that he wanted the front-line workers to have first consideration for the funding, but they could not decide today but would be meeting within the next two weeks.
31. EDC (Economic Development Commission) Director Sophia Paulos stated that the board did not want to jump the gun and spend money that they are not allowed to under the guidelines because if they mess up then that money would have to be paid back to the federal government. Director Paulos stated that the money needed to be used to help EMS, etc., but the bottom line is making sure that the money is spent properly and there are other pots of money that are coming our way that can be used as well.
32. Manager Marino stated that there are a lot of different pots of money, and we must abide by the local, state, and federal guidelines and unfortunately there is a lot of red tape attached to this funding, but they will have further meetings with the commissioners and present them the information that will allow them to make the best use of the money.
33. Director Misty Hembree stated that the department heads would be glad to help in any way and ask that they sit down with them during these conversations.
34. Vice-Chairman Eller asks for further new or old business.
35. Director Garland stated that she had paperwork for the board to sign in relation to the monitoring wells located at the sheriff's department. Manager Marino stated that the State found some issues with Cobalt at the old landfill and the county is being required to do more testing and our company Mesco that we have used for several years are able to do this testing for us. The board wanted to review the letters prior to contracting for further testing. Director Paulos stated that the EPA (Environmental Protection Agency) has a lot of grant money for these types of things, and it would be worth seeking grant funding. Manager Marino asks that Director Paulos investigate this possibility.
36. Director Marino stated that he did receive three proposals on the structural design services for the recreation and cemetery buildings. Those proposals were:
 - a. SKA Consulting Engineers - \$7000.00
 - b. KLOESEL Engineering - \$2,500.00
 - c. PE Person Engineering - \$2,200.00Commissioner Wiggins made the motion to go with the lowest bid of \$2,200.00 to Person Engineering. Commissioner Nelms seconded this motion. Vote unanimously.
37. Commissioner Wiggins thanked the departments for their challenging work during the last 18/19 months (about 1 and a half years) and stated all EMS personnel including doctors and nurses are tired but are dedicated and he appreciated each and everyone. Commissioner Wiggins stated that he appreciated their dedication in taking care of our people.
38. Vice-Chairman asks for a motion to go into closed session under G.S. 143-318.11(a)(1)(5)(6) for privileged or confidential information, contracts, and personnel. Commissioner Nelms made the

motion to go into closed session as stated. Commissioner Cody seconded this motion. Vote unanimously.

39. Vice-Chairman Eller asks for a motion to go back into open session. Commissioner Wiggins made the motion to go back into open session. Commissioner Cody seconded this motion. Vote unanimously.
40. Vice-Chairman asks for a motion to give a directive to Manager Marino regarding leave. Commissioner Cody made the motion to give the directive. Commissioner Nelms seconded this motion. Vote unanimously.
41. Vice-Chairman Eller asks for a motion to grant extended FMLA (Family and Medical Leave Act) leave for Cindy Raxter for the following reasons that she is a key employee to our EMS Department that is short staffed and due to the type of leave that is being requested which has been at no cost to the county. Commissioner Wiggins made the motion as stated. Commissioner Cody seconded this motion. Vote unanimously.
42. Commissioner Wiggins made the motion to adjourn. Commissioner Nelms seconded this motion. Vote unanimously.

Connie Orr, Chairman (ABSENT)

Keith Eller, Vice-Chairman

Lynn Cody, Member

Jacob Nelms, Member

Dale Wiggins, Member

ATTEST

Kim Crisp, Clerk to the Board