

GLENN B. ADAMS
Chairman

CHARLES E. EVANS
Vice Chairman

MICHAEL C. BOOSE
JEANNETTE M. COUNCIL
W. MARSHALL FAIRCLOTH
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Policy Committee Members (Commissioners Boose, Evans and Lancaster)

FROM: Kellie Beam, Deputy Clerk to the Board

DATE: December 30, 2016

SUBJECT: Policy Committee Meeting – Thursday, January 5, 2017

There will be a regular meeting of the Policy Committee on Thursday, January 5, 2017 at 10:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Election of Chairman (**No Materials**)
2. Approval of Minutes – December 1, 2016 Policy Committee Regular Meeting (**Pg. 2**)
3. Consideration of Cumberland County's 2017 Federal Legislative Issues (**Pg. 7**)
4. Other Items of Business (**No Materials**)

Cc: Board of Commissioners
County Management
County Legal
County Department Heads
Sunshine List

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
DECEMBER 1, 2016 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council
 Commissioner Glenn Adams
 Commissioner Charles Evans
 Commissioner Larry Lancaster

OTHER COMMISSIONERS
PRESENT: Commissioner Jimmy Keefe
 Commissioner Marshall Faircloth
 Commissioner Kenneth Edge
 Commissioner-Elect Michael Boose

OTHERS PRESENT: Amy Cannon, County Manager
 Tracy Jackson, Assistant County Manager
 Melissa Cardinali, Assistant County Manager for Finance/
 Administrative Services
 Sally Shutt, Governmental Affairs and Public Information
 Officer
 Rick Moorefield, County Attorney
 Cecil Combs, Deputy Planning Director
 Vicki Evans, Finance Director
 Heather Harris, Budget Analyst
 Deborah Shaw, Budget Analyst
 Kim Cribb, Budget Analyst
 Kim Nazarchyk, Town Manager of Eastover
 Candice White, Clerk to the Board
 Kellie Beam, Deputy Clerk to the Board
 Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – OCTOBER 6, 2016 POLICY COMMITTEE
 REGULAR MEETING

MOTION: Commissioner Adams moved to approve the minutes.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (4-0)

2. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE TOWN OF
 EASTOVER FOR MINIMUM HOUSING ORDINANCE ENFORCEMENT

DRAFT

BACKGROUND:

In order to more fully assist the Town of Eastover, the Planning & Inspections Department is seeking to create and adopt an interlocal agreement allowing the County to provide Minimum Housing Ordinance enforcement services for the Town of Eastover. The proposed interlocal agreement recorded below was prepared by the County Attorney.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends the Board of Commissioners approve an interlocal agreement between Cumberland County and the Town of Eastover for the provision of Minimum Housing Ordinance enforcement.

NORTH CAROLINA

AGREEMENT FOR INTERLOCAL UNDERTAKING TO ENFORCE THE MINIMUM HOUSING CODE

CUMBERLAND COUNTY

THIS AGREEMENT, is made and entered into by and between the TOWN OF EASTOVER, a municipality duly incorporated under the laws of North Carolina (hereinafter referred to as TOWN), and CUMBERLAND COUNTY, a body politic and corporate of the State of North Carolina (hereinafter referred to as COUNTY);

WITNESSETH:

WHEREAS, pursuant to N.C.G.S. § 160A-441, COUNTY adopted a Minimum Housing Code codified as Chapter 4, Article IV of the *Cumberland County Code*; and

WHEREAS, COUNTY enforces its Minimum Housing Code through designated inspectors in its Department of Planning and Inspections; and

WHEREAS, by Resolution 2016-05 adopted July 12, 2016, TOWN'S governing board approved the application of COUNTY'S Minimum Housing Code within TOWN'S corporate limits pursuant to N.C.G.S. § 160A-441; and

WHEREAS, TOWN desires that COUNTY'S Minimum Housing Code be enforced within TOWN'S corporate limits by COUNTY to the extent that COUNTY and COUNTY'S Board of Commissioners shall be acting in the stead of TOWN and TOWN'S governing board for all purposes related to enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits; and

WHEREAS, the governing boards of TOWN and COUNTY have by resolutions ratified the provisions of this Agreement for Interlocal Undertaking pursuant to North Carolina General Statutes, Chapter 160A, Article 20, Part I, for the purpose of providing

DRAFT

for the enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits.

NOW THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits to result there from, the parties hereby agree as follow:

1. PURPOSE: The purpose of this Agreement is to establish an interlocal undertaking, as provided in N.C.G.S. § 160A-460, *et seq.*, whereby COUNTY shall enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits to the same extent as COUNTY'S Minimum Housing Code applies in COUNTY'S jurisdiction outside of TOWN'S corporate limits.
2. DURATION: This Agreement shall commence on the last date it is approved by either COUNTY'S or TOWN'S governing board and shall endure so long as the parties hereto exist and have the power to make and maintain such an agreement, unless sooner terminated as hereinafter provided; provided that this Agreement shall not extend beyond 99 years.
3. NO JOINT AGENCY: This agreement shall not create a joint agency between COUNTY and TOWN and COUNTY shall at all times enforce its Minimum Housing Code within TOWN'S corporate limits in such manner as COUNTY'S Board of Commissioners deems prudent and within the constraint of funds budgeted for this purpose.
4. PERSONNEL: All personnel necessary to implement, administer and enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be those employees of the COUNTY designated by COUNTY for that purpose.
5. COUNTY'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: All costs of enforcing COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be borne by COUNTY and TOWN shall not be required to allocate any funds to COUNTY for these costs. Costs shall include, but are not limited to, the following:
 - a. The personnel cost for any inspectors or other COUNTY employees related to enforcement actions.
 - b. The personnel cost associated with the provision of legal services to determine the ownership of any real or personal property for which enforcement is sought, to provide legal advice to any inspectors or other COUNTY officials related to enforcement actions and to defend any appeal of an inspector's decision to the courts.

DRAFT

- c. All costs associated with service of process for any enforcement action.
 - d. The costs of demolition and disposal of demolition debris.
6. TOWN'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: TOWN shall be solely liable and responsible for all costs associated with any claim made or lawsuit filed against COUNTY or any of its officials or employees arising out of, occasioned by or incident to the alleged or actual actions, omissions, negligence or constitutional violations by any of COUNTY'S employees or officials. Such costs shall include, but are not limited to, the following:
- a. Attorneys' fees and any other litigation costs incurred for representation of COUNTY or any of its employees or officials.
 - b. Negotiated settlements of any claims made or lawsuits filed against COUNTY or any of its employees or officials.
 - c. Judgments rendered against COUNTY or any of its employees or officials.
7. REAL PROPERTY: This Agreement does not require the purchase, acquisition, or disposition of real property by either party.
8. AMENDMENT: This Agreement may be amended at any time by mutual agreement between the parties in writing and duly ratified by their respective governing boards in conformance with N.C.G.S. § 160A-461.
9. TERMINATION: This Agreement may be terminated by either party at the end of any fiscal year on June 30 by the governing board of the party wishing to terminate giving written notice to the other governing board no less than 90 days in advance of the termination. Any enforcement actions pending at the time of termination shall become the sole responsibility of TOWN.

THEREFORE, the parties have set their hands and seals pursuant to action of their respective governing boards taken on the date indicated for each.

Cecil Combs, Deputy Planning Director, reviewed the background information, recommendation and proposed interlocal agreement recorded above.

DRAFT

Mr. Combs stated he has worked with Rick Moorefield, County Attorney, along with Kim Nazarchyk, Town Manager of Eastover, and the Town Attorney of Eastover, to develop the proposed interlocal agreement to allow Cumberland County's minimum housing code to be enforced in the Town of Eastover. Mr. Nazarchyk stated he believes the Town of Eastover has a good working relationship with the Cumberland County Planning & Inspections Department and the proposed interlocal agreement is favorable to both Cumberland County and the Town of Eastover.

Mr. Combs stated historically Cumberland County has enforced the minimum housing codes in all of the municipalities and it would make it easier on inspectors if the municipalities adopted Cumberland County's code so inspectors would not have to know different rules for each municipality.

Ms. Cannon stated staff could follow up with the other municipalities but each individual municipality would have to make the decision whether or not they would be interested in adopting Cumberland County's interlocal agreement regarding minimum housing code enforcement. Mr. Moorefield stated the minimum housing code is a special ordinance with respect to how it may be adopted by municipalities and the Town of Eastover has actually subjected its jurisdiction to the Cumberland County's Minimum Housing Ordinance.

MOTION: Commissioner Adams moved to recommend to the full board approval of the proposed interlocal agreement between Cumberland County and the Town of Eastover for the provision of Minimum Housing Ordinance enforcement.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (4-0)

3. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 10:43 AM



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

PUBLIC INFORMATION OFFICE

MEMO FOR THE AGENDA OF THE JAN. 5, 2017, POLICY COMMITTEE MEETING

TO: POLICY COMMITTEE MEMBERS
FROM: SALLY SHUTT, GOVERNMENTAL AFFAIRS OFFICER
THROUGH: AMY CANNON, COUNTY MANAGER
DATE: DEC. 29, 2016
SUBJECT: CONSIDERATION OF FEDERAL LEGISLATIVE ISSUES

Requested by: Amy Cannon
Presenter(s): Sally Shutt
Estimate of Committee Time Needed: 10 minutes

BACKGROUND: The North Carolina Association of County Commissioners is soliciting proposals from North Carolina counties concerning federal issues that impact counties. The NCACC Board of Directors will review proposals at its Feb. 15 meeting and set the federal agenda for the 115th session of Congress for 2017-18.

This list of top federal priorities will be presented to the North Carolina Congressional delegation in Washington, D.C., when the NCACC hosts a Congressional delegation breakfast during the National Association of Counties Legislative Conference, which will be held February 25-March 1.

PROPOSED FEDERAL PRIORITIES:

Support Increased Funding for Military and Veterans Programs, Including Impact Aid

- Protect, support and enhance military missions at Fort Bragg and other installations in North Carolina.
- Repeal sequestration. The strict discretionary spending caps set by the 2011 Budget Control Act are due to return in FY2018, which starts October 1, 2017, putting additional pressures on defense and other domestic programs.
- Support funding for programs serving veterans. Cumberland County is home to a large veteran population. By their service, veterans are entitled to certain services from the federal government. With such a large veteran population, if those federal services are curtailed, the impact would be widely felt in the community.

Protect the tax-exempt status of municipal bonds – Tax-exempt bonds are a well-established financing tool and without the exemption, the expense of financing capital needs will increase sharply.

Support county authority to collect existing sales and use taxes from remote, internet sellers - This issue has been a priority for states and counties for many years and has escalated as online sales have increased. North Carolina counties are losing uncollected sales taxes that could help fund infrastructure and services. Federal legislation would utilize a destination-based tax system, maintain the ability of state and local governments to set tax policy and establish parity at the point of sale, which would level the playing field for all retailers, whether online or on Main Street.

Preserve federal funding for Health and Human Services programs and prevent unfunded mandates to counties. For decades, the federal and local governments have worked in partnership to tackle difficult human service issues. Community-based programs are essential to the county government's ability to meet the needs of its citizens. The National Association of County Human Services Administrators and the National Association of Counties have agreed to develop a work group to discuss advocacy efforts as new leadership takes office and the Affordable Care Act faces possible repeal.

It is important to highlight the responsibility counties have in providing federally mandated services in state-supervised, locally-administered programs and seek a commitment to reinvest federal funds back in county-operated systems.

- A key priority is to **protect the Social Services Block Grant**. Adult services programs, such as adult protective services and Temporary Assistance for Needy Families, as well as SSBG funds for child welfare services would be at risk. North Carolina is among 10 states that pass the SSBG funds directly to counties.

Improve Health Services for Individuals in County Jail – Support legislation that would allow individuals in custody to continue receiving Medicaid and other federal benefits until they are convicted, sentenced and incarcerated. Counties are required by federal law to provide adequate health care to individuals who pass through jails each year. NACo says, “Approximately two-thirds of those detained in jails at any given time are pre-trial and presumed innocent, until proven guilty. Nevertheless, Section 1905(a)(A) of the Social Security Act prohibits federal Medicaid matching funds from being used to pay for their medical care, even if they are eligible and enrolled. This results in counties covering the full cost of health care services.”

Earlier in December, the 21st Century Cures Act was signed and includes provisions to address the number of people with mental illness in jails and other criminal justice issues like the opioid epidemic. However, NACo has concerns that the measures will be funded by cuts to the Prevention and Public Health Fund, which helps fund county public health departments.

Ensure that proposed changes in how deployed military personnel and their family members are counted locally in the upcoming 2020 decennial Census are approved and included in the Census Bureau's “2020 Census Residence Rule and Residence

Situations.” The City of Fayetteville and Cumberland County have worked with the U.S. Census Bureau, the State of North Carolina and the Greater Fayetteville Chamber to ensure that deployed military personnel and their family members are counted locally in the upcoming 2020 decennial Census. Since a portion of Fort Bragg is within Cumberland County and the Fayetteville city limits, the local governments believe that any deployed military personnel and their family members from Fort Bragg should be included in local Census numbers to accurately reflect the city and county populations.

For the past several decades, the Census Bureau has used a procedure for counting deployed military personnel that has resulted in an undercount of population at the state, county and city levels, which impacts federal funding levels.

Proposed changes in the Census process were announced June 30 when the Census Bureau published the “2020 Census Residence Rule and Residence Situations” in the Federal Register. The changes address the deployed military issue by counting deployed military at a residence within a community rather than apportioning them to a total state population only, which had been a joint federal goal for the City and County, as well other North Carolina military communities. The Census Bureau sought public comment in writing through Sept. 1 and a final announcement for the 2020 rules is expected in 2017.

RECOMMENDATION/PROPOSED ACTION: Approve the list of federal legislative priorities for 2017-18 and recommend approval by the full board of commissioners at the Jan. 17 meeting. The list will then be submitted to NCACC by the Jan. 20 deadline.