

**June 29, 2021**  
**(June 30, 2021 Rescheduled)**

The Martin County Board of Commissioners met in a Special Call Meeting on Tuesday, June 29<sup>th</sup>, 2021 (June 30<sup>th</sup>, 2021 Rescheduled), 7:00 p.m. in the Commissioners Boardroom at the Martin County Governmental Center, 305 East Main Street, Williamston, North Carolina.

**ASSEMBLY**

Present in the Boardroom: Chairman Ronnie Smith, Vice Chair Dempsey Bond Jr., Commissioner Joe. R. Ayers, Commissioner Emily Biggs, Commissioner David “Skip” Gurganus, County Manager James Bennett, Clerk to the Board Julia Rease, Finance Officer Cindy Ange, IT Jeb Gardner, and Sheriff Tim Manning.

Present via Cisco WebEx: County Attorney Nate James, Williamston Enterprise Editor Leslie Beachboard, MTW District Health Department Deputy Director Vickey Manning, and Deputy Clerk Marion Thompson.

Chairman Ronnie Smith called the meeting to order at 7:00 p.m. Vice Chairman Bond led the Pledge of Allegiance, and Commissioner Gurganus provided the invocation.

Chairman Smith extended a welcome to those attending live as well as virtual.

**AGENDA APPROVAL**

Vice Chairman Bond MOTIONED to approve the agenda as provided, with a SECOND by Commissioner Biggs. The Board APPROVED the motion unanimously (5-0).

**Ratification of Resolution Approving Articles of Association & Agreement for Rivers East Workforce Investment Consortium**

The Rivers East Workforce Development Board – historically known as the Region Q Workforce Development Board (online at <http://riverseastwdb.org/>) – is composed of leaders from the private and public sectors. This organization has the authority to determine how NC Works Career Centers, Workforce Innovation & Opportunity Act (WIOA) and federal/state Employment and Training funds are used in the region, which includes Beaufort, Bertie, Hertford, Martin and Pitt Counties.

The County Commissioners in these five counties agreed to be legally responsible for certain workforce development programs in the area through a written agreement with the State of North Carolina. The County Commissioners in each county appoint two (2) members to the Rivers East Workforce Development Board. The Board discusses the direction of the federal and state programs under their guidance. The County Commissioners also select the administrative/fiscal agent for the funds; in Region Q, this is the Mid-East Commission. Ms. Jennie Bowen is the Workforce Development Director.

The Articles of Association, which is used to govern the Region Q Workforce Investment Consortium, was last reviewed and updated in 2015.

Changes to the Articles of Association were proposed, namely, officially changing the name of the Region Q Workforce Investment Consortium to “Rivers East Workforce Investment Consortium”. The Workforce Development Board voted to change its name to the Rivers East Workforce Development Board in January 2020. The Board of Commissioners voted unanimously to support the change at the November 4<sup>th</sup>, 2020 meeting.

Working on behalf of the Mid-East Commission, Attorney Evan Lewis noticed some inconsistencies (i.e. signatures and date) with the documents approved at the November 4<sup>th</sup>, 2020 meeting and asked the Board of Commissioners to ratify the resolution to correct those issues. If approved by all counties, all proposed changes would become effective July 1, 2021.

Workforce Development Director Jennie Bowen was in attendance to explain the requested changes suggested by Attorney Lewis. The Board of Commissioners was asked to approve/ratify a resolution which would support the name change in the Articles of Association, and to appoint County Manager U. James Bennett as the “Chief Elected Official” in the resolution for purposes of the Consortium.

Commissioner Gurganus made the MOTION to approve/ratify the attached resolution as revised, with a SECOND by Vice Chairman Bond. The Board APPROVED the motion unanimously (5-0).

#### RESOLUTION APPROVING ARTICLES OF ASSOCIATION AND AGREEMENT FOR RIVERS EAST WORKFORCE INVESTMENT CONSORTIUM

WHEREAS, the counties of Beaufort, Bertie, Hertford, Martin, and Pitt, being independent and contiguous units of local county government, wish to agree to establish a workforce investment consortium (“Consortium”) to act jointly as a Local Area (“LA”) under the Workforce Innovation and Opportunity Act (“WIOA”) Public Law 113-128 as authorized by North Carolina General Statutes, Section 160A-460, et seq.; and

WHEREAS, in addition to specific authority to enter into the agreement attached hereto, a “Chief Elected Official” for Workforce Innovation and Opportunity Act (WIOA) purposes upon whose representations the State of North Carolina, the Rivers East Workforce Development Board (synonymous with Workforce Investment Board, the Mid-East Commission (as Local Area Administrative Entity) and the other counties may rely, must be designated and authorized to execute the attached agreement and such other agreements as are necessary for purposes of WIOA and who shall sit on the Consortium Board.

BE IT RESOLVED, that **U. James Bennett, County Manager** is hereby designated the “Chief Elected Official” for the foregoing purposes and as such he/she is fully authorized to execute the attached agreement and such other and further agreements on behalf of this County as are necessary for these purposes.

The foregoing Resolution was adopted by the Martin County Board of Commissioners on this 29<sup>th</sup> day of June, 2021.

\_\_\_\_\_  
Ronnie Smith, Chairman

Attest:

\_\_\_\_\_  
Julia Rease, Clerk to the Board

## ARTICLES OF ASSOCIATION AND AGREEMENT FOR THE RIVERS EAST WORKFORCE INVESTMENT CONSORTIUM

The undersigned units of local government within the State of North Carolina, being desirous of agreeing to an undertaking pursuant to the provisions of North Carolina General Statutes, Section 160A-460 et seq., do hereby adopt the following Articles of Association;

### ARTICLE I: TITLE AND PURPOSE

The contiguous units of local government listed in Article II below agree to establish a workforce investment consortium ("Consortium") to act jointly as a local area (LA) under the Workforce Innovation and Opportunity Act (WIOA") Public Law 113-128, Section 106 (b) (2). This Consortium shall be known as the Rivers East Workforce Investment Consortium.

### ARTICLE II: MEMBERSHIP

The Consortium shall be composed of the following, independent and contiguous units of general purpose local government (the "Counties");

- A. Beaufort
- B. Bertie
- C. Hertford
- D. Martin
- E. Pitt

### ARTICLE III: CERTIFICATION OF AUTHORITY

#### A. AUTHORITY UNDER STATE AND LOCAL LAW

The Counties certify that:

They possess full legal authority as provided by state and local law, to enter into this Agreement and to fulfill the legal and financial requirements of operating a Local Area under WIOA for the entire geographic area covered by this Agreement.

## B: SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

Copies of the duly executed resolutions giving the respective counties specific authority to enter into this Agreement are attached to this Agreement and are incorporated herein by reference.

## C. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH COUNTY

Each of the Counties acknowledges that contemporaneous with the resolution authorizing this Agreement, the member unit will pass a resolution designating a "chief elected official" for Workforce Innovations and Opportunity Act (WIOA.) purposes upon whose representations the State Of North Carolina, the Rivers East Workforce Development Board (synonymous with Workforce Investment Board), the Mid-East Commission (as the local administrative/fiscal agent) and the other Counties may rely. Such person shall be the signatory of this Agreement, shall be authorized to execute such other agreements as are necessary for Workforce Innovation and Opportunity Act purposes; and shall constitute the Consortium Board. The respective Counties may from time to time by resolution designate some other person as the "chief elected official" for WIOA purposes, and such person shall have the same authority, duties and responsibilities as the originally designated "chief elected official".

## D. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR THE RIVERS EAST LOCAL AREA

1. The "chief elected official" of the WIOA Rivers East Local Area shall be the presiding officer of the Consortium Board and the chief executive officer of the Consortium. Such official shall be authorized to exercise all functions, duties and responsibilities of the WIOA "chief elected official" which are required under WIOA.
2. Upon the designation of the Counties as a WIOA Local Area, the Consortium Board shall meet and shall elect one of its members as the WIOA "chief elected official" until his successor shall have been duly elected and qualified.

## ARTICLE IV: PROCEDURAL MATTERS

Except as otherwise set forth in this Agreement with respect to adoption or approval of matters concerning the administration of WIOA within the area, the vote of a majority of the total number of members of the Consortium Board shall be required for action of the Consortium. The members of the Consortium Board shall be entitled to vote only if in attendance at the meeting and no voting by proxies shall be allowed; provided, however, that the Consortium Board can take action without a meeting and with or without notice if said action is in writing and signed by all members of the Consortium Board and provided further that a meeting may be duly conducted by conference telephone or other similar means if all Board members participating in the meeting are able to hear each other. Meetings of the Consortium Board may be called by the local administrative/fiscal agent, "chief elected official" or by two Board members. Except for action taken by unanimous written consent as referred to above, notice of any meeting of the Consortium Board shall be given at least five (5) days prior to said meeting, which notice shall be in writing and shall state the purposes of said meeting and which notice shall be deemed to have been given upon the mailing of such notice by mail; provided, however, that the "chief elected official" in his discretion may call an emergency meeting by causing the giving of telephonic notice of not less than twenty-four hours notice, which notice shall state the purpose of said meeting.

## ARTICLE V: DURATION AND TERMINATION

- A. This Agreement shall become effective .on the date on which the last local chief elected official of the Counties signs this Agreement. This Agreement shall continue in effect for an indefinite period of time commencing on July I of the then existing program year and ending when and if the Agreement shall have been terminated, in accordance with paragraph B of this Article V, or associated funding no longer exists.
- B. This Agreement may be terminated effective as of the end of the then existing program year upon the giving by any of the Counties of written notice of termination, which notice shall be given by certified mail to each of the other Counties and to the Mid-East Commission and which notice shall be mailed to such entities not less than six months prior to the end of the then existing program year of this Agreement.

#### ARTILCE VI: FINANCING

- A. It is anticipated that funding necessary to implement this agreement will be derived from federal/slate/local grant funds received through the Governor of North Carolina. The Counties accordingly agree that they shall not be assessed except by the unanimous agreement of the Counties or except as set forth in Article-VII below.
- B. Any entity or joint agency created or designated within this WIOA Local Area, including the Rivers East Workforce Development Board and the Mid-East Commission as administrative/fiscal agent, shall be considered a public agency for the purposes of the local Government Budget and Fiscal Control Act of the State of North Carolina.

#### ARTICLE VII: LIABILITY

- A. The Chief Elected Officials of the referenced counties acknowledge that they are jointly and severally accountable for liabilities arising out of activities within the local area under WIOA, and for all funds received by the administrative/fiscal agent pursuant to WIOA. Liability includes, but is not limited to, responsibility for prompt repayment from non-program funds of any misexpenditures of WIOA funds by any entity within the area.
- B. As among the Counties themselves, Liability shall be appointed, as follows;
  - (1) To the extent that one or more (but not all) of the Counties benefit from WIOA funds, the expenditure of which is disallowed for any reason, said unit or units of government shall be liable for the repayment of such funds.
  - (2) To the extent that one or more of the Counties cannot be identified as the benefiting County or Counties of the WIOA funds in question, any disallowed expenditure shall be divided among the Counties on a pro rata basis, based upon the percentage of all WIOA funds allocated to each of the Counties for the program fiscal year during which the disallowed funds were disbursed. The percentage allocated shall be .that percentage allocated for the appropriate fund source(s) disallowed.
- C. Nothing contained in this Article VII shall be interpreted so as to prohibit the Counties (or any of them) from seeking contribution or indemnification from the fiscal agent, any subrecipient, service provider, contractor or from any other such responsible person or

entity.

- D. The Counties shall contractually be held harmless by the program service providers from liabilities arising out of activities by the said providers under WIOA. In addition, each such provider will be required in its contract for services to maintain a faithful performance blanket bond (or similar such coverage), which bond to the extent possible under prevailing insurance practices, shall name the Counties as additional insurers.

#### ARTICLE VIII: ESTABLISHMENT OF A WORKFORCE DEVELOPMENT BOARD

- A. Upon designation of the area by the Governor of North Carolina, the “chief elected officials” of the Counties shall establish and select a Rivers East Workforce Development Board (“WDB”), as such entity is defined and described in the Workforce Innovation and Opportunity Act (WIOA) and accompanying regulations. The members of the Workforce Development Board are to be selected in accordance with the nomination process and representative scheme set forth in the WIOA and accompanying regulations.
- B. The WDB shall consist of nineteen (19) members and two (2) business representatives being initially appointed by the “chief elected official” of each of the Counties. Fifty-one percent (51%) of the membership of the Workforce Development Board shall be comprised of representatives of business in the local area, as such phrase is defined in Section 107(b)(2)(a) of WIOA. One-third of the WDB membership must be representatives of small business, female and minorities. At a minimum, two business members must represent small business as defined by the US Small Business Administration. Each business representative must meet the following criteria: (1) Be an owner, chief executive officer, or other individual with optimum policymaking and hiring authority; (2) provide employment opportunities in demand industry sectors or occupations, as those terms are defined in WIOA Section 3 (23); and provide high-quality, work-relevant training and development opportunities to its workforce or the workforce of others (in the case of organizations representing business as per WIOA Section 107 (b)(2)(A)(ii); and are appointed by the Counties from among individuals nominated by local business organizations and business trade associations. The Chief Elected Officials of the Consortium will appoint WDB members from the following groups representing the region: Economic development agencies (1), Division of Workforce Solutions (1), Adult Education and Literacy (1), Higher Education (1), Labor, Apprenticeship, Community-based organizations (4), and the Vocational Rehabilitation agency (1).
- C. The initial terms of the members of the Workforce Development Board (WDB) shall expire on June 30, or at the pleasure of the appointing County. Thereafter, all terms of service of all members of the WDB shall be two (2) years or at the pleasure of the appointing county.

MARTIN COUNTY

BY: \_\_\_\_\_  
U. James Bennett, County Manager

WIOA Chief Elected Official  
Martin County

DATE: \_\_\_\_\_

### **Approval of Year End Budget Amendment (s)**

#### **Budget Amendment # 49**

Finance Officer Cindy Ange explained President Biden signed the [American Rescue Plan Act of 2021](#) on March 11, 2021. The \$1.9 trillion coronavirus relief package included new economic stimulus payments, extended unemployment benefits, public health funding for vaccines and testing, emergency rental and utility assistance funds, and numerous other provisions extending economic assistance to individuals, families, and businesses. With \$350 billion in State and Local Fiscal Recovery Funds, the Act would provide an historic investment in states and local governments across the country to assist with impact and recovery, including direct allocations to all counties in North Carolina.

According to the allocation tables, Martin County would receive \$4,358,707. County staff completed the submission for the first half of the funds on May 24, 2021, and had received half of the funds. The remainder of the funds were scheduled to be released in approximately one year.

Budget Amendment #49 would record these funds in a Special Revenue Grant Fund. The funds would be transferred to the appropriate fund, once it had been decided how best to use these funds.

Commissioner Gurganus made the MOTION to approve the Special Revenue Grant Ordinance for the Coronavirus State and Local Fiscal Recovery Funds – Budget Amendment # 49, with a SECOND by Commissioner Biggs. The Board APPROVED the motion unanimously (5-0).

Special Revenue Grant Ordinance  
Coronavirus State and Local Fiscal Recovery Funds  
Budget Amendment # 49  
Fund 19

BE IT ORDAINED by the Governing Board of Martin County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF). These funds may be used for the following categories of expenditures, to the extent authorized by state law.

- A. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- B. Address negative economic impacts caused by the public health emergency, including economic harm to workers, households, small businesses, impacted industries, and the public sector;
- C. 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;
- D. 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,
- E. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet.

Section 2. The following amounts are appropriated for the project and authorized for expenditure:

CSLRF Project	\$4,358,707
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Section 3. The following revenues are anticipated to be available to complete this project:

CSLRF Project	\$4,358,707
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Section 4. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agencies and the grant agreements.

Section 5. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and the Finance Officer for direction in carrying out this project.

Section 6. This grant project ordinance expires on December 31, 2026, or when extended by the Federal Government, or when the all the CSLRF funds have been obligated and expended by the County, whichever occurs sooner.

Adopted this 29th day of June 2021.

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Chairman



## **ADJOURNMENT**

With no further business to discuss, at 7:08 p.m., Vice Chairman Bond made a MOTION to adjourn and SECONDED by Chairman Smith. The Board APPROVED the motion unanimously (5-0).

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Ronnie Smith, Chairman

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Julie Rease, Clerk to the Board