

Cherokee County Board of Commissioners
June 29, 2022 Meeting Minutes

Board members present: Dr. Dan Eichenbaum, Gary Westmoreland, Jan Griggs, and Cal Stiles. Commissioner Phillips participated remotely via phone conference.

Others present: Randy Wiggins, County Manager; Candy Anderson, Finance Director; and, Darryl Brown, County Attorney.

Time: 6:30 P.M.

Location: Cherokee County Courthouse, Room 342.

Call to Order and Ethics Statement

Members were advised of their duty under the Local Government Ethics Act.

Invocation

Invocation given by Randy Wiggins.

Pledge of Allegiance

Led by Chairman Eichenbaum.

Modification of Agenda

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to remove New Business Item “g” “Graham County Detainee Contract”. Motion passed unanimously.

Agenda Adoption

Motion made by Commissioner Griggs and seconded by Commissioner Westmoreland to approve the agenda as modified. Motion passed unanimously.

Public Forum

Comments concerning crypto mine noise, power usage and location, and airport funding.

Closed Session

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to go into closed session to discuss the current DSS lawsuit. Motion passed unanimously.

During closed session, the county attorney updated the Board on the current DSS lawsuit and negotiation efforts, and shared details of a proposed settlement agreement.

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to return to open session. Motion passed unanimously.

Open Session

After returning to open session, the Chairman asked the County Manager to read a statement concerning the settlement agreement. The statement will be published on the county website immediately.

Reluctantly, a Motion made by Commissioner Stiles and seconded by Chairman Eichenbaum to approve a Memorandum of Settlement for the DSS lawsuit. Motion passed unanimously.

Motion made by Commissioner Griggs and seconded by Commissioner Stiles to approve a Memorandum of Agreement for the DSS lawsuit settlement. Motion passed unanimously.

Budget and Finance

a) Approve Year-End Budget Revision

Motion made by Commissioner Griggs and seconded by Chairman Eichenbaum to approve. Motion passed unanimously.

b) Amend ARPA Grant Project Ordinance (Salaries & benefits)

Motion made by Commissioner Westmoreland and seconded by Commissioner Stiles to approve. Motion passed unanimously.

c) Adopt FY 22-23 Budget Ordinance

Motion made by Commissioner Stiles to approve the FY 2022-2023 budget ordinance. Motion seconded by Commissioner Griggs. Motion passed unanimously. Ordinance attached as Appendix A.

Old Business

a) EMS Revised Fee Schedule

Motion made by Commissioner Stiles and seconded by Commissioner Westmoreland to approve the revised EMS Fee Schedule. Voting in favor of the Motion was Commissioners Stiles, Westmoreland, Eichenbaum and Phillips. Voting against the Motion was Commissioner Griggs. Motion passed 4-1. The schedule is attached to these minutes as Appendix B.

New Business

a) Tri-County Community College Board of Trustees Applicant Introduction

No action taken.

b) Nantahala Regional Library Board of Trustees Appointment

Motion made by Commissioner Westmoreland and seconded by Commissioner Stiles to reappoint Denise Bowden for a six-year term. Motion passed unanimously.

c) Bear Paw Service District Board of Directors

Motion made by Commissioner Griggs to approve the following bear Paw Service District Board of Directors for 2022, as presented by the Bear Paw Homeowner's Association: Linda Hughes; Bart Hamburg; Bob Cowdrick; David Elliott; Terry Miller; Stan Wise; and Tiffany Williams.

Motion seconded by Commissioner Westmoreland. Motion passed unanimously.

d) Fuel Emergency Policy and Fuel Emergency Standard Operating Guidelines (SOG)

Motion made by Commissioner Griggs and seconded by Commissioner Westmoreland to approve the Fuel Emergency Policy and SOG, Tier 1 level, effective July 1, 2022. Motion passed unanimously. A copy of the policy is attached to these minutes as Appendix C.

e) Tax Releases, Tax Refund Report, and NCVTS Report

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to approve all tax items. Motion passed unanimously.

f) Sink Hole at Horse Arena

Commissioner Griggs and the county manager shared information about the recently discovered sink hole at Nora Starks Arena. The county will work with the saddle club and seek grant funds for repair.

g) Response Letter to Department of Health and Human Services (DHHS) Regarding Memorandum of Understanding (MOU) Requirement

Motion made by Commissioner Westmoreland and seconded by Commissioner Griggs to approve a letter to DHHS in response to the legislative requirement for DSS agencies to sign a MOU with DHHS. The MOU is specific to county DSS agencies' responsibility to meet state and federal performance measures. Motion passed unanimously. A copy of the MOU is attached to these minutes as Appendix D.

Adjourn

Motion made by Commissioner Stiles and seconded by Commissioner Griggs to adjourn. Motion passed unanimously.



CHEROKEE COUNTY

75 Peachtree Street
Murphy, NC 28906
828-837-5527

Randy Wiggins, County Manager
Maria Hass, Asst. County Manager/Clerk to the Board
Candy R. Anderson, CPA, CGMA, Finance Officer
Darryl Brown, County Attorney

Board of Commissioners
Dan Eichenbaum, Chairman
Gary Westmoreland, Vice-Chairman
Jan Griggs, Member
Randy Phillips, Member
Cal Stiles, Member

Appendix A

CHEROKEE COUNTY BUDGET ORDINANCE **Fiscal Year 2022-2023**

BE IT ORDAINED by the Board of Commissioners of Cherokee County, North Carolina

Section 1. There is hereby appropriated in the General Fund the amounts reflected in "Attachment A" for the operation of the County Government and its activities for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the chart of accounts heretofore established for this County.

Section 2. It is estimated and hereby appropriated in the General Fund the revenues reflected in "Attachment B" for the Fiscal Year beginning July 1, 2022, and ending June 30, 2023, in accordance with the chart of accounts heretofore established for this County.

Section 3. There is hereby levied a tax at the rate of 61.0 cents per One Hundred Dollars (\$100) of valuation of property listed for the taxes as of January 1, 2022, for the purpose of raising the revenue listed as "Current Year's Property Tax" in the General Fund in Section 2 of this ordinance. This tax rate is based on an estimated total valuation of property, for the purpose of taxation, of \$3,934,805,257 and an estimated average collection rate of 97.90% property taxes and 99.59% auto taxes. This estimated rate of collection is based on the fiscal year 2020-2021 collection rate. No discounts will be allowed for early payment of taxes.

Section 4. Charges for fees and licenses by Cherokee County Departments or Agencies are in accordance with established fee policies and Statutes authorizing the establishment of said fees. All fees levied by Cherokee County will remain unchanged for fiscal year 2022-2023.

Section 5. The following property tax rates are hereby levied for the purpose of raising revenue to support the county's volunteer fire districts for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

| <u>Volunteer Fire Department</u> | <u>Tax Rate per \$100 of Valuation</u> |
|----------------------------------|--|
| Bellview | 4.9 cents |
| Brasstown | 4.1 cents |
| Culberson | 5.4 cents |
| Grape Creek | 6.0 cents |
| Hanging Dog | 5.9 cents |
| Hiwassee Dam | 6.4 cents |
| Martins Creek | 3.4 cents |
| Murphy Rural | 9.9 cents |
| Peachtree | 6.5 cents |
| Ranger | 4.7 cents |
| Tipton Creek | 4.1 cents |
| Unaka | 3.8 cents |
| Valleystown | 5.4 cents |
| Violet | 6.4 cents |
| Wolfcreek/Hot House | 3.5 cents |

Section 6. **911 Fund-** The following amount is hereby appropriated in the 911 Fund for the operation of the 911 program and its activities for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in accordance with the chart of accounts for this County:

| | |
|-------|-------------------|
| 911 | <u>\$ 253,265</u> |
| Total | <u>\$ 253,265</u> |

It is estimated that the following revenues will be available in the 911 Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

| | |
|---------------------|-------------------|
| Interest Income | \$ 5 |
| 911 Subscriber Fees | <u>\$ 322,156</u> |
| Total | <u>\$ 322,161</u> |

The Fund Balance will increase by \$68,896.

Section 7. **Revaluation Fund-** The following amount is hereby appropriated in the Revaluation Reserve Fund for the operation of the tax revaluation program and its activities for the fiscal year beginning July 1, 2022, and ending June 30, 2023, in accordance with the chart of accounts for this county:

| | |
|-------------------|------------------|
| Revaluation costs | <u>\$ 78,442</u> |
|-------------------|------------------|

It is estimated that the following revenues will be available in the revaluation fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

| | |
|----------------------------|------------------|
| Investment Earnings | \$ 50 |
| Transfer from General Fund | <u>\$ 75,000</u> |
| Total | <u>\$ 75,050</u> |

The Fund Balance will decrease by \$3,392.

Section 8. **Bear Paw Service District**- There is hereby levied a special tax at the rate of 38.0 cents per One Hundred Dollars (\$100) of valuation of property listed for taxes as of January 1, 2022, located within the Bear Paw Service District for the raising of revenue for said Bear Paw Service District. This rate of tax is based on an estimated total valuation of property, for the purpose of taxation, of \$89,008,354 and an estimated collection rate of 98.1%. This estimated collection rate is based on the fiscal year 2020-2021 collection rate.

There is appropriated to the Bear Paw Service District the proceeds of this special tax for use by the Bear Paw Service District in such manner and for such expenditures as is permitted by law from the proceeds of this tax and any other revenues otherwise accruing to said Bear Paw Service District.

Section 9. The Budget Officer and Finance Officer may transfer amounts between objects of expenditure within a department, without limitation. Further the Budget Officer and Finance Officer are hereby authorized to transfer from one appropriation to another appropriation within the same fund as contained herein under the following condition:

Any such transfers shall be reported to the Board of Commissioners at their next regularly scheduled meeting and such action shall be recorded in the meeting minutes.

Section 10. The Budget Officer and the Finance Officer are hereby directed to make any changes in the budget or fiscal practices that are required by the Local Government Budget and Fiscal Control Act.

- A. As provided by G.S. 159-25 (b), the Board has authorized dual signatures for each check or draft that is made on County funds. The signatures on the County accounts have been approved by the Board of Commissioners.
- B. Operating funds encumbered on the financial records of the County as of June 30th, 2022, are hereby re-appropriated to the budget for fiscal year 2022-2023.
- C. The Board authorizes one principal account as the central depository for funds received by the Finance Officer. Other accounts authorized by the Board can be used for special purposes such as the enterprise fund and various trust accounts. Current accounting techniques shall be used to assure that all funds will be properly accounted for in the financial records of the County.

Section 11. The Budget Officer or his designee are hereby authorized to enter into contracts/agreements, within funds included in the Budget Ordinance or other actions authorized by the Board of Commissioners for the following purposes: 1) Lease of routine business equipment; 2) Consultant, professional, or maintenance service agreements; 3) Purchase of supplies, materials, or equipment where formal bids are not required by law; 4) Applications for and agreements for the acceptance of grant funds from Federal, State, public, private and non-profit organizations sources, and other funds from other government units, for services to be rendered which have been approved by the Board of Commissioners; 5) Construction and repair projects; 6) Liability, health, life, disability, casualty, property or other insurance or performance bonds; 7) Other administrative contracts which include agreements approved by the Board of Commissioners.

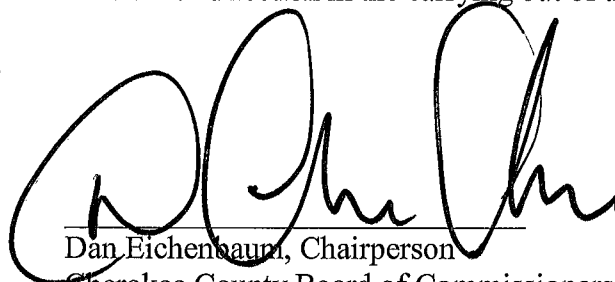
Section 12. County funded agencies are required to submit an audit or other detailed financial reports to the County Finance Officer each year. Approved payments may be delayed pending receipt of financial information.

Section 13. It is the policy of Cherokee County to not absorb any reduction in State or Federal grant

funds. Any decrease shall be absorbed in the budget of the agency or department receiving funding by reducing personnel or department expenditures to stay within the County appropriations as approved.

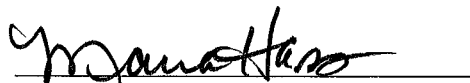
Section 14. Copies of this Budget Ordinance shall be furnished to the Clerk to the Board, the Budget Officer, Finance Officer, and the Tax Administrator for direction in the carrying out of their duties.

Adopted this the 29th day of June 2022.



Dan Eichenbaum, Chairperson
Cherokee County Board of Commissioners

Attest:



Maria Hass, Clerk to the Board

Attachment A

**Cherokee County
General Fund
Budget by Department**

| <u>General Fund</u> | FY 2022-2023 Budget |
|--|--------------------------------|
| PARKS & RECREATION | \$ 505,101 |
| MUSEUM | 54,389 |
| LIBRARY | 192,645 |
| TOTAL CULTURAL & RECREATION | 752,135 |
| TOTAL DEBT SERVICE | 449,171 |
| COOPERATIVE EXTENSION | 204,403 |
| ECONOMIC DEVELOPMENT | 47,417 |
| SOIL & WATER | 124,652 |
| SPECIAL APPROPRIATIONS | 909,596 |
| TOTAL ECONOMIC DEVELOPMENT | 1,286,068 |
| SCHOOLS | 6,821,076 |
| COMMUNITY COLLEGE | 897,360 |
| TOTAL EDUCATION | 7,718,436 |
| GOVERNING BOARD | 282,414 |
| ADMINISTRATION | 265,996 |
| INFORMATION TECHNOLOGY | 770,447 |
| FINANCE | 698,475 |
| TAX ASSESSOR | 622,529 |

| | |
|------------------------------|------------------|
| LAND RECORDS | 206,937 |
| TAX COLLECTOR | 305,132 |
| COURT FACILITIES | 42,045 |
| BOARD OF ELECTIONS | 344,820 |
| REGISTER OF DEEDS | 729,525 |
| PUBLIC BUILDINGS/MAINTENANCE | 728,868 |
| CENTRAL SERVICE | 379,700 |
| TOTAL GOVERNMENTAL | 5,376,888 |

| | |
|--|-------------------|
| MENTAL HEALTH | 75,000 |
| HEALTH DEPARTMENT | 3,227,339 |
| SOCIAL SERVICES | 12,265,987 |
| VETERANS SERVICES | 127,376 |
| SENIOR CENTER | 575,706 |
| SPECIAL APPROPRIATIONS | 210,202 |
| TOTAL HEALTH & HUMAN SERVICES | 16,481,610 |

| | |
|---------------------------------------|---------------|
| TOTAL TRANSFERS TO OTHER FUNDS | 75,000 |
|---------------------------------------|---------------|

| | |
|----------------------------|-------------------|
| SHERIFF | 4,163,698 |
| JAIL | 3,488,831 |
| 911 ADDRESSING | 111,966 |
| CENTRAL DISPATCH | 1,190,363 |
| EMERGENCY MANAGEMENT | 288,862 |
| AMBULANCE SERVICE | 4,994,905 |
| CODE ENFORCEMENT | 512,143 |
| ANIMAL CONTROL | 118,800 |
| MEDICAL EXAMINER | 80,000 |
| SPECIAL APPROPRIATIONS | 125,664 |
| TOTAL PUBLIC SAFETY | 15,075,232 |

| | |
|--------------------|------------------|
| SOLID WASTE | 2,542,967 |
|--------------------|------------------|

| | |
|---------------------------------------|----------------------------|
| TRANSPORTATION | 991,740 |
| AIRPORT OPERATIONS | <u>406,786</u> |
| TOTAL TRANSPORTATION | <u>1,398,526</u> |
| | |
| CONTINGENCY | <u>400,000</u> |
| | |
| ADDITION TO DESIGNATED FUND BALANCE | <u>2,510,436</u> |
| TOTAL ADDITION TO FUND BALANCE | <u>2,510,436</u> |
| | |
| TOTAL GENERAL FUND | <u>\$54,066,469</u> |

Attachment B

**Cherokee County
General Fund
Source of County Revenues**

| <u>Description</u> | Budget |
|---------------------------|------------------|
| | 2022-2023 |
| Property Tax | \$24,003,968 |
| Restricted | 6,102,921 |
| Sales Tax | 11,068,006 |
| Unrestricted | 1,810,000 |
| Sales & Services | 4,994,676 |
| Permits & Fees | 2,305,844 |
| Investment Earnings | 15,900 |
| Other taxes | 1,484,250 |
| Use of Fund Balance | 2,172,617 |
| Miscellaneous | 108,287 |
| Total General Fund | \$54,066,469 |

Appendix B

The following rates were approved by the Board Of County Commissioners on June 29, 2022. The effective date for the change in billing rates at Cherokee County Emergency Medical Services will be July 1, 2022.

| Rates | | | |
|--------------------------|------------|--------------|-----------------|
| | Old | New | Increase |
| ALS | \$ 850.00 | \$ 925.00 | \$ 75.00 |
| ALS2 | \$ 850.00 | \$ 925.00 | \$ 75.00 |
| BLS | \$ 550.00 | \$ 625.00 | \$ 75.00 |
| ALS NON ER | \$650.00 | \$ 725.00 | \$ 75.00 |
| BLS NON ER | \$500.00 | \$ 575.00 | \$ 75.00 |
| SCT | \$1,000.00 | \$ 1,075.00 | \$ 75.00 |
| | | Avg Increase | \$ 75.00 |
| Mileage Urban 1-17 | \$15.00 | \$ 17.00 | \$ 2.00 |
| Mileage Rural 18+ | \$15.00 | \$ 17.00 | \$ 2.00 |
| Noncovered Mileage | \$15.00 | \$ 17.00 | \$ 2.00 |
| TREAT, NO TRANSPORT | \$275.00 | | |
| ALS TREAT, NO TRANSPORT* | \$275.00 | \$ 535.00 | \$ 260.00 |
| BLS TREAT, NO TRANSPORT* | \$275.00 | \$ 360.00 | \$ 85.00 |
| Medicaid Round Trip | \$500.00 | | |
| Citizen Assist | \$ - | \$ 100.00 | \$ 100.00 |

Appendix C

CHEROKEE COUNTY FUEL EMERGENCY POLICY

I. PURPOSE

This policy establishes a framework for how Cherokee County will respond to a fuel emergency (i.e. fuel shortage or inflation of fuel prices). It is intended to reduce fuel consumption of impacted fuel during a fuel emergency with minimal adverse effect on service delivery.

II. APPLICABILITY

This policy applies to all Cherokee County departments, employees, county-owned vehicles, and Other vehicles the county relies on for services. Where there is a conflict with any Department-Specific policy, this document will supersede.

When activated, fuel types experiencing a fuel emergency must be designated in the Communication with staff. Vehicles using other non-impacted fuels can continue to operate Normally, unless otherwise directed.

III. POLICY

a. Fuel Conservation Tiers/Levels

The following tiers can be activated as outlined in the accompanying procedures to this Policy, and communicated to all staff and impacted county contractors:

1. Tier 1: All essential travel continues. All non-essential travel is suspended unless Approved by department director. (Example: Fuel shortage anticipated, possible disruption at main pipeline).
2. Tier 2: All essential travel continues. All non-essential travel is suspended unless Approved by County Manager's office. Any operational functions and meetings that Can be completed remotely, must be. The County can assist departments with fuel station locations. County works with fuel stations to reserve fuel for public safety vehicles. (Example: Local fuel stations reporting high volume of usage, difficulty in restocking).
3. Tier 3: Emergency travel continues. All other travel is suspended unless approved by the County Manager's office. The County can assist departments with fuel station locations. County works with fuel stations to reserve fuel for public safety vehicles. (Example: Shortage of fuel in area and surrounding counties).

IV. ROLES AND RESPONSIBILITIES

- a. Activation, deactivation and adjusting of fuel conservation tiers falls to the County Manager or designee.
- b. Communication will be carried out by the County Manager or designee, with further guidance in the Standard Operating Procedure document that accompanies this policy.
- c. The Emergency Management Office will maintain communication with the local fuel providers that affords the County priority access to fuel when any tier of the Fuel

Conservation Policy is activated.

- d. The Finance Office is responsible for managing purchase card limits and usage to allow for expanded fuel procurement.

V. **MILEAGE REIMBURSEMENT**

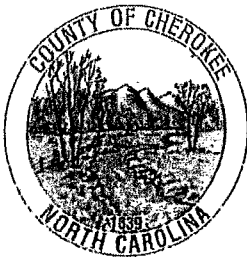
There will be no change to the County's mileage reimbursement rate during a Fuel Conservation Emergency.

VI. **POLICY NON-COMPLIANCE**

Employees willfully violating the terms and conditions of this policy may be subject to
Appropriate disciplinary action, up to and including dismissal.

VII. **APPROVAL**

| | |
|---------------------|---------------|
| Board Approval Date | June 29, 2022 |
|---------------------|---------------|



CHEROKEE COUNTY

75 Peachtree Street
Murphy, NC 28906
828-837-5527

Randy Wiggins, County Manager
Maria Hass, Asst. County Manager/Clerk to the Board
Candy R. Anderson, CPA, CGMA, Finance Officer
Darryl Brown, County Attorney

Board of Commissioners
Dan Eichenbaum, Chairman
Jan Griggs, Vice-Chairman
Randy Phillips, Member
Cal Stiles, Member
Gary Westmoreland, Member

Appendix D

June 29, 2022

The Honorable Roy Cooper
Governor of North Carolina
North Carolina Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Subject: DHHS Memorandum of Understanding

Dear Governor Cooper:

This letter is in response to the legislative requirement for county DSS agencies to sign a Memorandum of Understanding (MOU) between the N.C. Department of Health and Human Services (DHHS) and each North Carolina county. The MOU is specific to county DSS agencies' responsibility to meet state and federal performance measures and the penalties for failure to do so.

Cherokee County acknowledges and supports the initiatives being planned by DHHS to improve all child welfare outcome measures included in Rylan's Law. These initiatives, once fully implemented with fidelity, should drive better outcomes for children and families. However, if existing system level barriers are not addressed, state-wide improved performance will not be realized.

Following is a description of a critical (emphasis added) system level barrier, and proposed solution, for your consideration. Additional concerns about the MOU requirements still remain as described in previous letters on file with DHHS. The MOU states, on page 6 of 10, under section 13.0, (3) a.i. that it (DHHS) " shall provide leadership and coordination for developing strategies that address system-level barriers to the effective delivery of social services programs, including but not limited to: the Administrative Office of Courts, the LME/MCO, Department of Public Instruction, and the Department of Public Safety."

Cherokee County respectfully points out that a hobbled District Court system is a "system level barrier" directly associated with poor performance in child welfare permanency outcomes. The barrier is a result of a funding plan for judicial districts state-wide that is not tailored to district sizes or caseloads which cause rising numbers of hearing continuances. For example, Cherokee County is one of only two Judicial Districts in the State of North Carolina comprised of seven counties. Yet, with the same level of resources, District 1 is managing approximately half the caseload as District 30. According to the Continued Hearings Report by Guardian ad Litem for 20170018, District 1 had 556 hearings with 157 continued, representing 28.24% of all hearings with a total of 114 children involved. District 30, in comparison, had 3,263 scheduled hearings, with 1,475 being continued, representing 45.20% and 595 children.

Further, while District 30 has a perpetually strained judicial system, Cherokee County is specifically more negatively impacted by court continuances which are due to parent counsel scheduling conflicts in other District 30 counties. In the same report referenced above, Cherokee County is reported to have had a continuance rate of 56; 18% (compared to the district with 45.2%) which reflects that more than half of custody cases were continued at least once due to court related reasons. As a comparison, Haywood County DSS had 881 scheduled hearings with 325 continued while Cherokee County DSS had 607 scheduled hearings with 341 continued. To demonstrate this concern, we point to a case in which, due to multiple continuances, adjudication was not accomplished until the 11th month of the court process. With this example, the disposition will occur after the 12th month of non-secure custody, pushing permanency reviews further out leaving parents to agonize through a grossly delayed court process while trying to regain custody of their children. While this is an extreme case, the problem itself is not atypical and is a direct result of lack of available court appointed parent counsel who are available on DSS court days.

With every continuance, a child remains in out of home care longer than necessary. The longer a child remains in foster care, the more likely she/he will experience multiple placements which

compounds the trauma that children experience. The lifelong negative impacts associated with multiple placements and childhood trauma include poor physical and mental health, disruptions in school, juvenile delinquency, alcohol and drug use, multiple suicide attempts, secure hospital placements, early pregnancy, etc., all leading to poor outcomes in adulthood.

Additionally, the actual costs to the county for unnecessary long-term foster care are exorbitant. Without attempting to demonstrate a complicated reimbursement system, the county share for children in foster care (at the state level of reimbursement) is approximately 50%. Thus, when foster care is extended unnecessarily because of court continuances, both the State and Cherokee County suffer those costs.

For these reasons, Cherokee County cannot consent to an agreement when a hobbled district court system is an underlying barrier and not within our control to remedy. The control lies within the power of the State to easily remedy, according to the terms of the MOU. How, with a court system so clogged and lethargic, can DHHS expect compliance with an MOU, even if under the pretense of removing "corrective action" for this time period, when the root problems will be the same or even worse at the next MOU issuance? The responsibility for ensuring an effective court system for children and families currently rests solely within the N.C. Administrative Offices of the Courts (AOC). The lack of oversight and attention to these issues cause DSS custody cases to be static without movement towards discharge to any permanent plan, pushing performance measures for permanency further and further outside of the federal measures. Cherokee County DSS cannot be held accountable for performance measures so directly tied to the district court system in need of improvement.

DHHS should use the power and promise contained in the MOU to achieve an identified solution that would be cost effective at both the State and local levels. Cherokee County respectfully requests, in the true spirit of an MOU, that the Office of the Governor, in conjunction with DHHS, AOC, Indigent Defense Services (IDS), and other powers that be, work with the legislature to pursue funding to implement a District 30-A Office of Public Defenders. A District-A Public Defender's Office would include dedicated parent counsel for qualifying applicants and would immediately decrease court continuances, improve permanence timeliness, reduce on-going childhood trauma, and improve public health and long-term economic gains.

In closing, Cherokee County is committed to providing the highest level of services to our citizenry. In addition, we intend to fully comply, to the extent possible, with all state and federal benchmarks. With these commitments made, our counsel has advised us not to enter into a memorandum of understanding with which it is inherently impossible to comply.

Governor Cooper

Page 4

June 29, 2022

Cherokee County looks forward to working with you and others as you may direct, to remedy underlying system level barriers that impact departments of social services. The Public Defender's Office for Judicial District 30-A is an excellent place to start. Thank you for your consideration.

Warm Regards,

Dr. Dan Eichenbaum, Chair

Jan Griggs, Vice Chair

Cal Stiles, Member

Gary Westmoreland, Member

Randy Phillips, Member

CC: Phil Berger, North Carolina Senate President Pro Tempore
Tim Moore, North Carolina House of Representatives House Speaker
Kevin Corbin, North Carolina Senate
Karl Gillespie, North Carolina House of Representatives
Kody H. Kinsley, Secretary, North Carolina Department of Health and Human Services
Ms. Mary Pollard, Executive Director, North Carolina Office of Indigent Defense Services

ATTACHMENT 1

CHEROKEE COUNTY CONCERNS REGARDING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2022-2023 MEMORANDUM OF UNDERSTANDING

1. The issued document is officially labeled a Memorandum of Understanding however, the document is set forth 'in such a manner that is inconsistent with the definition of a "Memorandum of Understanding" in that Cherokee County was not specifically involved in the drafting of this document and has been excluded from any planning or conversation about the issues specific to Cherokee County.
2. Session Law 2017-17 allows for the "required agreements" to be tailored "to address issues in specific jurisdictions" however, the North Carolina Department of Health and Human Services has disallowed Cherokee County the opportunity to sign a tailored agreement.
3. Penalties for failure to achieve outcome measures within the stated timeframes of the MOU do not take into consideration system-wide barriers related to agencies and systems, such as the judicial system, which are essential to the work of the Department of Social Services but external to its operations and control. Cherokee County is negatively impacted by the lack of resources allocated to the 30th Judicial District which results in children lingering in foster care for long periods of time.
4. The North Carolina Department of Health and Human Services does not yet have a method to obtain, report and validate data for each outcome measure being tracked for performance purposes. Further, penalties for failure to achieve outcome measures do not take into consideration sample size (directly tied to county size) and the issues related to data validity due to small samples of cases reviewed in small counties.
5. The North Carolina Department of Health and Human Services has not yet implemented policies and procedures consistent with the Families First Prevention Services Act (FFPSA). Parents and children involved with the child welfare system have little or no access to evidence-based services congruent with the requirements of FFPSA. Without state-level support, rural counties will have a difficult time identifying providers who will be willing to develop the services due to cost restraints and difficulty in recruiting.
6. The achievement of performance benchmarks is correlated with a well-trained and stable staff. The Department of Health and Human Services does not provide adequate or sufficient training for all programs covered in the MOU. Training programs that are provided are not delivered with the needed frequency and delivery methods that enable Cherokee County DSS to easily access the programs.
7. The Department of Health and Human Services does not provide reimbursement for Adult Protective Services and should not dictate outcome measures for a program that DHHS has aborted.