

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** November 15, 2023

**SUBJECT:** Bat Fork Creek and French Broad River Subgrant Amendments

**PRESENTER:** Christopher Todd, Business and Community Development Director

**ATTACHMENTS:** Yes

1. Bat Fork Ecosystem Restoration Project Subgrant Amendment
2. Pleasant Grove Ecosystem Restoration Project Subgrant Amendment

#### **SUMMARY OF REQUEST:**

Henderson County has received funding through the State of North Carolina for stream restoration projects on Bat Fork Creek and the French Broad River. Conserving Carolina has acted as the subgrant recipient overseeing the restoration projects. The grant funding was set to expire on June 30, 2023, with the expiration of the state budget. The North Carolina state budget for fiscal year 2023-24 included Section 5.6(c) extending the reversion date for unused funds from June 30, 2023, to June 30, 2026. The subgrant agreement amendments would modify Paragraph 11 of the existing agreements to state: "The term and expiry of this Agreement shall coincide with that of the DPS Agreement and any subsequent amendments to the DPS Agreement." This would formally align the agreements with the funding source timeline.

#### **BOARD ACTION REQUESTED:**

Staff request the Commissioner to review the attached subgrant agreement amendments for the Bat Fork and Pleasant Grove stream restoration projects.

#### **Suggested Motion:**

*I move the Board approve the subgrant grant agreement amendments for the Bat Fork and Pleasant Grove stream restoration projects as drafted.*

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

AMENDMENT TO SUBGRANT AGREEMENT

This Amendment to Subgrant Agreement is entered into between the County of Henderson, a body corporate and politic of the State of North Carolina (the "County") and Conserving Carolina, a North Carolina non-profit corporation ("Conserving Carolina").

Background

- A. The Parties entered into a Subgrant Agreement dated May 19, 2022 regarding the expenditure of funds allocated to Henderson County in the North Carolina state budget for fiscal year 2021-2022 for "the Bat Fork Stream restoration and flood resilience project".
- B. The funding allocation to Henderson County was governed by a funding agreement between the North Carolina Department of Public Safety and Henderson County ("Agreement # HENDERSONCO BATFORK 2021-22"), which agreement originally terminated June 30, 2023.
- C. As of November 6, 2023, \$128,708.87 (of \$950,000.00 total) of the funding allocated to Conserving Carolina in the Subgrant Agreement remains unspent and is targeted to expenditures which are better done in later years (replacement of vegetation that died due to drought).
- D. The North Carolina state budget for fiscal year 2023-24 included Section 5.6(c) extending the reversion date for unused funds from June 30, 2023 to June 30, 2026.
- E. The Parties wish to amend the Subgrant Amendment to require expenditure of the remaining funds on site prior to June 30, 2026.

Amendment

- 1. Paragraph 11 of the Subgrant Agreement is hereby amended to the following paragraph: "The term and expiry of this Agreement shall coincide with that of the DPS Agreement **and any subsequent amendments to the DPS Agreement.**"

The Parties have executed the same, the date and year appearing next to the signature of their duly and expressly authorized agent, below.

COUNTY OF HENDERSON

By: \_\_\_\_\_  
JOHN MITCHELL  
County Manager

Date: \_\_\_\_\_

CONSERVING CAROLINA

By: \_\_\_\_\_

KIERAN ROE  
Executive Director

Date: \_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

AMENDMENT TO SUBGRANT AGREEMENT

This Amendment to Subgrant Agreement is entered into between the County of Henderson, a body corporate and politic of the State of North Carolina (the "County") and Conserving Carolina, a North Carolina non-profit corporation ("Conserving Carolina").

Background

- F. The Parties entered into a Subgrant Agreement dated June 30, 2022 regarding the expenditure of funds allocated to Henderson County in the North Carolina state budget for fiscal year 2021-2022 for "a flood resilience project on the French Broad River at Pleasant Grove".
- G. The funding allocation to Henderson County was governed by a funding agreement between the North Carolina Department of Public Safety and Henderson County ("Agreement # HENDERSONCO 2021-2023"), which agreement originally terminated June 30, 2023.
- H. As of November 6, 2023, \$179,102.96 (of \$1,000,000.00 total) of the funding allocated to Conserving Carolina in the Subgrant Agreement remains unspent and is targeted to expenditures which are better done in later years (replacement of vegetation that died due to drought).
- I. The North Carolina state budget for fiscal year 2023-24 included Section 5.6(c) extending the reversion date for unused funds from June 30, 2023 to June 30, 2026.
- J. The Parties wish to amend the Subgrant Amendment to require expenditure of the remaining funds on site prior to June 30, 2026.

Amendment

- 2. Paragraph 11 of the Subgrant Agreement is hereby amended to the following paragraph: "The term and expiry of this Agreement shall coincide with that of the DPS Agreement **and any subsequent amendments to the DPS Agreement.**"

The Parties have executed the same, the date and year appearing next to the signature of their duly and expressly authorized agent, below.

COUNTY OF HENDERSON

By: \_\_\_\_\_  
JOHN MITCHELL  
County Manager

Date: \_\_\_\_\_

CONSERVING CAROLINA

By: \_\_\_\_\_  
KIERAN ROE  
Executive Director

Date: \_\_\_\_\_