

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 18, 2026

SUBJECT: Agreement to Accept Donation Funds from Friends of Ecusta Trail and Conserving Carolina

PRESENTER: Christopher Todd, Assistant County Manager

ATTACHMENTS: 1. Funding Agreement

SUMMARY OF REQUEST:

Henderson County requested \$750,000 in donation funds from Friends of Ecusta Trail (FOET) to procure amenities along the Ecusta Trail. Conserving Carolina holds all donation funds on FOET's behalf. Friends of Ecusta Trail and Conserving Carolina accepted this request. The attached agreement outlines how the County can spend the funding and the process for invoicing.

BOARD ACTION REQUESTED:

The Board is requested to approve the agreement and to direct staff to process the agreement.

Suggested Motion:

I move the Board to approve the funding agreement with Friends of Ecusta Trail and Conserving Carolina.

Funding Agreement
Henderson County and Friends of Ecusta Trail, Inc.

This Funding Agreement (“Agreement”) effective this ____ day of February 2026, by and between Henderson County, a body politic in North Carolina (“County”), Conserving Carolina, a non-profit corporation, and Friends of Ecusta Trail, Inc., a non-profit corporation (“FOET”); each also referred to individually as (“Party”) and collectively as (“Parties”).

This agreement is intended to ensure the proper and expeditious use of state funding allocated for the construction of the Ecusta Trail. This agreement acknowledges the lack of a local match required for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant and the decision by NCDOT to prevent the County from using the RAISE grant, which would have funded trail amenities. With this knowledge, the County requests that Friends of Ecusta Trail allocate the remaining state funding toward the local match for both the Nationally Significant Federal Lands and Tribal Projects Program (NSFLTP) and Surface Transportation Block Grant (STBG) grants, in addition to payment for the procurement and construction of amenities for Phase I.

In consideration of the mutual covenants and promises contained herein, the Parties agree as follows:

1.1 The County has invoiced and FOET has paid a total of \$2,122,394.11 for the construction of the Ecusta Trail to date.

1.2 FOET shall continue payment towards the local match requirement of the STBG, RAISE, and NSFLTP grants utilizing the remainder of \$4,317,500 of Office of State Budget and Management State Capital and Infrastructure Fund (OSBM SCIF) grant funding (see EXHIBIT A, “Letter”), and the \$97,500 OSMC SCIF grant (see EXHIBIT B, “Grant Agreement”).

1.3 Conserving Carolina and FOET agree to the disbursement of capital campaign funds per the Campaign Transition Agreement between Conserving Carolina and FOET, to reimburse the County up to \$750,000 for trail amenity expenses in Henderson County’s jurisdiction as stated in EXHIBIT C (“Letter to County”). Any invoice for these amenities shall be reviewed and approved by FOET prior to payment and will include only those items listed in the original schedule of amenities as provided by Watermark Landscape Architects in EXHIBIT D. Trail amenities shall not be funded by existing state grants that have already been allocated to the County.

1.4 The County shall invoice Conserving Carolina in accordance with state accounting principles for trail-related expenses.

1.5 Conserving Carolina shall pay all invoices within forty-five (45) days of receipt.

Friends of Ecusta Trail

Signature

Printed Name

Printed Title

Date

County of Henderson

Signature

Printed Name

Printed Title

Date

Conserving Carolina

Signature

Printed Name

Printed Title

Date



October 4, 2022

The Honorable Pete Buttigieg
Secretary, U.S. Department of Transportation
1200 New Jersey Avenue, SW
Washington, DC, 20590

RE: 2022 City of Brevard NSFLTP Grant

Dear Secretary Buttigieg:

The Friends of Ecusta Trail commit to providing the following matching funds to the 2022 City of Brevard Nationally Significant Federal Lands and Tribal Projects (NSFLTP) grant application entitled The Ecusta Trail, a project that will provide connectivity for residents and visitors of Henderson and Transylvania Counties to the Pisgah National Forest and to the Blue Ridge Parkway. The project will also allow more active transportation alternatives for the rural areas, help boost the local economy, and improve the health and quality of life for local residents.

A cash match in the amount of \$3,132,500 for the Transylvania County portion and \$4,917,500 for the Henderson County portion (\$4,317,500 for Kanuga Rd. to county line and \$600,000 for Kanuaga Rd. to Main St.), for a total cash match of \$8,050,000, will be provided during the grant period to be used by the City of Brevard and Henderson County to implement the project once the NSFLTP grant funds are secured. These funds were appropriated by the State of North Carolina to the Friends of Ecusta Trail in the current biennial budget to be used for the development of the Ecusta Trail.

Sincerely,

A handwritten signature in black ink that reads "Mark B. Tooley". The signature is fluid and cursive, with "Mark B." on the left and "Tooley" on the right, with a small flourish at the end.

Mark B. Tooley, President
Friends of Ecusta Trail

EXHIBIT B

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

SUBGRANT AGREEMENT

This Agreement is entered into between the County of Henderson, a body corporate and politic of the State of North Carolina (the "County") and Friends of Ecusta Trail, Inc., a North Carolina non-profit corporation ("FOET").

Background

A. North Carolina's budget for fiscal year 2021-22 (North Carolina Session Law 2021-180, as later modified by North Carolina's 2022 budget act, House Bill 103 as enacted) provides for "development of the Ecusta trail" (the "Project"), and allocates to FOET the sum of \$100,000 (the "Allocation") for the same.

B. North Carolina and FOET have entered into an agreement (North Carolina Office of State Budget and Management agreement #30351, hereafter the "OSBM Agreement", which is attached hereto and incorporated herein by reference) in furtherance of the Project and the Allocation.

C. The parties acknowledge that the Allocation is all of the funding to be provided for the Project, and that the County will receive 97.5% of the Allocation for the Project, and that FOET will be entitled to the remaining 2.5% for administering the Project under this Subgrant Agreement.

D. This Subgrant Agreement (the "Agreement") is done in furtherance of the Project and the Allocation.

Agreement

1. The County shall provide and/or provide for the provision of all the services covered by the OSMB Agreement. These services shall specifically accomplish the Project as provided in Attachment A of the OSMB Agreement.

2. The County shall provide to FOET all the documentation provided for the OSMB Agreement, as follows:

- A. W-9/Electronic Payment/Vendor Verification form.
- B. Conflict of interest statement pursuant to N.C. Gen. Stat. §143C-6-23(b).

3. The County shall provide to the FOET at least monthly verified documentation of all expenditures of time and money for the Project, including but not limited to the following:

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A. All documentation required of a "subgrantee" pursuant to N.C. Gen. Stat. §143C-6-23 and regulations adopted thereunder.

B. All documentation needed for FOET to be deemed (by the North Carolina Office of State Budget and Management, and any other department or subdivision of the State of North Carolina exercising oversight over the OSBM Agreement) to be in compliance with the provisions of the OSBM Agreement and the Allocation, including those required in paragraph 3 of the OSBM Agreement.

C. Full and complete documentation of all expenditures made pursuant to this Agreement in such month.

4. FOET shall make the following payments to the County:

A. Monthly reimbursement to the County of its expenditures reflected in the documentation required in 3., above, up to a total amount of \$97,500.

B. Under no circumstances shall total payments to the County under this Agreement exceed 97.5% of the payments made to FOET from the Allocation under the OSBM Agreement.

5. Fund management by FOET shall be as stated in paragraph 4 of the OSBM Agreement.

6. The County agrees that, from and after the date of execution of this Agreement and for five (5) years following its termination, the books, records, documents and facilities of the County are subject to being audited, inspected and monitored at any time by North Carolina upon request (whether in writing or otherwise). The County further agrees to provide North Carolina Office of State Budget and Management staff, and staff of the Office of State Auditor with access to financial and accounting records to support internal audit, financial reporting and related requirements. The County acknowledges and agrees that, regarding the grant funds, it will be subject to the audit and reporting requirements prescribed in N.C. Gen. Stat. §159-34, and all rules and regulations adopted thereunder. Such audit and reporting requirements may vary depending upon the amount and source of grant funding received by the County and are subject to change.

7. The County and FOET together incorporate by reference paragraphs 7 through 14 of the OSBM Agreement herein by reference, and further agree that they the County will comply with all provisions contained therein as duties or responsibilities of "RECIPIENT".

8. The County shall indemnify FOET and hold it harmless, including reasonable attorneys' fees, from any liability under the OSBM Agreement for any failure by the County to comply with the terms hereof.

9. The term and expiry of this Agreement shall coincide with that of the OSBM Agreement.

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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:

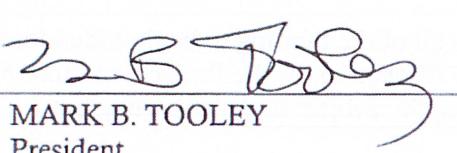


JOHN MITCHELL
County Manager

Date: 5/16/23

FRIENDS OF THE ECUSTA TRAIL, INC.

By:



MARK B. TOOLEY
President

Date: 5/12/2023



EXHIBIT C

September 15, 2025

To: Christopher Todd, Assistant County Manager

From: Mark Tooley, President Friends of Ecusta Trail

Subject: Funding for Ecusta Trail Phase 1 Amenities

Christopher,

The Friends of Ecusta Trail is proud to partner with Henderson County on the development of the Ecusta Trail. We are extremely excited and gratified by the opening of the first phase of the trail. FOET stands ready to support the County to make the trail experience safe and enjoyable for those that use it.

In that spirit, last Thursday the board of directors of FOET voted to accept Henderson County's request for up to \$750,000 for the installation of amenities on the first six mile section of the trail. That acceptance is based upon the schedule of amenities as provided by Watermark Landscape Architects dated April 16, 2025. In speaking with Watermark, we understand there may be some adjustment to this schedule based upon factors that have changed since it was first proposed. FOET will reimburse the County for expenses related to this schedule and, for the purposes of reporting to the State of NC, we will require receipts for those expenses.

Again, we are happy to partner with Henderson County on the development of the Ecusta Trail and hope that the priorities that we have identified for amenities are constructed as soon as possible.

Sincerely,