



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

**River Bend Town Council Agenda
Work Session
April 9, 2020
River Bend Town Hall
5:00 P.M.**

1. Budget Amendment B-19-08
2. ASADRA Grant Application Point System
3. COVID-19 Human Resource Policy Amendment
4. Governor's Executive Order 124 Requirements
5. Proposed Budget Workshop Calendar
6. Public Comment

Due to the coronavirus, the River Bend Town Council Meeting scheduled for April 16, 2020 has been cancelled. In order to comply with the Governor's Executive Order, attendance for the Work Session will be limited to 10 people.



TOWN OF RIVER BEND
PROPOSED BUS CAPITAL PROJECTS FUND ORDINANCE AMENDMENT #1

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina, that the BUS Capital Projects Fund Ordinance be amended as follows:

Section 1. The following amounts are hereby appropriated for the operation of a Town Capital Projects Fund for the construction of a Police and Community Building and the renovation of Town Hall:

<u>CAPITAL PROJECTS FUND</u>		
<u>Revenues:</u>		
<i>Operating Transfer from General Fund</i>	<i>1,040,100</i>	<i>15,900</i>
Operating Transfer from Capital Reserve Fund	265,800	
Interest Earned	10,000	
	1,315,900	
<u>Appropriations:</u>		
<i>Capital Projects (IT Equipment)</i>	<i>1,315,900</i>	<i>15,900</i>

Section 2. It is estimated that revenues in the amounts indicated in the foregoing schedule will be available to support the foregoing appropriations.

Section 3. The Finance Officer is hereby authorized to maintain an appropriate Fund Chart of Accounts.

Section 4. Copies of this Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Section 5. The capital projects funds are appropriated pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina; therefore, appropriations do not lapse at the end of the fiscal year and are available for the duration of the project, estimated to be eighteen months, unless subsequently amended by Council action.

Proposed this 9th day of April, 2020.

John R. Kirkland, Mayor

Attest:

Ann Katsuyoshi, Town Clerk



**TOWN OF RIVER BEND
PROPOSED BUDGET ORDINANCE AMENDMENT 19-B-08
FISCAL YEAR 2019-2020**

BE IT ORDAINED by the Council of the Town of River Bend, North Carolina that the 2019-2020 Budget Ordinance as last amended on February 20, 2020 be amended as follows:

Summary

General Fund	3,139,029
General Capital Reserve Fund	305,708
Law Enforcement Separation Allowance Fund	15,177
Water Fund	536,484
Water Capital Reserve Fund	5,432
Sewer Fund	678,859
Sewer Capital Reserve Fund	250
	4,680,938
Total	

Section 1. General Fund

Anticipated Revenues

AD VALOREM Taxes 2019-2020	638,087
AD VALOREM Tax-Motor Vehicle	83,200
Animal Licenses	2,400
Sales Tax 1% Article 39	158,760
Sales Tax 1/2% Article 40	96,614
Sales Tax 1/2% Article 42	79,485
Sales Tax Article 44 105-524	11,300
Sales Tax Hold Harmless Distribution	97,136
Solid Waste Disposal Tax	3,000
Powell Bill Allocation	86,000
Beer and Wine Tax	13,500
Video Programming Sales Tax	56,500
Utilities Franchise Tax	119,000
Telecommunications Sales Tax	14,440
Court Refunds	500
Zoning Permits	5,000
State Grant	22,653
Federal Disaster Assistance	699,063
State Disaster Assistance	233,021
Recovery Grant NCORR-FDLG-004	89,022
Miscellaneous	8,000
Interest- Powell Bill Investments	50
Interest-General Investments	18,100
Interest-NCORR-FDLG-004 Investments	4,678
Contributions	1,200
Wildwood Storage Rents	18,120
Rents & Concessions	18,000
Transfer From Capital Reserve Fund	34,800
Appropriated Fund Balance	527,400
	3,139,029
Total	

Section 1. General Fund (continued)

**19-B-08
PROPOSED
CHANGES**

Authorized Expenditures			
Governing Body		31,500	
Administration		254,706	
Finance		117,617	
Tax Listing		10,883	
Legal Services		24,000	
Elections (Transfer to BUS Capital Projects Fund)		6,500	-3,900
Public Buildings		178,223	
Police		591,748	
Emergency Services		56,749	
Animal Control		13,991	
Street Maintenance		163,152	
Public Works		164,913	
Leaf & Limb and Solid Waste		43,200	
Stormwater Management (Transfer to BUS Capital Projects Fund)		166,373	-12,000
Wetlands and Waterways		4,500	
Planning & Zoning		57,005	
Recovery Grant NCORR-FDLG-004		93,700	
Recreation & Special Events		7,700	
Parks & Community Appearance		91,360	
Contingency		11,509	
Transfer To General Capital Reserve Fund		0	
Transfer To L.E.S.A. Fund		13,500	
Transfer To BUS Capital Projects Fund (PD/Community Bldg IT Equipment purchase)		1,040,100	15,900
Total		3,142,929	0

Section 2. General Capital Reserve Fund

Anticipated Revenues		
Contributions from General Fund		0
Interest Revenue		10,908
Appropriated Fund Balance		294,800
Total		305,708

Authorized Expenditures		
Transfer to General Fund		34,800
Transfer To BUS Capital Projects Fund		265,800
Future Procurement		5,108
Total		305,708

Section 3. Law Enforcement Separation Allowance Fund

Anticipated Revenues:		
Contributions from General Fund		13,500
Interest Revenue		300
Appropriated Fund Balance		1,377
Total		15,177

Authorized Expenditures:		
Separation Allowance		15,177

Section 4. Water Fund

Anticipated Revenues

Utility Usage Charges, Classes 1 & 2	176,731
Utility Usage Charges, Classes 3 & 4	11,413
Utility Usage Charges, Class 5	14,171
Utility Usage Charges, Class 8	3,586
Utility Customer Base Charges	181,750
Hydrant Availability Fee	21,960
Taps & Connections Fees	1,250
Nonpayment Fees	10,500
Late payment Fees	5,302
Interest Revenue	13,934
Appropriated Fund Balance	95,887
Total	<hr/> 536,484

Authorized Expenditures

Administration & Finance [1]	424,432
Operations and Maintenance	108,551
Transfer To Fund Balance for Capital Outlay	3,500
Transfer To Water Capital Reserve Fund	0
Total	<hr/> 536,483

[1] Portion of department for bond debt service: 145,879

Section 5. Water Capital Reserve Fund

Anticipated Revenues

Contributions From Water Operations Fund	0
Interest Revenue	5,432
Total	<hr/> 5,432

Authorized Expenditures

Future Expansion	<hr/> 5,432
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Section 10. **Special Authorization of the Budget Officer**

- A. The Budget Officer shall be authorized to reallocate any appropriations within departments.
- B. The Budget Officer shall be authorized to execute interfund and interdepartmental transfers in emergency situations. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.
- C. The Budget Officer shall be authorized to execute interdepartmental transfers in the same fund, including contingency appropriations, not to exceed \$5,000. Notification of all such transfers shall be made to the Town Council at its next meeting following the transfer.

Section 11. **Classification and Pay Plan**

Cost of Living Adjustment (COLA) for all Town employees shall be 1.5% and shall begin the first payroll in the new fiscal year. The Town Manager is hereby authorized to grant merit increases to Town employees, when earned, per the approved Pay Plan.

Section 12. **Utilization of the Budget Ordinance**

This ordinance shall be the basis of the financial plan for the Town of River Bend municipal government during the 2019-2020 fiscal year. The Budget Officer shall administer the Annual Operating Budget and shall ensure the operating staff and officials are provided with guidance and sufficient details to implement their appropriate portion of the budget.

Section 13. **Copies of this Budget Ordinance**

Copies of this Budget Ordinance shall be furnished to the Clerk, Town Council, Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Section 14. **BUS Capital Project Funding**

Funding in the amount of \$1,290,000 is transferred to the BUS Capital Projects Fund. This amount comes from General Fund Balance, \$1,040,100, General Fund budget appropriation, \$15,900 and General Capital Reserve, \$265,800.

Proposed this 9th day of April, 2020.

John R. Kirkland, Mayor

Attest:

Ann Katsuyoshi, Town Clerk

QUOTE



VC3 Inc.
1301 Gervais Street Suite 1800
Columbia, South Carolina 29201

Phone: 803-733-7333
Fax: 803-733-5888

Customer:
Town of River Bend, NC 45 Shoreline Drive River Bend, NC 28562-8970 United States

Account Manager	Date	Quote #	Terms
Kristin Beaver	Mar 2, 2020	VC3Q15735-01	Net 15

Line	Qty	Description	Unit Price	Ext. Price
1		Fixed Fee Project - New Police Department Network Installation - River Bend		\$16,604.91
2		One Time Costs:		
3		VC3 Professional Services		
4	1	Fixed Fee Project Management Labor - New Police Department Network Installation	\$632.00	\$632.00
5	1	Fixed Fee Engineering Services - New Police Department Network Installation	\$710.00	\$710.00
6	1	Round Trip Travel Fee - New Police Department Network Installation	\$380.00	\$380.00
7		SubTotal		\$1,722.00
8		Hardware (Hardware is invoiced separately from Services and will be invoiced upon ordering):		
9	1	Juniper EX2300 Ethernet Switch - 48 Ports	\$2,475.00	\$2,475.00
10	1	Tripp Lite UPS Smart Online 1000VA 800W Rackmount 100V-120V USB DB9	\$999.41	\$999.41
11	2	Cisco GLC-SX-MM-AMC Compatible TAA Compliant 1000Base-SX SFP Transceiver (MMF, 850nm, 550m, LC) - 100% compatible and guaranteed to work 850NM 550M 100% COMPATIBLE	\$30.00	\$60.00
12	2	Ubiquiti UniFi UAP-AC-PRO - WAPs	\$164.25	\$328.50
13		SubTotal		\$3,862.91
14		Subcontracted Twisted Network Labor		
15	1	32 Data Connections, 4 HDMI Cables for TV & Projector Installed, Wallmount Rack + Accessories, Patch Cables	\$11,020.00	\$11,020.00
16		SubTotal		\$11,020.00
17		Taxes and shipping costs are not shown here but will be present on the final invoice		

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*** Hardware will be invoiced upon ordering. Shipping and Handling charges will be included on the invoice.

Quote is valid for 30 days.

This Quote is part of, and incorporated into, the Master Services Agreement between Customer and VC3, Inc., and is subject to the terms and conditions of the Agreement and any definitions contained in the Agreement. If any provision of this Quote conflicts with the Agreement, the terms and conditions of this quote shall control.

Printed Name _____ Signature _____ Date _____

Line	Qty	Description	Unit Price	Ext. Price
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Sub Total	\$16,604.91
Tax	
Shipping & Handling	\$0.00
Total	\$16,604.91

*** Hardware will be invoiced upon ordering. Shipping and Handling charges will be included on the invoice.

Quote is valid for 30 days.

This Quote is part of, and incorporated into, the Master Services Agreement between Customer and VC3, Inc., and is subject to the terms and conditions of the Agreement and any definitions contained in the Agreement. If any provision of this Quote conflicts with the Agreement, the terms and conditions of this quote shall control.

Printed Name

Signature

Date

RESOLUTION TO ADOPT

**The TOWN OF RIVER BEND
CAPITAL IMPROVEMENT PLAN
For the Years
2020-2030**

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF RIVER BEND:

The document entitled "Town of River Bend Capital Improvements Plan for the Water System for the Years 2020-2030", dated April 9, 2020 was presented and adopted by the Town Council for the Town of River Bend, North Carolina at its regular meeting held on this 9th day of April, 2020.

Adopted this 9th day of April, 2020

John Kirkland, Mayor

The undersigned duly qualified and acting as Town Clerk of the Town of River Bend does hereby certify: That the above resolution is a true and correct copy of the resolution adopting the Town of River Bend, Capital Improvements Plan for the Water System for the Years 2020-2030, dated April 9, 2020, at a legally convened meeting of the **Town of River Bend, NC, Town Council** duly held on the 9th day of April 2020; and further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of April, 2020.

Ann H. Katsuyoshi, Town Clerk

(Seal)

TOWN OF RIVER BEND- CAPITAL IMPROVEMENT PLAN							As of April 9, 2020	
Water Fund								
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2026-2030
Appropriation: Annual				600,000		0	40,000	100,000
Appropriation: Well pump		0	0	0	0	0		
Appropriation: Vehicles (50/50 W/S)		3,500	3,500	3,500	3,500	3,500	3,500	17,500
FY Appropriation:		\$ 3,500	\$ 3,500	\$ 603,500	\$ 3,500	\$ 3,500	\$ 43,500	\$ 117,500
Capital Projects	Project Completed							
<i>Administration:</i>								
Vehicle Replacement (split Water/Sewer)	Per schedule		11,000					15,000
<i>Treatment</i>								
Well #1 Filter Media Rehab	09-10			13,000				17,000
Well #2 Filter Media Rehab						15,000		
Treatment House interior filter painting								
Well #3 Filter Media Rehab	10-11							17,000
Well #1 Pump Replacement	13-14		21,000					20,000
Well Meter Replacement								
AMR/AMI Meter Replacement				600,000				
<i>Distribution</i>								
Line Replacement	12-13							25,000
Howell Center and Riverstone Backflow	11-12							
Harbourwalk Line Replacement	13-14							
New Bern Interconnection							40,000	40,000
Industrial Meter Replacement						5,000		
Lines & Tanks								
	FY Expenditures:	0	32,000	613,000	0	20,000	40,000	134,000
		2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2026-2030
	Net Capital Cash:	\$ 3,500	\$ (28,500)	\$ (9,500)	\$ 3,500	\$ (16,500)	\$ 3,500	\$ (16,500)

**TOWN OF RIVER BEND
Schedule of Water Rates**

Water and Sewer - Rates and Fees

	Water
Class 1 and 2 – Residential ⁽¹⁾	
Customer Base Charge per month ⁽²⁾	24.50
Per 1,000 gallons up to 3,000 gallons	4.75
Per 1,000 gallons from 3,001-25,000 gallons	4.25
Per 1,000 gallons above 25,000 gallons	2.00
Initial Connection (Tap) charge ⁽³⁾	1,250.00
Nonpayment Fee	70.00
 Class 3 and 4 - Commercial	
Customer Base Charge per month ⁽²⁾	48.32
Usage per 1,000 gallons	4.02
Initial Connection (Tap) charge ⁽⁴⁾	3,500.00
Nonpayment Fee	100.00
 Class 5 - Industrial	
Customer Base Charge per month ⁽²⁾	146.24
Usage per 1,000 gallons	4.02
Initial Connection (Tap) charge ⁽⁴⁾	5,000.00
Nonpayment Fee	200.00
 Class 6 - Early Bird (No longer available)	
 Class 7 - Fire Hydrant Charge	
Availability Charge per year	183.00
 Class 8 - 1" Water Service	
Customer Base Charge per month ⁽²⁾	18.40
Usage per 1,000 gallons	4.02
Initial Connection (Tap) charge ⁽⁴⁾	1,500.00
Nonpayment Fee	100.00
 Class 9 - Vacant /Out of Use Non-residential Property	
Customer Base Charge per month ⁽²⁾	10.24
Usage per 1,000 gallons	4.02
Nonpayment Fee	70.00
 Class 10 - Vacant Residences	
Customer Base Charge per month ⁽²⁾	10.24
Nonpayment Fee	70.00

Appendix C

PRIORITY RATING SYSTEM for Wastewater Projects			
<p>Instructions: For each line item, <u>mark "X" to claim the points for that line item</u>. Be sure that your narrative includes justification for every line item claimed. At the end of each Category, provide the total points claimed for each program in the subtotal row for that category. Then add the subtotals from each category and enter the Project Total in the last line. Note that some categories have a maximum allowed points that may be less than the total of individual line items.</p>			
Line Item #	Category 1 – Project Purpose	Claimed Yes/No	Points
1.A	Project will consolidate a nonviable drinking water or wastewater utility		25
1.B	Project will resolve failed infrastructure issues		15
1.C	Project will rehabilitate or replace infrastructure		15
1.C.1	Treatment units, pumps and/or pump stations to be rehabilitated or replaced are greater than 20 years old, OR water/sewer lines, storage tanks, drinking water wells or intake structures to be rehabilitated or replaced are greater than 40 years old		10
1.D	Project will expand infrastructure		2
1.D.1	Treatment units, pumps and/or pump stations to be rehabilitated or replaced are greater than 20 years old, OR lines, storage tanks, drinking water wells or intake structures to be rehabilitated or replaced are greater than 40 years old		10
1.E – 1.E.2	Reserved for Other Programs		
1.F	Project will provide stream/wetland/buffer restoration		15
1.F.1	Restoration project that includes restoration of a first order stream and includes stormwater infiltration BMPs		5

Line Item #	Category 1 – Project Purpose (Continued)	Claimed Yes/No	Points
1.F.2	Restoration project that includes restoration and / or protection of riparian buffers to at least 30 feet on both sides of the stream		5
1.G	Project will provide stormwater BMPs to treat existing sources of pollution		20
1.G.1	Project that includes BMPs or BMPs in series that achieve at least 35% nutrient reduction (both TN and TP) and 85% TSS reduction		10
1.H	Project will provide reclaimed water/usage or rainwater harvesting/usage		15
	Maximum Points for Category 1 – Project Purpose		25
	Subtotal claimed for Category 1 – Project Purpose		
Line Item #	Category 2 – Project Benefits	Claimed Yes/No	Points
2.A – 2.B	Reserved for Other Programs		
2.C	Project provides a specific environmental benefit by replacement, repair, or merger; includes replacing failing septic tanks		15
2.D	Project addresses promulgated but not yet effective regulations		10
2.E	Project directly addresses enforcement documents		
2.E.1	Project directly addresses an EPA Administrative Order for a local government Applicant located in a Tier 1 county, or addresses an existing or pending SOC, or a DEQ Administrative Order, OR		5

Line Item #	Category 2 – Project Benefits (Continued)	Claimed Yes/No	Points
2.E.2	Project directly resolves a Notice of Violation or Notice of Deficiency		3
2.F	Project includes system merger		10
2.G – 2.H	Reserved for Other Programs		
2.I	Project improves treated water quality by adding or upgrading a unit process		3
2.J – 2.M	Reserved for Other Programs		
2.N	Project provides redundancy/resiliency for critical treatment and/or transmission/distribution and/or collection system functions including backup electrical power source. (AND)		3
2.N.1	Project relocates infrastructure out of a floodplain OR		15
2.N.2	Project fortifies or elevates infrastructure within floodplain, OR Project improves ability to assure continued operation during flood events OR Project reduces the size of infrastructure as a result of a buyout or other abrupt loss of population		4
2.N.3	Project repairs infrastructure damaged during covered event		2
2.O	Project <u>directly benefits</u> subwatersheds that are impaired as noted on the most recent version of the Integrated Report		20
2.P	Project <u>directly benefits</u> waters classified as HQW, ORW, Tr, SA, WS-I, WS-II, WS-III* or WS-IV* (* these classifications must be covered by an approved Source Water Protection Plan to qualify)		10
2.Q	Project will result in elimination of an NPDES discharge		3

Line Item #	Category 2 – Project Benefits (Continued)	Claimed Yes/No	Points
2.R	Primary purpose of the project is to achieve at least 20% reduction in energy use		5
	Maximum Points for Category 2 – Project Benefits		35
	Subtotal claimed for Category 2 – Project Benefits		
Line Item #	Category 3 – System Management	Claimed Yes/No	Points
3.A	Capital Planning Activities		
3.A.1	Applicant has implemented an Asset Management Plan as of the date of application OR		10
3.A.2	Applicant has a current Capital Improvement Plan (CIP) that spans at least 10-years and proposed project is included in the plan		2
3.B	System Operating Ratio is greater than or equal to 1.00 based on a current audit, or is less than 1.00 and unit cost is greater than 2.5%		5
3.C – 3.E	Reserved for Other Programs		
	Maximum Points for Category 3 – System Management		15
	Subtotal claimed for Category 3 – System Management		
Line Item #	Category 4 – Affordability	Claimed Yes/No	Points
4.A	Residential Connections		
4.A.1	Less than 10,000 residential connections OR		2
4.A.2	Less than 5,000 residential connections OR		4
4.A.3	Less than 1,000 residential connections		8
4.B	Current Monthly Single Utility Rates at 5,000 Usage		
4.B.1	Greater than \$33 OR		4

Line Item #	Category 4 – Affordability (Continued)	Claimed Yes/No	Points
4.B.2	Greater than \$40 OR		6
4.B.3	Greater than \$47 OR		8
4.B.4	Greater than \$58		10
4.C	Local Government Unit (LGU) Indicators		
4.C.1	3 out of 5 LGU indicators worse than state benchmark OR		3
4.C.2	4 out of 5 LGU indicators worse than state benchmark OR		5
4.C.3	5 out of 5 LGU indicators worse than state benchmark		7
4.D – 4.E	Reserved for Other Programs		
	Maximum Points for Category 4 – Affordability		25
	Subtotal claimed for Category 4 – Affordability		
	Total of Points for All Categories		

PRIORITY RATING SYSTEM for Drinking Water Projects

Instructions: For each line item, mark "X" to claim the points for that line item. Be sure that your narrative includes justification for every line item claimed. At the end of each Category, provide the total points claimed for each program in the subtotal row for that category. Then add the subtotals from each category and enter the Project Total in the last line. Note that some categories have a maximum allowed points that may be less than the total of individual line items.

Line Item #	Category 1 – Project Purpose	Claimed Yes/No	Points
1.A	Project will consolidate a nonviable drinking water or wastewater utility		25
1.B	Project will resolve failed infrastructure issues		25
1.C	Project will rehabilitate or replace infrastructure		12
1.C.1	Treatment units, pumps and/or pump stations to be rehabilitated or replaced are greater than 20 years old, OR water/sewer lines, storage tanks, drinking water wells or intake structures to be rehabilitated or replaced are greater than 40 years old		8
1.D	Project will expand infrastructure		2
1.D.1	Treatment units, pumps and/or pump stations to be rehabilitated or replaced are greater than 20 years old, OR lines, storage tanks, drinking water wells or intake structures to be rehabilitated or replaced are greater than 40 years old		8
1.E – 1.H	Reserved for Other Programs		
Maximum Points for Category 1 – Project Purpose			25
Subtotal claimed for Category 1 – Project Purpose			
Line Item #	Category 2 – Project Benefits	Claimed Yes/No	Points
2.A – 2.A1.	Reserved for Other Programs		
2.B	Project provides a specific public health benefit to a public water supply system by replacement, repair, or merger; includes replacing dry wells, addressing contamination of a drinking water source by replacing or additional treatment; or resolves managerial, technical & financial issues		20

Line Item #	Category 2 – Project Benefits (Continued)	Claimed Yes/No	Points
2.C	Reserved for Other Programs		
2.D	Project addresses promulgated but not yet effective regulations		10
2.E	Project directly addresses enforcement documents		
2.E.1	Project directly addresses an EPA Administrative Order for a local government Applicant located in a Tier 1 county, or addresses an existing or pending SOC, or a DEQ Administrative Order, OR		5
2.E.2	Project directly resolves a Notice of Violation or Notice of Deficiency		3
2.F	Project includes system merger		10
2.G	Project addresses documented low pressure		10
2.H	Project addresses contamination		
2.H.1	Project addresses acute contamination of a water supply source OR		15
2.H.2	Project addresses contamination of a water supply source other than acute OR		10
2.H.3	Project addresses an emerging compound without a MCL but above a health advisory level		7
2.I	Project improves treated water quality by adding or upgrading a unit process		3
2.J	Water loss in system to be rehabilitated or replaced is 30% or greater		3
2.K	Project provides a public water system interconnection		
2.K.1	Project creates a new interconnection between systems not previously interconnected OR		10
2.K.2	Project creates an additional or larger interconnection between two systems already interconnected which allows one system's public health water needs to be met during an emergency OR		10
2.K.3	Project creates any other type of interconnection between systems		5
2.L – 2.M	Reserved for Other Programs		

Line Item #	Category 2 – Project Benefits (Continued)	Claimed Yes/No	Points
2.N	Project provides redundancy/resiliency for critical treatment and/or transmission/distribution and/or collection system functions including backup electrical power source		3
2.N.1	Project relocates infrastructure out of a floodplain OR		15
2.N.2	Project fortifies or elevates infrastructure within floodplain, OR Project improves ability to assure continued operation during flood events OR Project reduces the size of infrastructure as a result of a buyout or other abrupt loss of population		4
2.N.3	Project repairs infrastructure damaged during covered event		2
2.O – 2R	Reserved for Other Programs		
	Maximum Points for Category 2 – Project Benefits		35
	Subtotal claimed for Category 2 – Project Benefits		
Line Item #	Category 3 – System Management	Claimed Yes/No	Points
3.A	Capital Planning Activities		
3.A.1	Applicant has implemented an Asset Management Plan as of the date of application OR		10
3.A.2	Applicant has a current Capital Improvement Plan (CIP) that spans at least 10-years and proposed project is included in the plan		2
3.B	System Operating Ratio is greater than or equal to 1.00 based on a current audit, or is less than 1.00 and unit cost is greater than 2.5%		5
3.C	Applicant has an approved Source Water Protection Plan and/or a Wellhead Protection Plan		5
3.D	Applicant has implemented a water loss reduction program		5
3.E	Applicant has implemented a water conservation incentive rate structure		3
	Maximum Points for Category 3 – System Management		15
	Subtotal claimed for Category 3 – System Management		

Line Item #	Category 4 – Affordability	Claimed Yes/No	Points
4.A	Residential Connections		
4.A.1	Less than 10,000 residential connections OR		2
4.A.2	Less than 5,000 residential connections OR		4
4.A.3	Less than 1,000 residential connections		8
4.B	Current Monthly Utility Rates at 5,000 Usage		
4.B.1	Greater than \$33 OR		4
4.B.2	Greater than \$40 OR		6
4.B.3	Greater than \$47 OR		8
4.B.4	Greater than \$58		10
4.C	Local Government Unit (LGU) Indicators		
4.C.1	3 out of 5 LGU indicators worse than state benchmark OR		3
4.C.2	4 out of 5 LGU indicators worse than state benchmark OR		5
4.C.3	5 out of 5 LGU indicators worse than state benchmark		7
4.D	Reserved for the CDBG Program		
4.E	Reserved for the CDBG Program		
	Maximum Points for Category 4 – Affordability		25
	Subtotal claimed for Category 4 – Affordability		
	Total of Points for All Categories		

approval of the donor. No employee will be coerced, threatened or intimidated regarding donating, receiving or using shared leave under this program. Such conduct is considered unacceptable and shall receive disciplinary action up to and including dismissal. The donor may not receive compensation in any form for the donation of leave. Employees must submit the appropriate Shared Leave forms to be considered for participation. (Added 7-13-17)

See required forms to request and donate shared leave in APPENDIX C.

Section 26. Families First Coronavirus Response Act (FFCRA)

For the purposes of compliance with the Families First Coronavirus Response Act (FFCRA), the following positions are hereby defined as emergency responders essential to the town's response to COVID-19 and therefore are excluded from coverage under the FFCRA:

1. Town Manager
2. Police Chief
3. Public Works Director
4. Finance Administrator
5. Town Clerk
6. Deputy Town Clerk
7. Finance Assistant
8. Assistant Zoning Administrator
9. Police Sergeant
10. Police Officer
11. Public Works Technician
12. Water Operator

However, upon approval by the Town Manager, any employee in a position listed above may be granted up to 80 additional hours of paid sick leave when the employee is unavailable to work because: the employee is subject to a Federal, State or local quarantine or isolation order related to COVID-19, has been advised by a health care provider to self-quarantine related to COVID-19 or is experiencing COVID-19 symptoms and is seeking a medical diagnosis.



TOWN OF RIVER BEND

45 Shoreline Drive
River Bend, NC 28562

T 252.638.3870
F 252.638.2580

www.riverbendnc.org

COVID-19 Related Utility Billing Update

During the COVID-19 emergency, the Town of River Bend is working to support residents and our utility customers. To help ensure residents can remain at home and slow the spread of the coronavirus, effective March 31, 2020 and consistent with the Governor's Executive Order 124 (EO), the Town of River Bend will not disconnect residential water and/or sewer service due to late or non-payment during the term of the Executive Order. In addition, the Town is waiving all penalties and fees associated with late and nonpayment of residential utility accounts during the current term or any extension of the EO. Currently, the EO will expire on May 29, 2020. If the EO is extended, the Town will extend the terms of these conditions.

Please keep in mind that customers are still responsible for paying all other billing associated with water and/or sewer service. Your normal fees (base + usage) will not be waived. **Only late fees and nonpayment fees will be waived during the term of the EO.** The Town of River Bend only sends utility bills bi-monthly (every other month). In order to avoid accumulating large balances, customers are encouraged to continue to make payments, even if you cannot pay in full. Even though the town only send utility bills bi-monthly, customers can make a partial payment anytime.

For those customers who have an outstanding balance as of May 30, 2020, the Town of River Bend will offer a payment plan, but the plan will only be for the bills that accrued during the time of the Executive Order. The payment plan will consist of the outstanding balance being divided equally by 6 and being due in 6 equal installments over a 6 month period. For example: A customer who has a \$300.00 outstanding balance on May 30, 2020 will have the option to make 6 equal payments of \$50.00 over the next 6 months. The \$50.00 payment will be due in addition to what your utility bill is for that billing cycle. Remember, the Town only bills bi-monthly. Therefore, in this example, your bi-monthly statement would show a payment plan balance of \$100.00 (\$50.00 x 2 months). If you choose to do so, you can pay the outstanding amount in full at any time or you can pay more than the minimum amount due. Upon expiration of the EO, all late and nonpayment fees will return to being effective as they were before the EO.

Also, any occupied residential unit that was disconnected due to nonpayment prior to March 31, 2020 will be reconnected and the terms of the EO will be applied to those accounts.

These temporary regulations ONLY apply to RESIDENTIAL accounts.

NON-RESIDENTIAL accounts will be subject to all of the normal fees/policies.



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Governor's EO 124 Prohibits Local Government Utility Disconnections and Late Fees and Mandates New Reporting Requirements

About the author

Kara Millonzi



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This entry was posted on April 2nd, 2020 and is filed under [Featured Posts Related to COVID-19](#), [Finance & Tax](#), [Public Enterprise / Utility Finance](#).



On March 31, 2020, Governor Cooper issued [Executive Order 124](#) which, among other things, prohibits all end-user providers of residential water, wastewater, electric, and natural gas utility services from disconnecting these services and from charging late fee penalties. It also mandates certain payment plan parameters and imposes a new weekly reporting requirement. This blog analyzes the details of the Executive Order (EO).

As discussed below, there is some ambiguity about certain provisions of the EO. I will update the post as we get additional implementation guidance from the State Attorney General's office or the North Carolina Utilities Commission. The School of Government hosted a Zoom call on April 2, 2020, on EO 124 and a recording of that call is [here](#).

Here is a quick summary of EO 124. Below is more detailed analysis of each provision.

- The EO likely applies to all county, municipal and special purpose local government water, wastewater, electric, and natural gas utilities (collectively, local government utilities).
- As of March 31, 2020, and at least for the next 60 days, a local government utility is prohibited from disconnecting residential utility services for nonpayment of the monthly (or bi-monthly) user fees.
- A local government utility may not bill or collect any fee, charge, penalty, or interest for a late or otherwise untimely payment on a residential account that becomes due on or after March 31, 2020 for at least 60 days.
- A local government must set up one or more reasonable payment plan options for its residential customers.
- A local government utility must reasonably inform its customers of the new prohibitions.
- A local government must report certain information on a weekly basis to the North Carolina Utilities Commission

TO WHAT GOVERNMENT UTILITIES DOES EO 124 APPLY?

There are many different local government utility providers in North Carolina. The two largest groups of providers are counties and municipalities (cities, towns, villages). But there several other special purpose local government utility providers, including [water and sewer authorities](#), [sanitary districts](#), [county water and sewer districts](#), [metropolitan water districts](#), [metropolitan sewerage districts](#), [metropolitan water and sewerage districts](#), joint agencies, as well as a few utility providers established by local act of the General Assembly. (I'll refer to these utilities collectively as special purpose government utilities.)

It is clear that the EO applies to county- and municipal-owned and operated water, wastewater, electric, and natural gas utilities that provide end-user residential services. The EO states that it applies to all utility service providers that are "owned or operated by a political subdivision of the State," and the North Carolina Emergency Management Act, which gives the Governor the authority to issue the EO, defines "political subdivision" as "counties and incorporated cities, towns, and villages." G.S. 166A-19.3(12).

What about the special purpose government utilities? There may be some question whether the EO, by its terms, extends to special purpose government utilities. As I read the various provisions of the EO, however, it seems clear that the intent is to apply the requirements to all end-user residential water, wastewater, electric, and natural gas utility service providers in the state, including special purpose government utilities. (See, for example, various "whereas clauses" in the EO, including "Whereas the [Governor] has determined that it is in the best interest of the people of North Carolina to enact, *for all utilities*, prohibitions and restrictions similar to and consistent with the Utilities Commissions' March 19, 2020 order." Emphasis added. Refer also to the definition of "Utility Service Provider" in the EO, which includes all "organizations" that "provide directly to end-user residential customers electric natural gas, water, or wastewater services...")

Because I believe that there is a good argument that the Governor has the authority to impose the various requirements on all local government utility providers, and it appears to be the Governor's intent that the EO apply to all local government utility providers that provide end-user residential services, I will assume for the remainder of this post that all of the EO's provisions apply to counties, municipalities, and all special purpose local government utilities. (I don't want to add to the confusion by going into all of the potential arguments here. If you have questions or concerns about the EO's applicability to your utility operations my best advice is to consult with your unit's attorney.)

WHAT ARE THE SPECIFIC REQUIREMENTS OF EO 124?

The following details the specific requirements and/or limitations imposed by the EO.

Suspends Disconnections for Nonpayment on Residential Utility Accounts. The EO mandates that end-user local government utility providers stop disconnecting water, wastewater, electric, and natural gas services to residential customers for nonpayment as of March 31, 2020, unless it is "necessary as a matter of safety" or unless disconnection is "requested by the customer." There are a few important details in this directive.

First, the EO only prohibits a local government utility from disconnecting utility services for nonpayment. A local government, pursuant to its adopted policies, may continue to disconnect service for other reasons, such as meter tampering, or because the connection is causing problems for the system, or because a temporary disconnection is necessary to add new connections to the system. Of course, a utility's governing board is free to specify that it will not terminate utility services for any reason (except in an emergency), but the EO only mandates suspension of disconnections for nonpayment on residential service accounts. Many, if not most, local government utilities had already taken action, prior to the issuance of EO 124, to suspend residential disconnections during the pandemic.

Second, the prohibition on disconnections only applies to residential utility service. A local government utility is free to continue to disconnect service, according to its normal policies, to commercial and/or industrial customers, unless the unit's governing board decides to suspend disconnections for these types of services, too. Note, however, that if service is being provided to a residence, the prohibition against disconnection applies even if a business is being conducted out of that residence. (Many business operations are now being done at home.)

Third, the EO only prohibits a local government utility from disconnecting utility services for nonpayment of "ordinary monthly (or other periodically-issued) charges for services to residential customer locations in North Carolina." I interpret this provision to mean that the prohibition on disconnection applies for nonpayment of both the fixed and variable components of the monthly or bi-monthly user fees charged for residential utility services. It also applies to any capital or debt service charges that a unit adds to its residential customers' regular bill. The prohibition on disconnections, however, does not apply to nonpayment of other fees that may be charged by the utility, such as hook-up/connection fees, special assessments, system development fees, or contractual charges.

Fourth, the prohibition against disconnection for nonpayment on a residential services account applies to a delinquency that was outstanding as of March 31, 2020, as well as a delinquency that occurs after the March 31 date, and until the EO expires, is extended, or is rescinded. (Without further action, EO 124 expires 60 days from its effective date of March 31, 2020.)

Fifth, the EO does not require a local government utility to re-establish service to residential (or other) customers whose services were disconnected before March 31, 2020, although it encourages utilities to do so. However, it does suspend any local policies or ordinances that prevent reconnection. Reading these two provisions together, it appears as though if a local government utility specifies in its ordinance what is required to get services reconnected (such as full payment of the bill plus all applicable fees and penalties or such as requiring a deposit or prepayment), those provisions are suspended. The utility's governing board may then make the decision whether to authorize reconnections (without demanding any payment or requiring the customer to go through the normal process) or not.

Sixth, the EO does not mandate that a local government establish new residential or other service. A local government utility is free to continue to add new customer accounts to the extent that it is able to do so. And a local government is free to follow its normal policies for creating a new account, including requiring deposits, proof of lawful residence, and proof of identity, and assessing a new account fee. (Of course, some of the unit's normal procedures may have to be modified to account for remote work and social distancing best practices.)

Finally, a local government utility's governing board may continue to specify, by ordinance, how partial payments will be applied among multiple utility services that are included on the same bill so as to apply lastly to water services. The utility may not disconnect the residential water services for nonpayment, though.

Prohibits Charging Certain Fees and Penalties. A local government utility may not bill or collect any fee, charge, penalty, or interest for a late or otherwise untimely payment on a residential account that becomes due on or after March 31, 2020. Again, there are some nuances to this directive.

The prohibition only applies to fees, charges, penalties or interest (collectively penalties) assessed on residential accounts for failure to pay the full amount owed on time. It does not prohibit the local government from assessing its normal rates and charges for utility services, including its user fees and any administrative charges. The EO also does not prohibit a local governing board from amending its fee schedule to either increase or decrease its normal rates and charges during the pandemic.

As with the other provisions of the EO, the prohibition on assessing penalties for nonpayment only applies to residential customer accounts. A local government utility may continue to assess any applicable penalties on its non-residential customer accounts (such as commercial or industrial customer accounts), according to the utility's normal policies. Note, however, that if an individual is using his/her residence to conduct business, that does not convert a residential account to a commercial account.

But, the prohibition applies to all penalties assessed on residential accounts for nonpayment. Some units have a tiered system, whereby a penalty is applied if the bill is not paid in full by the due date and then a second penalty is assessed when service is disconnected or if the amount remains unpaid for some specified period of time. As of March 31, 2020, a local government may not assess any of these penalties on residential accounts that become delinquent for at least 60 days (from March 31, 2020) or until the EO is rescinded. A local government may not apply the penalty and simply defer collection. It is prohibited from applying the penalty to the delinquent residential account at all.

The prohibition does not apply to penalties or other charges assessed on residential accounts for reasons other than nonpayment. For example, a local government utility may continue to charge a fee for a bounced check. State law allows a local government to assess an administrative charge of up to \$35 for checks returned for insufficient funds (NSFs). *See* G.S. 25-3-506. This is not a fee imposed for late payment, but a fee imposed to cover the administrative costs of handling the bounced check. (If the customer's payment is late because of the bounced check, though, a local government utility may not assess a late penalty.) Similarly, a local government utility is free to continue to assess a convenience fee if a customer pays his/her bill by phone or online. And, if a local government utility contracts with a third-party to process its payments, that third party may continue to assess an administrative charge to the customer. (Many local governments are waiving these fees or paying them to the third party on behalf of the customer to encourage electronic payments during the pandemic.)

The EO does not extinguish or waive any account balances, including pre-existing penalties, although in the short-term it may contribute to reduced collections. Once the effective period of the EO expires, a local government utility will be able to resume its normal collection practices.

Mandates Payment Plans. A local government utility must provide its customers an opportunity to set up reasonable payment plans to pay any delinquencies on residential accounts. This mandate should help local government utilities keep their residential customers on track as much as possible so as to avoid even more significant revenue shortfalls to the unit.

The EO purports to go further and mandate that local government allow a specified period of time for customers to pay off their delinquencies. It is not entirely clear how to interpret the directive, though. It states

Customers shall be provided the opportunity to make reasonable payment arrangements to pay off over at least a six (6) month period arrearages accumulated during the effective period of the Executive Order and any order extending this Executive Order and 180 days thereafter. The six (6) month payoff period shall be calculated from the date of termination of this Section of this Executive Order or, if other applicable Executive Orders extend the protections of this Section, from the date of the termination of the last Order that extends such protections....."

One interpretation of these provisions is that a local government must allow a residential customer at least six months to pay off a delinquent account balance while the EO is in effect and at least six months to pay off a delinquent balance once the EO (and any extension) is terminated. Another interpretation is that the obligation to allow six months to pay off a delinquency accumulated after March 31, 2020, is triggered while the EO is in effect and at least 180 days after the EO is terminated, which could extend the repayment period for 12 months. Both these interpretations, however, assume that the Governor has authority to mandate a local government take these measures once the EO is terminated (either by its terms or because the emergency declaration is terminated). It is not clear that the Governor has this authority. Arguably, once the EO is terminated, and certainly once the emergency declaration is terminated, the provisions in the EO that purport to extend beyond the termination date will no longer be effective. These interpretation issues will need to be worked out eventually and may require further guidance from the Governor's office. For now, however, assume that the local government utility has an obligation to provide one or more reasonable payment plan options while the EO is in place.

The EO likely does not require a local government utility to set up individualized payment plan parameters for each residential customer. A reasonable interpretation of the EO suggests that the utility can establish one or possibly a few payment plan options that apply to all residential customers.

Mandates Customer Notifications. A local government utility must "reasonably inform their customers" of the provisions in the EO through the means that the utility providers typically use to communicate urgent messages to customers. That communication might be by email, text message, internet posting, phone calls, or other method normally used by the utility. But it should be the same communication method that you would use in an emergency. That likely means it is not sufficient to simply wait until the next billing cycle to print the information on the bill, unless this is the local government utility's only option.

What, specifically, do local government utilities need to inform customers about? It appears that the notification to customers should include the following:

- A statement that residential account disconnections for nonpayment are suspended, likely for at least 60 days.
- A statement that the local government utility will not impose new penalties for late payments or collect on penalties that were imposed on residential accounts as of March 31, 2020, for at least 60 days.
- Information about the local government utility's payment plan options.
- A statement about whether, and under what circumstances, a local government utility will reconnect utility services that were disconnected prior to March 31, 2020.

The unit may also want to provide more information to the customer about what steps it is taking during the pandemic, what fees and other operational rules remain in place, and what will happen once the emergency is over. It may be particularly helpful to inform customers early and often about payment expectations and collection methods that the local government will use once the EO is no longer in effect.

Imposes New Reporting Requirements. The EO imposes new reporting requirements on local government utilities for at least the next 60 days. Specifically, local government utilities must report weekly to the North Carolina Utilities Commission (NCUC) on the following information:

- Number of accounts by type for which the utility suspended disconnection
- Number of reconnections by type of account

- Amount of late fees and other penalties not collected
- Number of accounts on an extended repayment plan
- Customer notification information
- Other information specified by the NCUC

The NCUC must, in turn, submit a weekly report to the Governor's Office.

The NCUC has distributed its proposed plan for implementing the weekly reporting requirement. According to the guidance, the NCUC will provide a web form that utilities can access from the NCUC website (www.ncuc.net). Utilities will complete the form online by the end of the day each Wednesday, beginning April 8. That proposed guidance is [here](#) and the proposed form is [here](#). Note that these are just the proposals from the NCUC as of April 1, 2020. I will update the post to reflect any final guidance from the NCUC. Their plan is to have the web form available by Tuesday, April 7.

HOW WILL EO 124 BE ENFORCED?

According to the terms of EO 124, its provisions will be enforced against local government utilities (who are not regulated by the NCUC) by the State's Attorney General (AG). The AG is authorized to enforce the provisions of the EO "through any methods provided by current law." As of this writing, it's not clear what these enforcement mechanisms are. I will update the post when we get further guidance from the AG's office about enforcement.

WHAT IF A LOCAL GOVERNMENT UTILITY CANNOT COMPLY WITH ALL OF THE REQUIREMENTS OF THE EO OR BELIEVES THAT DOING SO WOULD PUT IT IN FINANCIAL PERIL?

EO 124 allows the Attorney General to waive, in his discretion, any of the provisions in the EO and order an effective alternative. If a local government utility believes that it cannot comply with the requirements of the EO, it might be able to apply to the AG's office for a waiver. The AG's office has directed local governments to contact Peggy Force, pforce@ncdoj.gov, and (Ms.) Terry Townsend, ttownsend@ncdoj.gov with any questions about EO 124 or requests for waivers.

Also, and importantly, if a local government utility is facing, or anticipates facing, cash flow issues or other significant financial issues due to these requirements or other aspects of dealing with the COVID-19 fallout, it should immediately contact the staff at the [Department of State Treasurer](#).

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Proposed Budget Calendar

MAY 2020						
SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	✖	5	6	✖	7
10	11	✖	12	13	✖	14
17	18	✔	19	20	✖	21
24	25	26	27	★	28	29
31						

May 28- Budget Message & Proposed Budget Released

June 11- Budget Public Hearing

June 18-Budget Adoption

These dates are subject to change but the budget must be adopted by July 1

2020 JUNE						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- ✖ = scheduled workshop date
- ✔ = extra workshop date if necessary
- ✖ = council meeting
- ★ = other important dates