



REQUEST FOR BOARD ACTION

ITEM NO. 18.

DATE OF MEETING: December 3, 2012

REQUESTED BY: Benjamin Andrea, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution Supporting Revised Lower Cape Fear Sustainable Communities Consortium Agreement.

BACKGROUND: Pender County has pledged its support to the Lower Cape Fear Sustainable Communities Consortium since the group's inception in 2010, when the group was organized to focus on regional planning efforts to integrate housing, land use, economic and workforce development, transportation, and infrastructure investments and decisions.

In 2010, the Sustainable Communities Initiative was formed with a partnership between HUD, the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) to catalyze a new generation of integrated metropolitan transportation, housing, land use and energy planning, using state of the art data, analytic tools and Geographic Information Systems. Through this partnership, the Sustainable Communities Regional Planning Grant Program was created to support metropolitan and multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of: (1) economic competitiveness and revitalization; (2) social equity, inclusion, and access to opportunity; (3) energy use and climate change; and (4) public health and environmental impact. The Program places a priority on investing in partnerships, including nontraditional partnerships to demonstrate a commitment to addressing issues of regional significance, use data to set and monitor progress toward performance goals, and engage stakeholders and residents in meaningful decision-making roles.

In November 2011, The Lower Cape Fear Sustainable Communities Consortium was awarded a \$1.13 million grant from the U.S. Department of Housing and Urban Development (HUD) through the Sustainable Communities Initiative to develop a Regional Plan for Sustainable Development (RPSD) for New Hanover, Pender and Brunswick Counties.

With the funding allocated, the Lower Cape Fear Consortium will work with the community – with a specific focus on marginal populations traditionally isolated from the public review process – to create long-term goals for the Lower Cape Fear Region. Once completed, the

Regional Plan will be used as a common guide by local and regional entities when creating or amending plans, polices and regulations.

A component of the grant project is the execution of a Consortium Agreement, which is an agreement required by HUD among the members of the Consortium to ensure that all Consortium members and partners have a clear understanding of the goals and responsibilities involved in the Lower Cape Fear Sustainable Communities Consortium Regional Planning Grant initiative. The Agreement establishes the framework for collaboration among all the existing and potential future Consortium members, partners, the lead agency (Cape Fear Council of Governments), Project Director, Project Manager and subcommittees. The Agreement also formalizes the commitments and responsibilities of the Consortium Participants.

On June 4, 2012, the Pender County Board of Commissioners was the first Consortium Member board to take action on the Consortium Agreement, unanimously passing a resolution of support. However, following Board's action, the Consortium Agreement was revised in response to stakeholder concerns of certain content of the Agreement. In general, the content of the Agreement was edited and revised to convey a clearer understanding of the project, in addition to clarifying assertions that the Consortium will be promulgating regulations or usurping local decision-making authority.

The revised Consortium Agreement, as presented today, has been supported by the following Consortium Members:

- AMEZ Housing
- Brunswick Housing Opportunities
- Cape Fear Regional Community Development Corporation
- City of Wilmington
- New Hanover County
- WAVE Transit
- Wilmington Housing Authority
- Wilmington Metropolitan Planning Organization (WMPO)

The attached Consortium Agreement shows the edits to the document since it was supported by the Board on June 4, 2012:

Strikethrough – Text Deleted

Underlined – Text Added

Double Strikethrough – Text Moved From

Double Underlined – Text Moved To

Also attached is a final, clean version of the document.

SPECIFIC ACTION REQUESTED: To consider a resolution supporting the revised Consortium Agreement for members of the Lower Cape Fear Sustainable Communities Consortium.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby supports the revised Consortium Agreement for members of the Lower Cape Fear Sustainable Communities Consortium. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Tate ___ Ward ___ Williams ___

Chairman 12/3/2012
Date

ATTEST Date

Lower Cape Fear
Sustainable Communities Consortium

Consortium Agreement

June ~~July~~ 2012



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Lower Cape Fear Sustainable Communities Consortium

Poising the Lower Cape Fear Region for economic, environmental, and social sustainability through aligned, strategic planning efforts that address an aging population, constrained transportation and housing choices, and the area's sensitivity to climate change.

Sustainable Communities Planning Grant Consortium Agreement

Background

In 2010, the Federal Sustainable Communities Initiative was formed with a partnership between the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) to promote and implement integrated metropolitan transportation, housing land use and energy planning. The Sustainable Communities Regional Planning Grant Program was created through this partnership to empower local jurisdictions to address the unique issues of each region through long term strategies, to use data to set and monitor progress toward performance goals and to engage stakeholders and residents in meaningful decision-making roles.

The Lower Cape Fear Sustainable Communities Consortium (hereafter, **the Consortium**) was formed in 2010 to support multijurisdictional planning efforts in Brunswick, New Hanover, and Pender Counties, and the metropolitan center of the City of Wilmington to develop a regional plan focused on sustainable development, and to seek funding opportunities for these efforts. In 2011, HUD, through the Sustainable Communities Initiative, awarded the Consortium a grant of \$1.13 million dollars to create a Regional Plan for Sustainable Development. Pursuant to requirements of the grant, members of the Consortium established this Consortium Agreement within 120 days of Cape Fear Council of Governments, as the lead agency, entering into a cooperative agreement with HUD.

Principles & Goals

There is currently not a comprehensive plan for the region, and local plans or policies typically do not address all of the issues facing the region nor do they incorporate HUD's livability principles in a regional context. Through a comprehensive public engagement process, the Steering Committee, with assistance from numerous stakeholders from across the region, will create a Regional Plan for Sustainable Development (RPSD) that will ~~may~~ be used as a comprehensive guide-tool kit by local and regional entities to align existing and proposed ~~when updating or creating~~ policies, regulations, plans and programs. The RPSD will identify the strengths, weaknesses, and opportunities of the region and will identify opportunities and strategies to improve the region as stipulated in the grant application and derivative Work Plan. The final document produced will be utilized as the primary Plan to implement sustainable development and to support regional and community efforts toward that goal.

The resulting Plan ~~tools developed through the process shall~~ will enable ~~be targeted toward~~ enabling the Lower Cape Fear region to reduce combined housing and transportation costs, reducing vehicle miles traveled and transportation related emissions, improve public

health, increase economic development opportunities, and increase resiliency from coastal hazards all through a highly collaborative public engagement process. meet the challenges of economic competitiveness with revitalization, rapid population growth with social equity, multi-modal transportation choices, inclusion and access to opportunity; climate change and energy use in a manner that protects public health and the environment. The RPSD will translate into tangible strategies that can benefit local residents and businesses. The project has identified the following goals and milestones as a central key to the success of the region:

- Fully Effective Comprehensive Regional Planning for Sustainability
- Alternative Transportation Modes
- Affordable Housing Housing Choices
- Increase Economic Diversity and Competitiveness of the Region
- Adaptation to Sea Level Rise and Increased Coastal storms
- Reduced Sprawling Patterns of Land Development

The final RSPD will be used as a best practices document and will serve as a comprehensive guide for regional and local sustainability issues.

Purpose of the Agreement

The purpose of this Consortium Agreement (hereinafter, the Agreement) is to ensure that all the Consortium members and partners have a clear understanding of the goals and responsibilities involved in the Lower Cape Fear Sustainable Communities Consortium Regional Planning Grant initiative. This Agreement is designed to establish the framework for collaboration among all the existing and future Consortium members, partners, the lead agency, project director, project manager and subcommittees. This Agreement formalizes the commitments and responsibilities of the Consortium participants.

Consortium Membership

Various agencies have declared support and assistance to the Consortium by signing a Memorandum of Understanding (MOU), a Letter of Commitment, and this Consortium Agreement. The Consortium is currently comprised of eleven (11) voting members and shall be referred to as the Steering Committee. The Steering Committee represents a wide array of interests, unique strengths and capabilities in areas including but not limited to ~~affordable~~ housing, transportation, energy, water, environmental quality, regional coordination, and economic development. Technical, facility, and / or in-kind support has been pledged by each signatory. The organizations within the Consortium have remained the same since the grant was awarded; however, additional **Steering Committee** members shall be considered to fill any identified gaps. Any new organizational members will be required to sign the Consortium Agreement and participate fully, attend meetings, provide oversight, assistance, and perform duties as needed. ~~The professional expertise that members of the consortium bring is vast and will be utilized to create the best possible Plan~~

for sustainable development. The Consortium represents residents and organizations within Brunswick, New Hanover, and Pender Counties.

Current members of the Lower Cape Fear Consortium Steering Committee include:

- AMEZ Housing Community Development Corporation
- Brunswick County
- Brunswick Housing Opportunities
- Cape Fear Council of Governments
- Cape Fear Regional Community Development Corporation
- City of Wilmington
- New Hanover County
- Pender County
- WAVE Transit Authority
- Wilmington Housing Authority
- Wilmington Metropolitan Planning Organization

The Steering Committee shall also form subcommittees made up of Steering Committee members and other non-voting partners. All subcommittees, including the Regional and Technical Advisory Committees (hereinafter the RAC and TAC) shall serve at the pleasure of the Steering Committee. Steering Committee members will sit on the RAC and TAC to insure full communication between the three committees.

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Governance

Cape Fear Council of Governments

~~The Cape Fear Council of Governments shall serve as the Lead Agency for the HUD grant. As the lead agency, the Cape Fear Council of Governments staff, coupled with the Consortium's leadership & guidance will:~~

- ~~• Appoint staff to function as the Sustainable Communities Grant project officer~~
- ~~• Insure compliance with all HUD grant administration and fiscal requirements~~
- ~~• Interface with consultants / contractors to ensure proper reporting and grant compliance~~
- ~~• Assume fiscal responsibility for the grant on behalf of the Consortium~~
- ~~• Represent the Consortium's interests as the Steering Committee Liaison to HUD~~
- ~~• Ensure delivery of products when contracts with consultants are utilized~~
- ~~• Provide Administrative support and financial tracking~~
- ~~• Create and enter into contracts with consultants with Steering Committee approval~~
- ~~• Serve as the primary point of contact to HUD on all matters related to the grant~~

Project Director

~~The Project Director shall be accountable to the Cape Fear Council of Governments for reporting, recordkeeping, deadlines, and other responsibilities to ensure compliance with the terms of their contract and the grant. The Project Director shall receive technical direction, guidance, and approval of all deliverables from the Consortium Steering Committee and Officers. The Project Director shall participate in the selection of and oversee a project manager. Additional responsibilities and performance expectations of the Project Director will be defined in their contract with the COG.~~

Steering Committee Member Commitments & Responsibilities:

Steering Committee members shall provide general direction and oversight over the project, including but not limited to the activities and performance of the project director and project manager, budget, meetings, and dissemination of information regarding the project to partner organizations, the media, and the public.

The Steering Committee shall also engage the creation of subcommittees made up of a multitude of non-voting partners and stakeholders that will make up the Regional Advisory Committee (RAC) and Technical Advisory Committee (TAC). Steering Committee members will become members of these subcommittees as well to ensure seamless communication.

The Steering Committee members shall also make decisions regarding, but not limited to, the Sustainable Communities initiatives, recommendations from the Regional and Technical Advisory Committees, subcommittees, model policies and practices related to the Steering Committee and the recommendations to be included in the Regional Plan for

~~Sustainable Development (RPSD). The Steering Committee shall provide, review, and decide if existing and/or applicable plans will be incorporated in the final Plan.~~

~~It shall be the responsibility of the Steering Committee to provide recommendations within the Plan that can be used by the member agencies for aligning or amending existing plans, policies, regulations, or programs. The Steering Committee does not have the authority to alter the policies of any member organizations. Representatives will be fully responsible for ensuring that their organization is fully informed and consulted for decisions outside the bounds of any previous agreement. Decisions are made by the Steering Committee in accordance with the adopted bylaws~~

All Consortium organizations shall be responsible for providing in-kind support as stated in letters of commitment submitted in support of the grant application. Each Steering Committee member shall be responsible for providing the necessary in-kind support documentation in accordance with HUD requirements. Throughout the 3-year grant process each organization in the Consortium will provide technical support to ensure the RPSD is completed in a timely and effective manner. Organizations within the Consortium having expertise with a specific topic to be addressed within the plan will provide data that will aid in the Plan's development. The Consortium shall play a critical role in the shaping of the RPSD, gaining public input, and identifying common goals.

Each member will participate fully and complete the duties in compliance with the grant Work Plan developed for the RPSD. Steering Committee members agree to work closely with the Project Director and Project Manager to:

- Develop and implement a public engagement plan
- Develop a project website
- Conduct initial data reconnaissance and develop a data management plan
- ~~Establish~~ Engage the RAC and TAC and work with these committees throughout the process
- Assist in the development of the ~~Plan~~ RPSD
- Provide data and technical support ~~when needed regarding sustainability issues~~
- ~~Work with the Advisory Committees and various subcommittees as needed~~
- Evaluate and analyze varying strategies and techniques identified
- Gather relevant, existing plans
- Review and provide feedback on committee and contractor work products
- Assist in public engagement
- Provide outreach to governing organizations and agencies
- Complete the designated amount of in-kind support pledged
- Commit in-kind resources needed to carry out tasks required to complete the Plan

The Steering Committee will work to increase collaborative input and public engagement, measure the region's resources, identify future development, and perform trend analyses to create long-term solutions for the region. In addition to the input received through the various stakeholder groups, a significant amount of funds has been set aside in the budget to promote public outreach, particularly to traditionally marginalized populations. Outreach efforts will be concentrated on the disabled, low-income populations, the youth, seniors and many other underrepresented groups. The Project Director will be responsible for insuring that the necessary amount of public input is completed. ~~Stakeholder organizations within the Consortium's region will also have a chance to partake in the~~

~~formation of the Plan through the various committees that are established within the organizational chart.~~

The work plan developed by the ~~S~~teering ~~C~~ommittee outlines expected steps to be taken to complete the ~~Regional Plan for Sustainable Development~~ RPSD. The Project Director will ~~e~~nsure that all of these steps are completed and the Steering Committee will provide oversight, guidance, and assistance. The Steering Committee will meet monthly, or more frequently as needed.

The Steering Committee does not have the authority to alter the policies of any member organizations. Representatives will be fully responsible for ensuring that their organization is fully informed and consulted for decisions outside the bounds of any previous agreement. Decisions are made by the Steering Committee in accordance with the adopted bylaws and MOU and in no way substitute for the decision-making process that each participating agency is required to follow by regulation, directive, or law.

~~The Steering Committee shall also form subcommittees made up of Steering Committee members and other non-voting partners. All subcommittees, including the Regional and Technical Advisory Committees (hereinafter the RAC and TAC) shall serve at the pleasure of the Steering Committee. Steering Committee members will sit on the RAC and TAC to insure full communication between the three committees.~~

Cape Fear Council of Governments

The Cape Fear Council of Governments shall serve as the Lead Agency for the HUD grant. As the lead agency, the Cape Fear Council of Governments staff, coupled with the Consortium's leadership & guidance will:

- Appoint staff to function as the Sustainable Communities Grant project officer
- E~~n~~sure compliance with all HUD grant administration and fiscal requirements
- Interface with consultants / contractors to ensure proper reporting and grant compliance
- Assume fiscal responsibility for the grant on behalf of the Consortium
- Represent the Consortium's interests as the Steering Committee Liaison to HUD
- Ensure delivery of products when contracts with consultants are utilized
- Provide aAdministrative support and financial tracking
- Create and enter into contracts with consultants with Steering Committee approval
- Serve as the primary point of contact to HUD on all matters related to the grant

Project Director

The Project Director shall be accountable to the Cape Fear Council of Governments for reporting, recordkeeping, deadlines, and other responsibilities to ensure compliance with

the terms of their contract and the grant. The Project Director shall receive technical direction, guidance, and approval of all deliverables from the Consortium Steering Committee and Officers. The Project Director shall participate in the selection of and overseesupervise a project manager. Additional responsibilities and performance expectations of the Project Director will be defined in their contract with the COG.

Stakeholder Involvement: Regional Advisory Committee and Technical Advisory Committee

To expand upon the depth and diversity of the expertise of the Consortium and to engage a multitude of organizations across the region in the creation of the RPSD, a Regional Advisory Committee (RAC) and Technical Advisory Committee (TAC) will be established.

Regional Advisory Committee (RAC)

The RAC will solicit representatives from all Towns or organizations within the 3-county metropolitan statistical area, state agencies (including the N.C. DENR, DOT, Dept. of Commerce, and Ports Authority), and the region's top employers. The purpose of the RAC will be to ensure that development of the RPSD is inclusive of all regional perspectives and that strategies are developed that integrate competing regional needs. Responsibilities of the RAC include but are not limited to:

- o Garner support, leverage investments, and gain input from important stakeholders throughout the region.
- o Ensure that the long-range vision is collaboratively developed and implemented
- o Identify marginal populations and organize outreach efforts
- o Organize stakeholders and increase support among the region.

Technical Advisory Committee (TAC)

The TAC includes representatives from multiple governmental and non-governmental organizations, and educational institutions. Members will include staff with technical and operational experience in transportation, housing, economic development, public health, community outreach, social equity, energy, and natural resources. Responsibilities of the TAC include but are not limited to:

- o Identify technical issues and needs in addressing the framework of the six livability principles
- o Compile all the information from subcommittees into cohesive technical reports
- o Identify performance measures, benchmarking, and technical proposals to guide the technical elements of the plan.

Organizational Structure

Each Consortium member will have one designated voting Steering Committee representative. The Steering Committee membership and decision-making by the Consortium shall be governed by the approved bylaws. The bylaws are a separate document adopted by the Steering Committee and detail voting procedures. A Steering Committee representative may be replaced at the will of the member organization. The Steering Committee may elect to change the terms of membership through an amendment to the bylaws.

The organizational chart (attached) illustrates how a collaborative network is shaped to produce maximum engagement. The Regional Advisory Committee (RAC) and the Technical Advisory Committee (TAC) will commit to regular meetings facilitated by the Project Director and / or Project Manager. Each Steering Committee member will serve on one or both of these committees to insure communication and consistency between the Steering Committee, the RAC and the TAC. The Project Director will be responsible for garnering public input under the guidance of the RAC, TAC, and Steering Committee.

The Steering Committee will provide leadership and guidance to the Project Director, Project Manager, and all Consortium committees. It is the responsibility of the Steering Committee to periodically evaluate the diversity of the Consortium membership as well as the diversity of the membership of the TAC and RAC to ensure that no groups are under-represented and that the proper expertise is applied to committee work of the Consortium. Through the TAC and RAC, the Steering Committee will work to build the Consortium membership to ensure that it reflects the diverse interests in the region and to close any existing knowledge gaps. The Steering Committee members shall take the recommendations from the RAC and TAC to create model policies and practices to be included in the RPSD.

The Steering Committee may consider new members pursuant to the approved bylaws. Members will be chosen in such a way that will enhance the diversity, regional representation, and technical expertise of the Consortium. ~~The Steering Committee will consider and determine needs of the committees; however, other stakeholder groups and organizations will have the opportunity to participate in committees without becoming members of the Consortium.~~

Active involvement by the members is important. The membership status of any inactive member or organization shall be reviewed by the Steering Committee.

Regional Advisory Committee (RAC)

~~The RAC will solicit representatives from all Towns or organizations within the 3-county metropolitan statistical area, state agencies (including the N.C. DENR, DOT, Dept. of Commerce, and Ports Authority), and the region's top employers. The purpose of the RAC will be to ensure that development of the RPSD is inclusive of all regional perspectives and that strategies are developed that integrate competing regional needs. Responsibilities of the RAC include but are not limited to:~~

- ~~○ Garner support, leverage investments, and gain input from important stakeholders throughout the region.~~

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- ~~○ Organize stakeholders and increase support among the region.~~

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~~The TAC includes representatives from multiple governmental and non-governmental organizations, and educational institutions. Members will include staff with technical and operational experience in transportation, housing, economic development, public health, community outreach, social equity, energy, and natural resources. Responsibilities of the TAC include but are not limited to:~~

- ~~○ Identify technical issues and needs in addressing the framework of the six livability principles~~
- ~~○ Compile all the information from subcommittees into cohesive technical reports~~
- ~~○ Identify performance measures, benchmarking, and technical proposals to guide the technical elements of the plan.~~

~~All subcommittees, including the Regional and Technical Advisory Committees shall serve at the pleasure of the Steering Committee.~~

Accountability

By signing this agreement the signatories agree to:

- complete the duties and tasks involved in the initiative,
- comply with matching in-kind commitments and reporting needs,
- consent to the goals and organizational structure of the Consortium, and
- ~~recognize and execute principles and opportunities that align with the goals of the Consortium.~~

All Steering Committee members' in-kind match commitments shall be accounted for and reported to the Lead Agency (Cape Fear Council of Governments) & the Project Director in a timely manner when requested, in accordance with HUD reporting requirements. The Project Director will report to Consortium members any deficiencies in meeting the amount of in-kind support that was pledged. Consortium members will use approved documentation when submitting the amount of in-kind support hours declared. The Project Director will work with each member organization to ensure that by the end of the grant period all the required committed hours and support is accomplished.

All hours worked and expenditures attributed to Consortium resources and activities are subject to standard local government accounting practices. The Consortium members will adhere to all additional HUD accountability requirements. Financial tracking will be performed by the Cape Fear Council of Governments and the Project Director with periodic reporting to the Steering Committee.

Subgrantees (contractors) who receive grant funds for a specific task may be subject to additional review as deemed necessary by the Lead Agency. Formal contracts and agreements will be signed between the Lead Agency and the subgrantee. Specific deliverables and timeframes will be outlined in the formal contract agreements subject to Steering Committee oversight.

Work Plans

The Steering Committee has developed a Work Plan for the development of the RPSD. The Work Plan ~~details the funds to be used, outlines activities, the responsible party assigned the task(s), due dates, and metrics for tracking progress and evaluation.~~ the project members, goals, and the tasks involved, and includes metrics for tracking progress of tasks and initiatives. The Steering Committee will adopt a Work Plan on an annual basis. The Project Director, Project Manager and Steering Committee will have a substantial role in the formulation and execution of the Work Plan. All activities identified in the Work Plan will be completed in a timely manner by those involved in the initiative. The Work Plan can be amended if approved by the Steering Committee and HUD.

Inclusion

The Steering Committee will consider all organizations that desire to become involved with the Consortium and development of the RPSD on an ongoing basis. All potential members will be evaluated by the Steering Committee to determine the best possible fit within the organizational chart. If it becomes necessary to alter the governing structure for the good of

the project, it will be done subject to the approval of the Steering Committee. Potential members will be evaluated objectively and will be selected in such a way that will enhance the diversity of the members. The RAC and TAC Committees will be formed to ensure diversity and inclusion of interested and engaged groups within the region.

Effective Date

This agreement is effective on the date signed by member signatories and will expire upon completion or termination of the grant. The Lower Cape Fear Sustainable Communities Consortium will continue to function to further sustainability of the region through facilitating implementation of the plan when the 3-year grant period ends.

Amendments

This agreement may be terminated, extended, or amended by a written amendment submitted to and signed by all member parties.

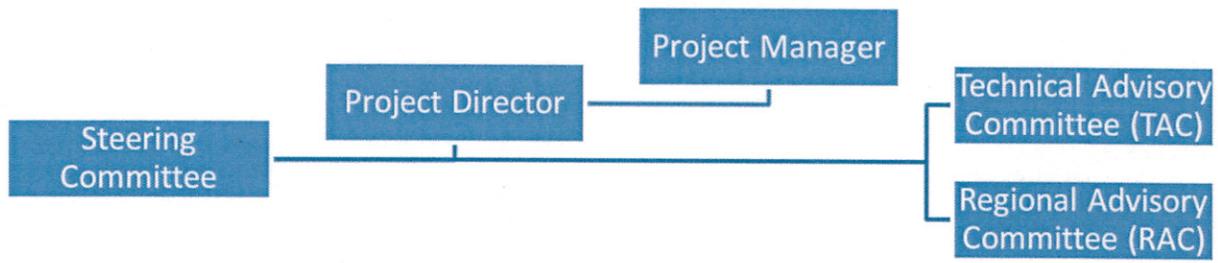
Signatories

All Steering Committee members must sign the Consortium Agreement and Memorandum of Understanding (MOU) prior to serving on the Consortium.

Each signatory agrees to this formal Consortium Agreement detailing the specific responsibilities and roles for each partner. The signature below reaffirms each organization's commitment to serve as a member of the Lower Cape Fear Sustainable Communities Consortium in accordance with the terms outlined in this Consortium Agreement, the MOU, the approved bylaws, approved work plans, and applicable HUD requirements. The Consortium Agreement with all the signatures will be kept on file by the Secretary of the Steering Committee, HUD, and the Cape Fear COG (Lead Agency).

ATTACHMENT
Organizational Chart for
Sustainable Communities Regional Planning Grant

Lower Cape Fear Sustainable Communities Consortium (LCFSC)



Signature Page
Lower Cape Fear Sustainable Communities Consortium Agreement

Pender County _____

Name of Organization

Authorized Signature

EXECUTED as of _____, 2012.

Dr. Michael N. Duvall _____

Name (print or type)

Pender County Manager/Clerk to the
Board _____

Title

Primary Point of Contact:

Ben Andrea _____

Name (print or type)

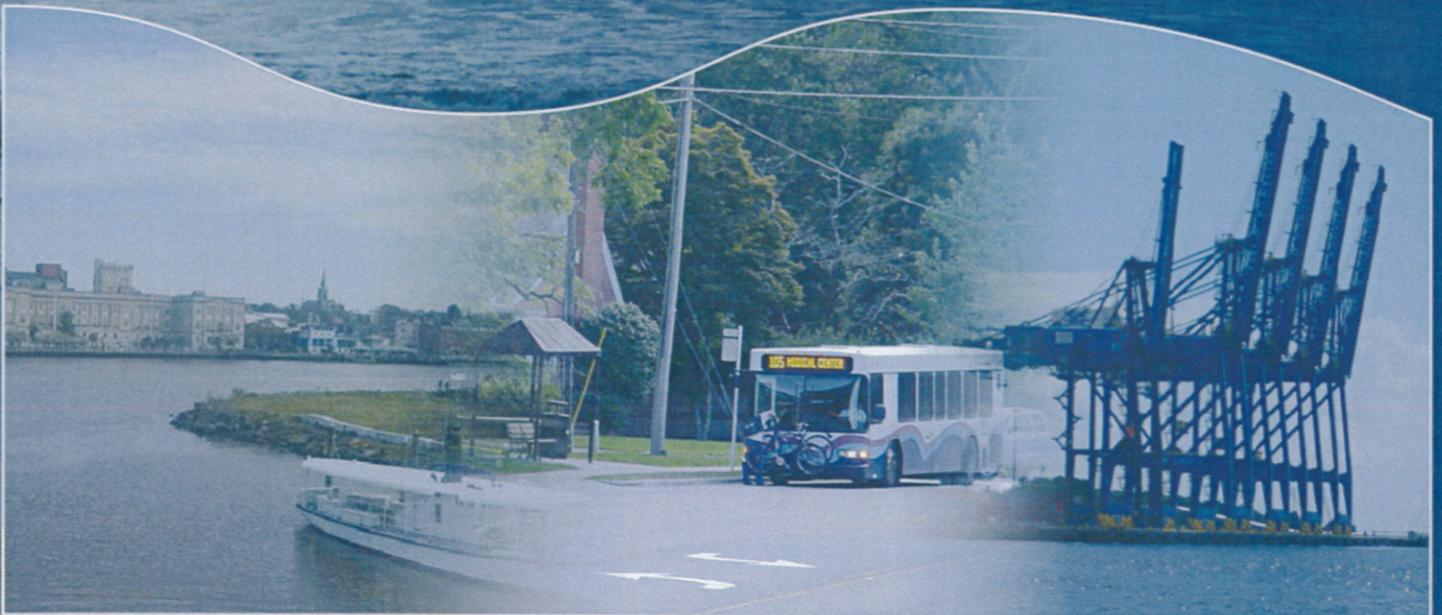
Senior Planner _____

Title

Lower Cape Fear
Sustainable Communities Consortium

Consortium Agreement

July 2012



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Lower Cape Fear Sustainable Communities Consortium

Poising the Lower Cape Fear Region for economic, environmental, and social sustainability through aligned, strategic planning efforts that address an aging population, constrained transportation and housing choices, and the area's sensitivity to climate change.

Sustainable Communities Regional Planning Grant Consortium Agreement

Background

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The Lower Cape Fear Sustainable Communities Consortium (hereafter, **the Consortium**) was formed in 2010 to support multijurisdictional planning efforts in Brunswick, New Hanover, and Pender Counties, and the metropolitan center of the City of Wilmington to develop a regional plan focused on sustainable development, and to seek funding opportunities for these efforts. In 2011, HUD, through the Sustainable Communities Initiative, awarded the Consortium a grant of \$1.13 million dollars to create a Regional Plan for Sustainable Development. Pursuant to requirements of the grant, members of the Consortium established this Consortium Agreement within 120 days of Cape Fear Council of Governments, as the lead agency, entering into a cooperative agreement with HUD.

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The resulting tools developed through the process shall be targeted toward enabling the Lower Cape Fear region to reduce combined housing and transportation costs, reducing vehicle miles traveled and transportation related emissions, improve public health, increase economic development opportunities, and increase resiliency from coastal hazards all through a highly collaborative public engagement process. The RPSD will translate into tangible strategies that can benefit local residents and businesses. The project has identified the following goals and milestones as a central key to the success of the region:

- Comprehensive Regional Planning
- Alternative Transportation Modes
- Housing Choices

- Increase Economic Diversity and Competitiveness of the Region
- Adaptation to Sea Level Rise and Increased Coastal storms
- Reduced Sprawling Patterns of Land Development

Purpose of the Agreement

The purpose of this Consortium Agreement (hereinafter, the Agreement) is to ensure that all the Consortium members and partners have a clear understanding of the goals and responsibilities involved in the Lower Cape Fear Sustainable Communities Consortium Regional Planning Grant initiative. This Agreement is designed to establish the framework for collaboration among all the existing and future Consortium members, partners, the lead agency, project director, project manager and subcommittees. This Agreement formalizes the commitments and responsibilities of the Consortium participants

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Steering Committee Member Commitments & Responsibilities:

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The Steering Committee shall also engage the creation of subcommittees made up of a multitude of non-voting partners and stakeholders that will make up the Regional Advisory Committee (RAC) and Technical Advisory Committee (TAC). Steering Committee members will become members of these subcommittees as well to ensure seamless communication.

All Consortium organizations shall be responsible for providing in-kind support as stated in letters of commitment submitted in support of the grant application. Each Steering Committee member shall be responsible for providing the necessary in-kind support documentation in accordance with HUD requirements. Throughout the 3-year grant process each organization in the Consortium will provide technical support to ensure the RPSD is completed in a timely and effective manner. Organizations within the Consortium having expertise with a specific topic to be addressed within the plan will provide data that will aid in the Plan's development. The Consortium shall play a critical role in the shaping of the RPSD, gaining public input, and identifying common goals.

Each member will participate fully and complete the duties in compliance with the Work Plan developed for the RPSD. Steering Committee members agree to work closely with the Project Director and Project Manager to:

- Develop and implement a public engagement plan
- Develop a project website
- Conduct initial data reconnaissance and develop a data management plan
- Engage the RAC and TAC and work with these committees throughout the process
- Assist in the development of the RPSD
- Provide data and technical support
- Evaluate and analyze varying strategies and techniques identified
- Gather relevant, existing plans
- Review and provide feedback on committee and contractor work products
- Assist in public engagement
- Provide outreach to governing organizations and agencies
- Complete the designated amount of in-kind support pledged
- Commit in-kind resources needed to carry out tasks required to complete the Plan

The Steering Committee will work to increase collaborative input and public engagement, measure the region's resources, identify future development, and perform trend analyses to create long-term solutions for the region. In addition to the input received through the various stakeholder groups, a significant amount of funds has been set aside in the budget to promote public outreach, particularly to traditionally marginalized populations. Outreach efforts will be concentrated on the disabled, low-income populations, the youth, seniors and many other underrepresented groups. The Project Director will be responsible for insuring that the necessary amount of public input is completed.

The work plan developed by the Steering Committee outlines expected steps to be taken to complete the RPSD. The Project Director will ensure that all of these steps are completed and the Steering Committee will provide oversight, guidance, and assistance. The Steering Committee will meet monthly, or more frequently as needed.

The Steering Committee does not have the authority to alter the policies of any member organizations. Representatives will be fully responsible for ensuring that their organization is fully informed and consulted for decisions outside the bounds of any previous agreement. Decisions are made by the Steering Committee in accordance with the adopted bylaws and MOU and in no way substitute for the decision-making process that each participating agency is required to follow by regulation, directive, or law.

Cape Fear Council of Governments

The Cape Fear Council of Governments shall serve as the Lead Agency for the HUD grant. As the lead agency, the Cape Fear Council of Governments staff, coupled with the Consortium's leadership & guidance will:

- Appoint staff to function as the Sustainable Communities Grant project officer
- Ensure compliance with all HUD grant administration and fiscal requirements
- Interface with consultants / contractors to ensure proper reporting and grant compliance
- Assume fiscal responsibility for the grant on behalf of the Consortium
- Represent the Consortium's interests as the Steering Committee Liaison to HUD
- Ensure delivery of products when contracts with consultants are utilized
- Provide administrative support and financial tracking
- Create and enter into contracts with consultants with Steering Committee approval
- Serve as the primary point of contact to HUD on all matters related to the grant

Project Director

The Project Director shall be accountable to the Cape Fear Council of Governments for reporting, recordkeeping, deadlines, and other responsibilities to ensure compliance with the terms of their contract and the grant. The Project Director shall receive technical direction, guidance, and approval of all deliverables from the Consortium Steering Committee and Officers. The Project Director shall participate in the selection of and supervise a project manager. Additional responsibilities and performance expectations of the Project Director will be defined in their contract with the COG.

Stakeholder Involvement: Regional Advisory Committee and Technical Advisory Committee

To expand upon the depth and diversity of the expertise of the Consortium and to engage a multitude of organizations across the region in the creation of the RPSD, a Regional Advisory Committee (RAC) and Technical Advisory Committee (TAC) will be established.

Regional Advisory Committee (RAC)

The RAC will solicit representatives from all Towns or organizations within the 3-county metropolitan statistical area, state agencies (including the N.C. DENR, DOT, Dept. of Commerce, and Ports Authority), and the region's top employers. The purpose of the RAC will be to ensure that development of the RPSD is inclusive of all regional perspectives and that strategies are developed that integrate competing regional needs. Responsibilities of the RAC include but are not limited to:

- Garner support, leverage investments, and gain input from important stakeholders throughout the region.
- Ensure that the long-range vision is collaboratively developed and implemented
- Identify marginal populations and organize outreach efforts
- Organize stakeholders and increase support among the region.

Technical Advisory Committee (TAC)

The TAC includes representatives from multiple governmental and non-governmental organizations, and educational institutions. Members will include staff with technical and operational experience in transportation, housing, economic development, public health, community outreach, social equity, energy, and natural resources. Responsibilities of the TAC include but are not limited to:

- Identify technical issues and needs in addressing the framework of the six livability principles
- Compile all the information from subcommittees into cohesive technical reports
- Identify performance measures, benchmarking, and technical proposals to guide the technical elements of the plan.

Organizational Structure

Each Consortium member will have one designated voting Steering Committee representative. The Steering Committee membership and decision-making by the Consortium shall be governed by the approved bylaws. The bylaws are a separate document adopted by the Steering Committee and detail voting procedures. A Steering Committee representative may be replaced at the will of the member organization. The Steering Committee may elect to change the terms of membership through an amendment to the bylaws.

The organizational chart (attached) illustrates how a collaborative network is shaped to produce maximum engagement. The Regional Advisory Committee (RAC) and the Technical Advisory Committee (TAC) will commit to regular meetings facilitated by the Project Director and / or Project Manager. Each Steering Committee member will serve on one or both of these committees to insure communication and consistency between the Steering Committee, the RAC and the TAC. The Project Director will be responsible for garnering public input under the guidance of the RAC, TAC, and Steering Committee.

The Steering Committee will provide leadership and guidance to the Project Director, Project Manager, and all Consortium committees. It is the responsibility of the Steering Committee to periodically evaluate the diversity of the Consortium membership as well as the diversity of the membership of the TAC and RAC to ensure that no groups are under-represented and that the proper expertise is applied to committee work of the Consortium. Through the TAC and RAC, the Steering Committee will work to build the Consortium membership to ensure that it reflects the diverse interests in the region and to close any existing knowledge gaps. The Steering Committee members shall take the recommendations from the RAC and TAC to create model policies and practices to be included in the RPSD.

The Steering Committee may consider new members pursuant to the approved bylaws. Members will be chosen in such a way that will enhance the diversity, regional representation, and technical expertise of the Consortium. Active involvement by the members is important. The membership status of any inactive member or organization shall be reviewed by the Steering Committee.

Accountability

By signing this agreement the signatories agree to:

- complete the duties and tasks involved in the initiative,
- comply with matching in-kind commitments and reporting needs,
- consent to the organizational structure of the Consortium

All Steering Committee members' in-kind match commitments shall be accounted for and reported to the Lead Agency (Cape Fear Council of Governments) & the Project Director in a timely manner when requested, in accordance with HUD reporting requirements. The Project Director will report to Consortium members any deficiencies in meeting the amount of in-kind support that was pledged. Consortium members will use approved documentation when submitting the amount of in-kind support hours declared. The Project Director will work with each member organization to ensure that by the end of the grant period all the required committed hours and support is accomplished.

All hours worked and expenditures attributed to Consortium resources and activities are subject to standard local government accounting practices. The Consortium members will adhere to all additional HUD accountability requirements. Financial tracking will be performed by the Cape Fear Council of Governments and the Project Director with periodic reporting to the Steering Committee.

Subgrantees (contractors) who receive grant funds for a specific task may be subject to additional review as deemed necessary by the Lead Agency. Formal contracts and agreements will be signed between the Lead Agency and the subgrantee. Specific deliverables and

timeframes will be outlined in the formal contract agreements subject to Steering Committee oversight.

Work Plans

The Steering Committee has developed a Work Plan for the development of the RPSD. The Work Plan outlines activities, the responsible party assigned the task(s), due dates, and metrics for tracking progress and evaluation.. The Steering Committee will adopt a Work Plan on an annual basis. The Project Director, Project Manager and Steering Committee will have a substantial role in the formulation and execution of the Work Plan. All activities identified in the Work Plan will be completed in a timely manner by those involved in the initiative. The Work Plan can be amended if approved by the Steering Committee and HUD.

Inclusion

The Steering Committee will consider all organizations that desire to become involved with the Consortium and development of the RPSD on an ongoing basis. All potential members will be evaluated by the Steering Committee to determine the best possible fit within the organizational chart. If it becomes necessary to alter the governing structure for the good of the project, it will be done subject to the approval of the Steering Committee. Potential members will be evaluated objectively and will be selected in such a way that will enhance the diversity of the members. The RAC and TAC Committees will be formed to ensure diversity and inclusion of interested and engaged groups within the region.

Effective Date

This agreement is effective on the date signed by member signatories and will expire upon completion or termination of the grant. The Lower Cape Fear Sustainable Communities Consortium will continue to function to further sustainability of the region through facilitating implementation of the plan when the 3-year grant period ends.

Amendments

This agreement may be terminated, extended, or amended by a written amendment submitted to and signed by all member parties.

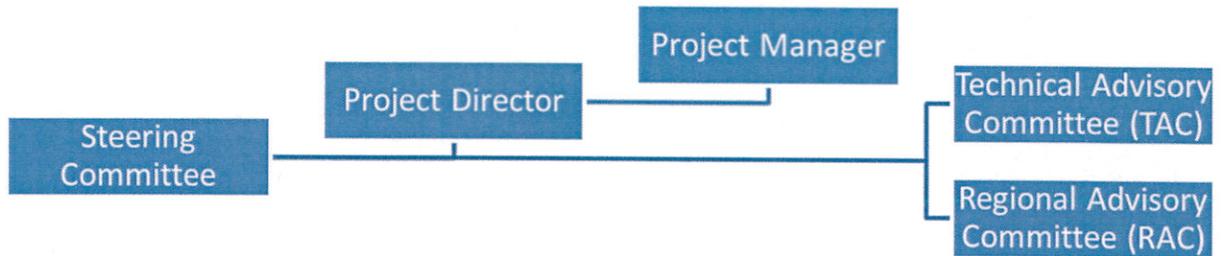
Signatories

All Steering Committee members must sign the Consortium Agreement and Memorandum of Understanding (MOU) prior to serving on the Consortium.

Each signatory agrees to this formal Consortium Agreement detailing the specific responsibilities and roles for each partner. The signature below reaffirms each organization's commitment to serve as a member of the Lower Cape Fear Sustainable Communities Consortium in accordance with the terms outlined in this Consortium Agreement, the MOU, the approved bylaws, approved work plans, and applicable HUD requirements. The Consortium Agreement with all the signatures will be kept on file by the Secretary of the Steering Committee, HUD, and the Cape Fear COG (Lead Agency).

ATTACHMENT
Organizational Chart for
Sustainable Communities Regional Planning Grant

Lower Cape Fear Sustainable Communities Consortium



Signature Page
Lower Cape Fear Sustainable Communities Consortium Agreement

Pender County
Name of Organization

Authorized Signature

EXECUTED as of _____, 2012.

Dr. Michael N. Duvall
Name (print or type)

Pender County Manager/Clerk to the Board
Title

Primary Point of Contact:

Ben Andrea
Name (print or type)

Senior Planner
Title