

APPROVED 9/1/2020

**MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
JUNE 16, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, June 16, 2020 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

Chair Rich called the meeting to order at 7:00 p.m.

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business meeting on June 16, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

Compliance with the “Americans with Disabilities Act” - Interpreter services and/or special sound equipment are available on request. Call the County Clerk’s Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager’s Office at (919) 245-2300 or TDD# 919-644-3045.

1. Additions or Changes to the Agenda

Proposed Addition to the Consent Agenda, as Item o: North Carolina Housing Finance Agency (NCHFA) – 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Award.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to add the agenda item “North Carolina Housing Finance Agency (NCHFA) – 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Award” as Item o on the Consent Agenda.

VOTE: UNANIMOUS**PUBLIC CHARGE**

The Chair acknowledged the public charge.

2. Public Comments**a. Matters not on the Printed Agenda**

Frances Castillo said she is the Chair of the Human Relations Commission (HRC), and wanted to share the exciting news that the annual book read will be held virtually this year. She said the book will be *Give Us the Ballot- the Modern Struggle for Voting Rights in America*. She said the discussion will be held on September 13th, from 3-5 p.m. She said the author is Ari Berman, and it is hoped that he will be able to join the discussion. She said the book's mission statement is: "To engage, educate and enlighten residents regarding the right to vote in America. The anticipated result is to motivate residents to participate, not only in the 2020 election, but in all electoral processes: the ballot has been given, go the polls and cast it". She said this is a bipartisan discussion, and the desire is to have all residents vote.

Riley Ruske said Sunday June 14th was Flag Day. He said a citizen's petition was given to the Orange County Board of Commissioners (BOCC) last fall, asking the Board to recite the pledge at the beginning of each meeting. He asked the Board to vote on his petition.

Chair Rich said the Board has discussed this petition, and decided it wanted to discuss the petition in person, and not at a virtual meeting, and as such this petition discussion has been moved to September.

b. Matters on the Printed Agenda

(These matters will be considered when the Board addresses that item on the agenda below.)

3. Announcements, Petitions and Comments by Board Members

Commissioner McKee said he had no comments.

Commissioner Greene said she had no comments.

Commissioner Marcoplos said he had no comments.

Commissioner Bedford expressed her appreciation to all staff, employees and Chair Rich for working during this pandemic, and keeping the County running. She encouraged residents to get vote at home ballots.

Commissioner Price said for those who have known Ellen Reckow, the Metropolitan Planning Organization (MPO) honored her after her 30 years of public service.

Commissioner Price congratulated students for completing a challenging year.

Commissioner Price requested letters of endorsement to David Price for cosponsoring the justice and policing act, as well as to Roy Cooper for the North Carolina Taskforce for racial Equity and Criminal Justice. She said she would like to work with the Sheriff on issues such as no knock warrants, and to keep the community informed. She said to would like to encourage the Sheriff's office to continue to use de-escalation.

Commissioner Dorosin said as society looks at the role of police, he would like the Board to have a serious discussion of Security Resource Officers (SROs) in the schools. He said many school districts have severed relationships with these police across the country. He petitioned to set up a committee with members from the Orange County Board of Commissioners and the school districts to discuss this topic.

Chair Rich asked if Commissioner Dorosin anticipates this discussion starting now. Commissioner Dorosin said the sooner it can start, the better.

Chair Rich said she could reach out to the school boards if the Board is in agreement to set up this committee.

Chair Rich said she had a meeting with the Mayors and the UNC Acting Chancellor of Student Affairs, Jonathan Sauls. She said much more detail has been included in the UNC roadmap, and the University has reached out to the Health Department and Orange County. She said UNC is used to doing contact tracing with the students, and some students have returned. She said all have been tested, and all tests are negative thus far. She said everyone will be required to wear masks on campus, no matter where one is. She said the University is unclear as to how many students will come back to campus. She said visitors will not be allowed on the UNC Campus when the students come back. She said the University is considering its professors, as many are over the age of 60, and it plans to be flexible. She said the University is open to communication as any time.

Chair Rich said today's Covid meeting reported that Orange County is not going in the right direction, and the Health Department is trying to get more contract tracers onboard. She said it will get worse before it gets better, and the County has yet to hit the peak of its first wave. She said the rest of the state also has rising numbers, and it is unsure when the second wave will come.

Chair Rich thanked staff and managers for getting the County through these challenging times.

Chair Rich said the Board is supposed to come back in September and meet in person, and she suggested that the Board start with a hybrid meeting process.

Chair Rich said there is still time to do the census.

Chair Rich said parents in the County contacted her and reported that it has been difficult to do remote learning in some areas of the County.

4. Proclamations/ Resolutions/ Special Presentations
NONE

5. Public Hearings
NONE

6. Regular Agenda

a. Approval of Fiscal Year 2020-21 Budget Ordinance, County Grant Projects, and County Fee Schedule

The Board considered voting adopt the FY2020-21 Budget Ordinance, the FY2020-21 County Grant Projects, and the FY2020-21 County Fee Schedule, consistent with the parameters outlined in the Board's "Resolution of Intent to Adopt the FY2020-21 Orange County Budget".

Travis Myren presented the item below, and this is the formal approval by the Orange County Board of Commissioners:

Fiscal Year 2020-21
Budget Ordinance
Orange County, North Carolina

Be it ordained by the Board of Commissioners of Orange County

Section I. Budget Adoption

There is hereby adopted the following operating budget for Orange County for this fiscal year beginning July 1, 2020 and ending June 30, 2021, the same being adopted by fund and activity, within each fund, according to the following summary:

Fund	Current Revenue	Interfund Transfer	Fund Balance Appropriated	Total Appropriation
General Fund	\$225,290,887	\$5,486,817	\$8,268,603	\$239,046,307
Emergency Telephone Fund	\$755,471	\$0	\$0	\$755,471
Fire Districts Fund	\$6,507,480	\$0	\$119,000	\$6,626,480
Section 8 (Housing) Fund	\$4,201,264	\$247,025	\$0	\$4,448,289
Community Development Fund	\$711,015	\$706,137	\$0	\$1,417,152
Visitors Bureau Fund	\$1,614,531	\$0	\$6,486	\$1,621,017
Solid Waste Operations Enterprise Fund	\$10,816,640	\$0	\$1,276,244	\$12,092,884
Sportsplex Operations Enterprise Fund	\$3,796,991	\$0	\$0	\$3,796,991
Community Spay/Neuter Fund	\$69,350	\$0	\$13,000	\$82,350
Article 46 Sales Tax Fund	\$4,295,168	\$0	\$0	\$4,295,168

Section II. Appropriations

That for said fiscal year, there is hereby appropriated out the following:

Function	Appropriation
General Fund	
Community Services	\$14,322,250
General Government	\$10,525,739
Public Safety	\$27,994,203
Human Services	\$41,614,328
Education	\$93,440,414
Support Services	\$12,773,209
Debt Service	\$33,410,925
Transfers to Other Funds	\$4,965,239
Total General Fund	\$239,046,307
Emergency Telephone System Fund	
Public Safety	\$755,471
Total Emergency Telephone System Fund	\$755,471
Fire Districts	
Cedar Grove	\$270,163
Greater Chapel Hill Fire Service District	\$275,386
Damascus	\$107,373
Efland	\$541,553

Eno	\$836,169
Little River	\$291,501
New Hope	\$762,214
Orange Grove	\$591,315
Orange Rural	\$1,516,816
South Orange Fire Service District	\$586,324
Southern Triangle Fire Service District	\$255,080
White Cross	\$592,586
Total Fire Districts Fund	\$6,626,480
Section 8 (Housing) Fund	
Human Services	\$4,448,289
Total Section 8 Fund	\$4,448,289
Community Development Fund (Housing Rehabilitation Initiative)	
Human Services	\$314,908
Total Community Development Fund (Housing Rehabilitation Initiative)	\$314,908
Community Development Fund (Housing Displacement Program)	
Human Services	\$75,000
Total Community Development Fund (Housing Displacement Program)	\$75,000
Community Development Fund (HOME Program)	
Human Services	\$663,925
Total Community Development Fund (HOME Program)	\$663,925
Community Development Fund (Homelessness Partnership Program)	
General Government	\$363,319
Total Community Development Fund (Homelessness Partnership Program)	\$363,319
Total Community Development Fund Programs	\$1,417,152
Visitors Bureau Fund	
General Government	\$225,199
Community Services	\$1,395,818
Total Visitors Bureau Fund	\$1,621,017
Solid Waste Operations Enterprise Fund	
Community Services - Solid Waste/Landfill Operations	\$10,275,072
Transfer to Other Funds	\$1,817,812
Total Solid Waste Operations Enterprise Fund	\$12,092,884
SportsPlex Operations Enterprise Fund	
Community Services – Sportsplex Operations	\$3,073,139
Transfer to Other Funds	\$723,852
Total Sportsplex Operations Enterprise Fund	\$3,796,991

Community Spay/Neuter Fund	
Community Services	\$82,350
<i>Total Community Spay/Neuter Fund</i>	\$82,350
Article 46 Sales Tax Fund	
Community Services	\$4,295,168
<i>Total Article 46 Sales Tax Fund</i>	\$4,295,168

Section III. Revenues

The following fund revenues are estimated to be available during the fiscal year beginning July 1, 2020 and ending June 30, 2021, to meet the foregoing appropriations:

Function	Appropriation
General Fund	
Property Tax	\$167,694,880
Sales Tax	\$23,827,353
Licenses & Permits	\$274,550
Intergovernmental	\$17,710,005
Charges for Services	\$12,645,090
Investment Earnings	\$515,000
Miscellaneous	\$2,624,009
Transfers from Other Funds	\$5,486,817
Appropriated Fund Balance	\$8,268,603
<i>Total General Fund</i>	\$239,046,307
Emergency Telephone System Fund	
Charges for Services	\$755,471
Appropriated Fund Balance	\$0
<i>Total Emergency Telephone System Fund</i>	\$755,471
Fire Districts	
Property Tax	\$6,497,630
Investment Earnings	\$9,850
Appropriated Fund Balance	\$119,000
<i>Total Fire Districts Fund</i>	\$6,626,480
Section 8 (Housing) Fund	
Intergovernmental and General Government	\$4,201,264
From General Fund	\$247,025
<i>Total Section 8 Fund</i>	\$4,448,289
Community Development Fund (Housing Rehabilitation Initiative)	
From General Fund	\$314,908
<i>Total Community Development Fund (Housing Rehabilitation Initiative)</i>	\$314,908
Community Development Fund (Housing Displacement Program)	
From General Fund	\$75,000
<i>Total Community Development Fund (Housing Rehabilitation Initiative)</i>	\$75,000
Community Development Fund (HOME Program)	

Intergovernmental	\$426,299
Program Income	\$13,000
From General Fund	\$224,626
Total Community Development Fund (HOME Program)	\$663,925
Community Development Fund (Homelessness Partnership Program)	
Intergovernmental and General Government	\$271,716
From General Fund	\$91,603
Total Community Development Fund (Homelessness Partnership Program)	\$363,319
Total Community Development Fund Programs	\$1,417,152

Visitors Bureau Fund	
Occupancy Tax	\$1,243,068
Sales & Fees	\$500
Intergovernmental	\$366,963
Investment Earnings	\$4,000
Appropriated Fund Balance	\$6,486
Total Visitors Bureau Fund	\$1,621,017
Solid Waste Operations Enterprise Fund	
Sales & Fees	\$10,158,176
Intergovernmental	\$260,793
Miscellaneous	\$114,671
Licenses & Permits	\$143,000
Interest on Investments	\$140,000
Appropriated Reserves	\$1,276,244
Total Solid Waste Operations Enterprise Fund	\$12,092,884
Sportsplex Operations Enterprise Fund	
Charges for Services	\$3,796,991
Total Sportsplex Operations Enterprise Fund	\$3,796,991
Community Spay/Neuter Fund	
Animal Tax	\$27,000
Intergovernmental	\$30,000
Miscellaneous	\$12,350
Appropriated Fund Balance	\$13,000
Total Community Spay/Neuter Fund	\$82,350
Article 46 Sales Tax Fund	
Sales Tax Proceeds	\$4,295,168
Total Article 46 Sales Tax Fund	\$4,295,168

Section IV. Tax Rate Levy

There is hereby levied for the fiscal year 2020-21 a general county-wide tax rate of 86.79 cents per \$100 of assessed valuation. This rate shall be levied in the General Fund. Special district tax rates are levied as follows:

Cedar Grove	8.10
Greater Chapel Hill Fire Service District	14.91
Damascus	10.80
Efland	6.78
Eno	9.68
Little River	5.92
New Hope	10.67
Orange Grove	6.81
Orange Rural	9.48
South Orange Fire Service District	9.68
Southern Triangle Fire Service District	10.80
White Cross	12.37
Chapel Hill-Carrboro School District	20.18

Section V. General Fund Appropriations for Local School Districts

The following FY 2020-21 General Fund Appropriations for Chapel Hill-Carrboro City Schools and Orange County Schools are approved:

- a) Current Expense appropriation for local school districts totals \$89,012,561, and equates to a per pupil allocation of \$4,367.
 - 1) The Current Expense appropriation to the Chapel Hill-Carrboro City Schools is \$53,395,309.
 - 2) The Current Expense appropriation to the Orange County Schools is \$35,617,252.
- b) School Related Debt Service for local school districts totals \$18,297,557.
- c) Additional County funding for local school districts totals \$6,629,597
 - (1) School Resource Officers and School Health Nurses Contracts - total appropriation of \$3,629,597 to cover the costs of School Resource Officers in every middle and high school, and a School Health Nurse in every elementary, middle, and high schools in both school systems.
 - (2) Deferred maintenance funding of \$3,000,000 by ADM is allocated to the school systems by the following: Chapel Hill-Carrboro City Schools appropriation is \$1,799,700 and Orange County Schools appropriation is \$1,200,300.

Section VI. Schedule B Privilege Licenses

In accordance with Schedule B of the Revenue Act, Article 2, Chapter 105 of the North Carolina State Statutes, and any other section of the General Statutes so permitting, there are hereby

levied privilege license taxes in the maximum amount permitted on businesses, trades, occupations or professions which the County is entitled to tax.

Section VII. Animal Licenses

A license costing \$10 for sterilized dogs and sterilized cats is hereby levied. A license for un-sterilized dogs and a license for un-sterilized cats is \$30 per animal.

Section VIII. Board of Commissioners' Compensation

The Board of County Commissioners authorizes that:

- For fiscal year 2020-21, the approved budget does not include a wage increase or merit pay.
- Annual compensation for County Commissioners will include the County contribution for health insurance, dental insurance and life insurance that is provided for permanent County employees, provided the Commissioners are eligible for this coverage under the insurance contracts and other contracts affecting these benefits.
- County Commissioners' compensation includes eligibility to continue to participate in the County health insurance at term end as provided below:
 - If the County Commissioner has served less than two full terms in office (less than eight years), the Commissioner may participate by paying the full cost of such coverage. (If the Commissioner is age 65 or older, Medicare becomes the primary insurer and group health insurance ends.)
 - If the County Commissioner has served two or more full terms in office (eight years or more), the County makes the same contribution for health insurance coverage that it makes for an employee who retires from Orange County after 20 years of consecutive County service as a permanent employee. If the Commissioner is age 65 or older, Medicare becomes the primary insurer and group health insurance ends. The County makes the same contribution for Medicare Supplement coverage that it makes for a retired County employee with 20 years of service.
 - Annual compensation for Commissioners will include a County contribution for each Commissioner to the Deferred Compensation (457) Supplemental Retirement Plan that is the same as the County contribution for non-law enforcement County employees in the State 401 (k) plan. For fiscal year 2020-21, the approved budget continues the County contribution of \$27.50 per pay period and a County contribution match of up to \$63.00 semi-monthly.

Section IX. Budget Control

General Statutes of the State of North Carolina provide for budgetary control measures to exist between a county and public school system. The statute provides:

Per General Statute 115C-429:

(c) The Board of County Commissioners shall have full authority to call for, and the Board of Education shall have the duty to make available to the Board of County Commissioners, upon request, all books, records, audit reports, and other information bearing on the financial operation of the local school administrative unit.

The Board of Commissioners hereby directs the following measures for budget administration and review:

That upon adoption, each Board of Education will supply to the Board of County Commissioners a detailed report of the budget showing all appropriations by function and purpose, specifically to include funding increases and new program funding. The Board of Education will provide to the Board of County Commissioners a copy of the annual audit, monthly financial reports, copies of all budget amendments showing disbursements and use of local moneys granted to the Board of Education by the Board of Commissioners.

The Board of Commissioners hereby approves the following financial policies:

- The County will not initiate any capital funding until October 1, 2020, and pending a review of the first quarter financial report, with the exception of County appropriations to the school districts and any other County Manager exceptions.
- The County will initiate measures to recoup sales tax proceeds on school capital projects through the conveyance of school property to the County with the school property reverting back to the school districts at the end of the construction period.
- The County will ensure that all monthly general ledger postings occur by the 10th work day of each month.
- The County will ensure that monthly financial reports are available by the 15th work day of each month.
- The County will not issue debt for a project until a bid award date and construction start date is established.
- Whereas, it is a best practice for governments to account for capital assets separate from their operating funds, and; Whereas, enterprise funds generally establish Renewal and Replacement Capital Funds to account for the acquisition of capital assets; Therefore,
 - a. The Solid Waste Renewal and Replacement Capital Fund is established to account for sources of income earmarked to fund the County Capital Investment Plan. Sources of income including debt financing proceeds, pay-as-you-go funds, and any other sources earmarked to finance acquisition of capital assets.
 - b. The Sportsplex Renewal and Replacement Capital Fund is established to account for sources of income earmarked to fund the County Capital Investment Plan. Sources of income including debt financing proceeds, pay-as-you-go funds, and any other sources earmarked to finance acquisition of capital assets.
- Whereas, the County intends to undertake Capital Projects as approved in Year 1 (FY 2020-21) of the Capital Investment Plan, will use its own funds to pay initial Project costs, and then reimburse itself from financing proceeds for these early expenditures. The expected primary type of financing for the Projects is installment financing under Section 160A-20. The financing may include more than one installment financing, and may include installment financings with equipment vendors and installment financings that include the use of limited obligation bonds. The Manager and Finance Officer have advised the Board that it should adopt this resolution to document the County's plans for reimbursement, in order to comply with certain federal tax rules relating to reimbursement from financing proceeds.
- The Community Loan Fund will issue no interest loans to recipients in this program.

- The County has adopted a policy to fund no interest loans to Non-Profit organizations that meet certain financial criteria, as adopted on September 20, 2018.
- The County will include in its Travel Policy that travel expenses for Commissioners and County Staff will include the purchase of carbon offsets for any airfare and the miles traveled by Car Share vehicles.

Section X. Internal Service Fund - Health and Dental Insurance Fund

The Health and Dental Insurance Fund accounts for receipts of premium payments from the County and its employees, employees for their dependents, all retirees and the payment of employee and retiree claims and administration expenses. Projected receipts and fund reserves from the County and employees for fiscal year 2020-21 will be \$14,085,214, and projected expenses for claims and administration for fiscal year 2020-21 will be \$14,085,214.

Section XI. Agency Funds

These funds account for assets held by the County as an agent for other government units, and by State Statutes, these funds are not subject to appropriation by the Board of County Commissioners, and not included in this ordinance.

Section XII. Encumbrances

Operating funds encumbered by the County as of June 30, 2020 are hereby reappropriated to this budget.

Section XIV. Capital Projects & Grants Fund

The County Capital Improvements Fund, Schools Capital Improvements Fund, Proprietary Capital Funds, and the Grant Projects Fund are hereby authorized. Appropriations made for the specific projects or grants in these funds are hereby appropriated until the project or grant is complete.

The County Capital Projects Fund FY 2020-21 budget, with anticipated fund revenues of \$11,188,082 and project expenditures of \$11,188,082 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and the same is adopted by project.

The School Capital Projects Fund FY 2019-20 budget, with anticipated fund revenues of \$21,387,313, and project expenditures of \$21,387,313 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the same is adopted by project.

The Proprietary Capital Funds FY 2020-21 budget, consisting of Water and Sewer Utilities, Solid Waste, and Sportsplex, with anticipated fund revenues of \$2,427,952, and project expenditures of \$2,427,952 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the same is adopted by project.

The Solid Waste Renewal and Replacement Capital Fund FY 2020-21 budget, with anticipated sources of income of \$2,368,764, and anticipated expenditures of \$2,368,764 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

The Sportsplex Renewal and Replacement Capital Fund FY 2020-21 budget, with anticipated sources of income of \$1,645,852, and anticipated expenditures of \$1,645,852 is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

The County Grant Projects Fund FY 2020-21 budget, with anticipated fund revenues of \$658,901, and project expenditures of \$658,901, is hereby adopted in accordance with G.S. 159 by Orange County for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and the same is adopted by project.

Any capital project or grant budget previously adopted, the balance of any anticipated, but not yet received, revenues and any unexpended appropriations remaining on June 30, 2020, shall be reauthorized in the FY 2020-21 budget.

Section XVI. Contractual Obligations

The County Manager is hereby authorized to execute contractual documents under the following conditions:

1. The Manager may execute contracts for construction or repair projects that do not require formal competitive bid procedures, and which are within budgeted departmental appropriations, for which the amount to be expended does not exceed \$250,000.
2. The Manager may execute contracts for general and/or professional services which are within budgeted departmental appropriations, for purchases of apparatus supplies and materials or equipment which are within the budgeted departmental appropriations, and for leases of property for a duration of one year or less and within budgeted departmental appropriations for which the amount to be expended does not exceed \$89,999.
3. Subject to prior Board of County Commissioner authorization at an official Board meeting, the Manager is authorized to execute contracts, their amendments and extensions, in amounts otherwise reserved for Board approval and execution by the Chair, up to the Board-approved budgetary amount for a project or service that has been approved by the Board of County Commissioners in the current year budget.
4. Contracts executed by the Manager shall be pre-audited by the Chief Financial Officer and reviewed by the County Attorney to ensure compliance in form and sufficiency with North Carolina law.
5. The Manager may sign intergovernmental service agreements in amounts under \$90,000.

- 6. The Manager may sign intergovernmental grant agreements regardless of amount as long as no expenditure of County matching funds, not previously budgeted and approved by the Board, is required. Subsequent budget amendments will be brought to the Board of County Commissioners for revenue generating grant agreements not requiring County matching funds as required for reporting and auditing purposes.
- 7. The Manager and Attorney will provide a quarterly report to the County Commissioners showing the type and amount of each intergovernmental agreement signed by the Manager.

This budget being duly adopted this 16th day of June 2020.

Donna Baker, Clerk to the Board

Penny Rich, Chair

Renee Price, Vice-Chair

Jamezetta Bedford

Mark Dorosin

Sally Greene

Mark Marcoplos

Earl McKee

PUBLIC COMMENT:

Riley Ruske said Orange County has the highest property and sales tax rate in the state, and this year residents will be hit with a higher tax rate due to the revaluation. He said due to increase in County spending there will be a 6% property tax increase over the next few years. He said there is no relief in sight for residents, and the County government is bloated with wasted funds.

Kristin Driggers said during the last meeting Chair Rich suggested creating an emergency technology fund by reallocating library funding, and the Orange County Board of Commissioners voted instead to fund the Chapel Hill Library. She implored the BOCC to reconsider its vote.

Sonia Dashe echoed the previous speaker. She asked if the Board would please delay its vote on the budget, and reexamine it from an equity mindset in order to benefit the community from a human services role, as opposed to punishment.

Commissioner Price referred to the County fee schedule, and said it is out of date. She asked if the staff could update it over the summer.

A motion was made by Commissioner Price, Commissioner Bedford seconded by for the Board to adopt the FY2020-21 Budget Ordinance, the FY2020-21 County Grant Projects, and the FY2020-21 County Fee Schedule, consistent with the parameters outlined in the Board's "Resolution of Intent to Adopt the FY2020-21 Orange County Budget".

VOTE: UNANIMOUS**b. Approval of the Orange County Capital Investment Plan Projects of \$35,003,347 for FY2020-21**

The Board considered voting to approve the Orange County Capital Investment Plan Projects of \$35,003,347 for FY2020-21.

BACKGROUND: For over 20 years, the County has produced a Capital Investment Plan (CIP) that establishes a budget planning guide related to capital needs for the County as well as Schools. The current CIP consists of a 5-year plan that is evaluated annually to include year-to-year changes in priorities, needs, and available resources. Approval of the CIP commits the County to the first year funding only of the capital projects; all other years are used as a planning tool and serves as a financial plan.

Capital Investment Plan – Overview

The FY2020-21 (Year 1) CIP includes County Projects, School Projects, and Proprietary Projects. The School Projects include Chapel Hill Carrboro City Schools, Orange County Schools, and Durham Technical Community College – Orange County Campus projects. The Proprietary Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects.

At the June 9, 2020 Budget Work Session, the Board of County Commissioners approved the Intent to Adopt the FY 2020-21 (Year 1) funding of the Capital Investment Plan. Final decisions on a Five-Year CIP will be considered by the Board in September 2020.

Commissioner Bedford said, out of an abundance of caution to protect her CPA license, she expects to vote no on years 2 and 3 in September, due to wanting to avoid any possible impropriety and conflict with the LGC.

Commissioner Dorosin asked if years 2 and 3 were already approved at last week's meeting.

Travis Myren said the Board is just approving year one tonight for the planning, and the rest of the plan will be reviewed in September.

Commissioner Dorosin said that was not his understanding of last week's decision, and he thought in September the Board was just making off set cuts on which it could not decide last week.

Travis Myren said as of now, the Board does not have years 2 and 3. He said the Board is not accepting years 2 and 3 tonight.

Commissioner Dorosin said it is his understanding that the Board would pick up, in September, where it left off on June 9th. He said the remaining conversation is to determine the offsetting cuts. He said he wanted to be clear that the majority of the Board voted to move the projects into years 2 and 3, and he does not want to re-visit the Board's vote in September.

Travis Myren said the Board can start there.

Commissioner Dorosin said he knows the Board can start there, but he wants to make it clear that the Board is obligated to start there, due to the vote that was taken last week. He said he does not want to get September and have to revote.

Bonnie Hammersley said the motion that was passed last week was to move the project to years 1, 2 and 3, and the only way to change that is for someone who voted for this last week to rescind their vote. He said the Local Government Commission (LGC) does not require a CIP Plan, rather it is a best practice. She said the Board only votes on year 1, with the rest of the

plan being conceptual, and voted on officially in consecutive years. She said the Board affirmatively voted to move the project to years 1, 2 and 3, but did not determine any offsets for years 2 and 3.

Commissioner Dorosin said that is correct, as he understands it.

Commissioner Marcoplos said his understanding was that the conversation was to pick up in September about the offsets for years 2 and 3. He said he is having difficulty supporting the offsets in year one, because none of the Board clearly understands the implications of those offsets.

Bonnie Hammersley said the CIP has detailed information on every project in the budget, and if the Board needs more information, it should let staff know.

Commissioner Dorosin said he wanted to follow up on Commissioner Marcoplos' point. He said he did look through the CIP very closely to find the offsetting costs he proposed, and he is aware of the implications of these cuts. He said the decision of what to cut was not easy.

Commissioner Marcoplos said he wants to point out the distinction between knowing what each dollar is spent on these projects versus what will happen if the projects are not completed. He said he hopes the Board of County Commissioners (BOCC) can have a wider discussion in the fall. He said he is confident that Commissioner Dorosin did diligent work in proposing the cuts that he did.

A motion was made by Commissioner Dorosin, seconded by Commissioner Bedford for the Board to approve funding and adopt the Orange County Capital Investment Plan projects for FY2020-21 (Year 1), as stated in Attachment 1.

VOTE: UNANIMOUS

c. Approval of Small Business Program Modifications

The Board considered voting to:

- 1) Establish the Small Business Fund on the County's Books and Chart of Accounts;
- 2) Approve the transfer of the remaining balance of \$510,000 from the Small Business bank account to the County's bank account, of which \$410,000 is to be used for Emergency grants to small businesses and the remaining \$100,000 and any residual balances to be deposited in the County's bank account;
- 3) Approve the Staff and Small Business Loan Board recommendation for the eventual dissolution of the nonprofit entity named the Orange County Small Business Loan Company Program; and
- 4) Approve the Staff and Small Business Loan Board recommendation to make all 11 existing loans with an outstanding balance of \$286,508.17 as zero interest and subsequent Small Business Loans as zero interest.

Gary Donaldson, Chief Financial Officer, presented the item below:

BACKGROUND:

In December 1997, the BOCC approved Articles of Incorporation and Bylaws establishing the nonprofit Orange County Small Business Loan (SBL) Company. Staff and the Small Business Loan Board are recommending the eventual dissolution of the nonprofit SBL and transferring all funds and the financial administration of the program to County's books and existing policies and procedures. The rationale is that the County's financial administration will provide

enhanced system controls through a better financial ledger and software infrastructure, redundancy and systems support than the current SBL financial subsidiary ledger.

Key historical milestones for the SBL Program nonprofit are as follows:

October 6, 1998 BOCC Meeting

Operating Policies and Procedures document was approved by BOCC.

September 1999 - Articles of Incorporation for the Orange County Small Business Loan Program Company were issued by the N.C. Secretary of State.

March 21, 2000 BOCC Meeting

The BOCC approved a Loan Program resolution which included a nine-member Board of Directors comprised of three county officials (County Finance Director, County Manager, and Economic Development Director) and six bank representatives.

March 13, 2007 BOCC Meeting

Economic Development staff presented recommendations to reorganize and provide capital to the Loan Program. The Economic Development Commission Advisory Board and SBL Board endorsed the recommended changes including \$150,000 to the SBL to establish a revolving loan fund which was approved the BOCC.

November 5, 2007 BOCC Meeting

Economic Development staff presented revised Bylaws and requested a Resolution which was approved by the BOCC.

January 15, 2008 BOCC Meeting

The Board approved changes to the SBL Bylaws to modify the Board of Directors to the current composition:

- 1 BOCC Member
- 2 Small Business Owners
- 2 Local Commercial Bankers
- 1 Economic Development Commission
- Orange County Economic Development Director
- Orange County Finance Director

2010 – Former County Manager Frank Clifton directed \$200,000 from the Orange County/Chapel Hill Visitors Bureau’s Fund Balance to the SBL program.

November 2011 – The one quarter cent sales tax referendum (Article 46) was approved by Orange County voters in November 2011, providing the SBL Loan program \$200,000 annually in additional lending capital.

January 2016 – The Department of Economic Development’s active marketing of the SBL program resulted in the use of assigned Article 46 fund balance to supplement the original seeded funds to issue Small Business loans.

February 7, 2020

The SBL Board of Directors endorsed recommended changes by the departments of Finance and Economic Development including:

- 1) Making all Small Business Loans zero interest
- 2) Enhancing Collections mechanisms to include electronic funds transfer and use of Collection Agencies
- 3) Revised Small Business practices to conform with the Department of Finance Policies and Procedures Manual

FINANCIAL IMPACT: This item proposes to establish the Small Business Loan Fund on the County's Books and Chart of Accounts, and transfer \$510,000 from the SBL bank account, of which \$410,000 will be used to provide Emergency Small Business grants to businesses impacted by the pandemic. Budget amendments are forthcoming to effectuate these actions.

Gary Donaldson made the following PowerPoint presentation:

Small Business Program Modifications **June 16, 2020 Business Meeting**

Background

1997- Board of County Commissioners (BOCC) approved Bylaws and Articles of Incorporation establishing the nonprofit Orange County Small Business Loan (SBL) December 1997

2008- BOCC Approved the current Small Business Loan Board Composition-

- 1 BOCC Member
 - 2 Small Business Owners
 - 2 Local Commercial Bankers
 - 1 Economic Development Commission
 - Orange County Economic Development Director
 - Orange County Finance Director
- ❖ Source of funding is Article 46 Sales Tax revenue
 - ❖ SBL program is managed by the Economic Development Department

Abstract Purpose

- ❖ Establish the Small Business Fund on the County's Financial System
- ❖ Enhanced Policies and Procedures and Controls
- ❖ Transfer of all remaining balance of \$510,000 and accrued balances from the SBL bank account to the County's bank account
- ❖ Make all outstanding 11 loans (current balance \$286,508.17) zero interest and all new loans zero interest
- ❖ Eventual dissolution of the SBL nonprofit as unanimously voted by the SBL Board

Dissolution of Small Business Nonprofit

- ❖ Transfer funds from Small Business Loan Company to County General Account
- ❖ Establish County General Ledger Accounts for Income Statement and Balance Sheet reporting
- ❖ Loan Board Chair submits letter to County Manager (date to be determined)
- ❖ Complete requisite dissolution forms to NC Secretary of State and Internal Revenue Service

Policies and Procedures Enhancements

- ❖ All Financial Transactions to mimic County Financial Policies
- ❖ Authorized Bank Signatures Defaults to County Manager and Finance Director
- ❖ Create Small Business Fund in Tyler MUNIS Financial System to record all financial transactions including tracking Accounts Receivables (A/R)
- ❖ Escalate all outstanding AR balances and take appropriate collection actions

Board Action Steps

- ❖ Approve Staff recommendations
 - Dissolution of SBL nonprofit
 - Conformance to County Policies and Procedures

Questions/Comments

Commissioner Price asked if there will be an advisory board.

Gary Donaldson said yes, the Small Business Loan Committee.

Commissioner Bedford thanked staff for moving the data to the County, and she supported the 0% interest loans. She said the Small Business Loan Committee is a great to work with, and the public needs to be better informed that this program exists.

Commissioner Dorosin asked if the status of this committee, moving forward, could be identified.

Gary Donaldson said the pandemic has put everything on pause, but once the status quo returns, the committee will go back to giving out loans.

Commissioner Dorosin asked if this committee is the same one that is overseeing the emergency loan program.

Chair Rich said no it is not, but there are some committee members that overlap between the two groups.

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to:

- 1) Establish the Small Business Fund on the County's Books and Chart of Accounts;
- 2) Approve the transfer of the remaining balance of \$510,000 from the Small Business bank account to the County's bank account, of which \$410,000 is to be used for Emergency grants to small businesses and the remaining \$100,000 and any residual balances to be deposited in the County's bank account;
- 3) Approve the Staff and Small Business Loan Board recommendation for the eventual dissolution of the nonprofit entity named the Orange County Small Business Loan Company Program; and
- 4) Approve the Staff and Small Business Loan Board recommendation to make all 11 existing loans with an outstanding balance of \$286,508.17 as zero interest and subsequent Small Business Loans as zero interest.

VOTE: UNANIMOUS

d. Amendments to the Orange County Solid Waste Ordinance Regarding Disposal of Construction and Demolition Waste at Waste and Recycling Centers

The Board considered voting to:

- 1) approve a proposed resolution amending the Solid Waste Ordinance with the amendments becoming effective August 3, 2020;

- 2) direct solid waste staff to consistently enforce Section 34-40 of the Solid Waste Ordinance related to construction and demolition waste as set forth in the amended Ordinance beginning August 3, 2020; and
- 3) in the interim, pursue a public education effort to inform the public and also make signage improvements at the various Centers to educate the public and enhance administration of the Ordinance provisions.

Robert Williams, Solid Waste Director, presented this item:

BACKGROUND: The Orange County Waste and Recycling Centers (Centers) were established for the disposal of household municipal solid waste and recycling. Specifically, the Orange County Solid Waste Ordinance provides in Section 34-40 that Centers are maintained at selected locations throughout the County for the convenience of County residents. The Section provides a list of wastes that may not be accepted at convenience centers, including commercial waste, institutional waste, industrial waste, land clearing waste, and construction waste and demolition waste. In contrast, the Ordinance specifically provides a list of materials that, if there is a specifically designated area for collection, may be deposited at the Centers, including white goods, furniture, yard waste and tires. These Ordinance provisions have been in effect since May of 1993.

A recent audit of the Centers highlighted that the Ordinance was not being consistently administered by some of the Solid Waste staff. The Centers have traditionally allowed a “wheelbarrows” worth of construction and demolition waste to be deposited in the bulky waste area as an accommodation to residential users of the sites. This amount was being inconsistently applied by staff. In addition, it became apparent that construction and demolition waste of a commercial nature was also being brought to the sites. Individuals that were renovating homes for commercial purposes were bringing or causing large quantities of material to be brought to the sites.

Staff’s recommendation proposes amending the Ordinance to allow for up to 36 cubic feet of residential construction and demolition waste per household per day or weekend period from the users’ primary residence. The goal is to support Orange County residential customers disposing of material from a “Do It Yourself” project. The proposed 36 cubic feet quantity was determined using a pickup truck with a 6 foot bed, which is equal to 90 cubic feet of space. Because of limited space and to discourage business usage, 36 cubic feet of material is proposed to be the maximum amount of construction and demolition debris that can accepted.

To further support those goals, the proposed revision to the Ordinance would require that proof of residency be provided prior to unloading of material, hired contractors could not use the Center, and loads exceeding the designated limits will not be accepted. In addition, customers attempting to enter a Center with loads exceeding 36 cubic feet of construction and demolition waste would be declined and not permitted to dispose of any material.

The amendments as proposed also specify the types of waste deemed construction and demolition wastes for this purpose. The materials are those items that are allowed at the Orange County Construction and Demolition Landfill. Containers for the allowable construction and demolition waste would be available at the Eubanks, Walnut Grove, High Rock and Ferguson Centers. Materials delivered to the C&D containers would then be delivered to the

Orange County Construction and Demolition Landfill. (It should be noted that there is not sufficient space to collect material at the Bradshaw Quarry Center, and individuals bringing allowable C&D material to that location will be directed to another Center.)

FINANCIAL IMPACT: Current conservative estimates are that 20-25% of bulky wastes delivered to the Waste and Recycling Centers are construction and demolition wastes. Tipping fees for those materials are estimated to be \$75,000-\$88,000 per year. Increasing the amount of allowable construction and demolition wastes may result in the tipping fees paid to outside vendors to go down \$75,000-\$88,000 per year resulting \$10,000.

Commissioner McKee said he appreciated the clarification on the cost, and the potential decrease in anticipated cost. He said he is fine with everything, except the 36 cubic feet.

Commissioner Price said she is unclear on the financial impact, and how the County is losing money.

Robert Williams said whoever is allowed to dump construction and demolition (C&D) debris, it is hauled to another entity in Durham, and then the landfill in another County. He said Orange County is not collecting any fees for that.

Commissioner Price said there are tipping fees of \$75,000-88,000, and she asked from where these fees come.

Robert Williams said Durham has tipping fees of \$47.50 per ton, and Orange County averages 1900 tons of C&D, which is ending up at waste and recycling centers, which is not allowed. He said if this same amount of C&D is delivered to the Orange County landfill at \$42 per ton, it is a savings of around \$11,000.

Commissioner Price asked if the phrase, "per weekend period" could be clarified.

Robert Williams said that means Saturday or Sunday. He said there are more users on the weekend.

Commissioner Dorosin asked if the photos in the abstract could be explained. He said the first picture is of truck taken from the back, and the second is a picture of a truck taken from the side.

Robert Williams said the first picture shows what 36 cubic feet looks like when it is brought in in the back of an 8 foot pick up truck. He said the second picture shows larger, oversized objects, which hang over the edge of the truck, but would still be accepted because one can still see part of truck bed.

Commissioner Dorosin said the abstract says, "36 cubic feet of quantity is equal to 96 cubic feet of space," and asked if this could be explained.

Robert Williams said 96 cubic feet of space is the space in a 6-foot pick up bed.

Commissioner Marcoplos asked if there could be a C&D dumpster at each Solid Waste Convenience Center (SWCC), that was policed for amounts, but then dumped into Orange County's landfill.

Bonnie Hammersley said that is the \$10,000 savings to which Robert Williams' referred in the financial impact. She said SWCC staff would segregate it and send it to the County's own C&D landfill, as opposed to sending it to Durham.

Robert Williams said with the increase in the number of tons coming into the C&D Landfill, the useable air space will start to be taken up. He suggested that the Board just keep this in mind.

Commissioner Greene asked if there is a plan to enforce these limits.

Robert Williams said through staff training and experience. He said staff will have to judge if a load meets the threshold.

Commissioner Greene asked if there is a reason for choosing 36 cubic feet, and if there is a reason to not go with Commissioner McKee's recommendation of 60 cubic feet.

Robert Williams said his department did some testing, and observed residents typical loads when completing a small home project. He said 36 cubic feet seemed to fall within a typical amount. He said the amounts may go over every now and then, as long as staff has made a good faith effort to judge the amount properly.

Commissioner Greene asked if, based on what his department sees people doing in reality, 36 cubic feet enough to satisfy the problem.

Robert Williams said his department wants to discourage commercial construction from bringing C&D waste.

Commissioner Green asked if regular, non-commercial, residents be able to work with the 36 cubic feet.

Robert Williams said yes.

Commissioner McKee asked if \$42 dumping fee is the minimum at the C&D landfill.

Robert Williams said there is a scale there, and it is \$22 for up to 1000 pounds in a pick up truck or trailer. He said 1000-1999 pounds is prorated at the landfill, and if waste is brought in a car, and not a pick up truck, there is a flat rate of \$5.

Commissioner McKee asked if there is a plan in place to make a change, should the 36 cubic feet be insufficient. He said he is concerned that debris will be found on the side of the road.

Robert Williams said data could be reviewed next year, and any changes as needed.

Commissioner McKee said he disagrees with the amount, and he has problems with illegal dumping on his farm, and he thinks the problem will spread. He said contractors are easy to identify, as well as rental property owners, and he is concerned about regular citizens. He said a compromise would be 60 cubic feet, given that the default policy has been 120 cubic feet for many years. He said 60 cubic feet could be evaluated after a year, just as easily as 36 cubic feet could be.

Chair Rich asked if rental property owners are considered commercial.

Robert Williams said yes, as it is not the owner's primary residence.

Commissioner McKee said commercial dumpers are easy to identify after one or two visits. He said enforcement on commercial contractors will be key, and he understands this may be uncomfortable for staff at times, but it is necessary to protect residential users who pay taxes for solid waste services.

Resolution of Amendment

A Resolution Amending Chapter 34 of the Orange County Code of Ordinances

Be it Resolved and Ordained by the Board of Commissioners of Orange County, North Carolina:

Whereas, the Solid Waste Ordinance (the "Ordinance") was enacted by the Orange County Board of Commissioners in May, 1993, and

Whereas, the Ordinance establishes convenience centers for the disposal of residential household waste by Orange County residents, and

Whereas, the Ordinance specifically sets forth materials that are not to be brought to the Orange County convenience centers, now referred to as the Waste and Recycling Centers (the Centers), and

Whereas, the Ordinance specifically provides that Construction and Demolition Waste is not allowed at the Centers, and

Whereas, the Board has determined that it is in the interests of the County to allow limited amounts of residential Construction and Demolition Waste to be deposited at the Centers by Orange County residential users; and

Whereas, there is also one provision in the Ordinance that related to the MSW landfill that was closed in 2013 and is no longer relevant.

NOW, therefore be it ordained that the Code of Ordinances, Orange County, North Carolina, Chapter 34, is hereby amended in section 34-40 thereof to read as set forth on the attachment hereto.

This Amendment shall become effective on August 3, 2020.

Adopted by the Orange County Board of Commissioners this ____ day of June, 2020.

A motion was made by Commissioner Marcoplos, seconded by Commissioner Dorosin for the Board to:

- 1) approve the attached proposed resolution amending the Solid Waste Ordinance with the amendments becoming effective August 3, 2020;
- 2) direct solid waste staff to consistently enforce Section 34-40 of the Solid Waste Ordinance related to construction and demolition waste as set forth in the amended Ordinance beginning August 3, 2020; and
- 3) in the interim, pursue a public education effort to inform the public and also make signage improvements at the various Centers to educate the public and enhance administration of the Ordinance provisions.

Commissioner McKee offered a non-friendly amendment to change the 36 feet to 60 cubic feet.

Commissioner Price seconded.

Commissioner Price said initially she had no qualms with this as written, but Commissioner McKee has used SWCC for years, and she respects his comments and input on what is most reasonable to for those who regularly use SWCCs.

Commissioner Greene asked if the resolution includes a provision to review the issue in a year's time.

Chair Rich said it is not in there.

Commissioner McKee said he would accept Commissioner Greene's suggestion to re-evaluate the matter after a year.

Commissioner Price agreed.

Commissioner Marcoplos said he has been using these same SWCC dumpsters for years, which informed his motion as well.

Commissioner Greene said the current practice has been 120 cubic feet, and 60 cubic feet seems a more reasonable reduction than 36 cubic feet.

VOTE: ON AMENDMENT

Ayes, 4 (Commissioner Greene, Commissioner Bedford, Commissioner Price, Commissioner McKee); Nays, 3 (Chair Rich, Commissioner Marcoplos, Commissioner Dorosin)

MOTION PASSES

A motion was made by Commissioner McKee, seconded by Commissioner Bedford for original motion with amendment included

Ayes, 4 (Commissioner Bedford, Commissioner Greene, Commissioner, Price Commissioner McKee); Nays, 3 (Commissioner Price, Commissioner Marcoplos, Commissioner Dorosin)

MOTION PASSES

7. Reports

a. Report from Sheriff Charles Blackwood on Policing, Racial Justice, and Equity in Orange County

The Board received a report on the Sheriff's efforts to achieve more equitable policing.

BACKGROUND:

Against the backdrop of the devastating deaths of George Floyd, Breonna Taylor, and David McAtee, the topic of equity and racial justice in policing has come in to sharp focus on both the national and local stages. Sheriff Blackwood will address the Commissioners about the efforts of the Sheriff's Office to build community trust, address implicit bias, and identify and implement best practices to address racial disparities in policing.

Sheriff Blackwood said recent events have shocked the community. He said this is the first time society has seen slow motion action before its very eyes. He said it was painful, and many are asking what is being done locally to make sure similar things do not happen here. He said, as a law enforcement leader, he must acknowledge that he is a part of systemic racism. He said his department has made, and continues to make, positive changes, and much great work has been done. He said many residents may not know about this good work, and he welcomes the newly generated interested in making long lasting change to prevent further murders. He said Orange County is doing well, but he knows this can change in an instant.

Sheriff Blackwood said there has been discussion about defunding law enforcement, and it is important to note that Orange County began diverting funds years ago to the Community Resource Court, which was new, innovative, and many were skeptical of its success. He said it has proven itself to be an excellent process. He said it is a different, and positive, experience. He said there are going to be sweeping changes in the courts. He said the changes will be good, but will be uncomfortable for many. He said Orange County has invested in its court system, all of which occurred because of partnerships and re-directing funding that was going to his office to these court programs instead. He said law enforcement is not trained and equipped to handle all social problems, and it is better to let those who are trained should be handling mental health, drug addiction, etc. He said he brought in verbal judo de-escalation two years ago, and made it available to all County employees, as well as law enforcement throughout the state. He said there is peer support within the jails, which spread to emergency rooms, and allows people to support each other. He said pre-trial supervision

and medicated assisted treatment are other programs where Orange County led the way. He listed many other ways that Orange County is creatively approaching law enforcement with great humanity, patience, and holistic planning to help people succeed and be diverted away from the criminal justice system in the first place.

Sheriff Blackwood said he serves on the Racial Justice Task force in Orange and Chatham Counties, where a lot of good work is being done. He said he serves as a Commissioner on the North Carolina Governor's Crime Commission, and is on a special workgroup that is addressing pretrial supervision, bail and bond reform. He said this group has made recommendations to the Governor that will greatly impact the criminal justice system, and provide timely review of first appearances. He said there will also be mandatory training for judges and magistrates. He said there are strong initiatives around the state, as well as locally.

Sheriff Blackwood said he is going to put the brakes on the purchase of the mobile command center, and instead will be using those funds for hiring a licensed clinical social worker to be housed with his community resource division's crisis intervention team, as well as hosting specialized training for all NC law enforcement, and any other departments who would like to attend.

Sheriff Blackwood thanked Chair Rich for helping him through these past two weeks since the death of George Floyd, and helping him work through some questions he had moving forward. He said he and Chair Rich have formed a partnership out of these challenges, despite being from radically different backgrounds. He said petty differences must be put aside, in order to work together for governmental change and action. He said he is so proud and fortunate to work with the Board and staff that exists in Orange County.

Commissioner McKee said he appreciated the Sheriff's comments, and the litany of programs he listed. He said he knows that the community may not know about all of these programs, but together they can serve the community. He said he is old enough to remember how some of these problems were addressed in the past, and he is thankful that things are continuing to change.

Commissioner Dorosin thanked Sheriff Blackwood for providing this report and he is encouraged by the Sheriff's engagement beyond the County. He said he is also greatly encourage by the decision with the command center, and re-deploying the funds to other programs. He said the question of SROs is also something to consider for these funds. He said part of this engagement involves hearing from the community in a public forum, and the next agenda item will look more closely at this need.

Sheriff Blackwood said the SRO issue is going to be something that the schools are discussing. He said the schools originally requested the SROs, and there is an opportunity to change the face of law enforcement in the schools. He said there has to be a way to close the gap of the response between the incident and the arrival of law enforcement. He said this will be an ongoing discussion.

Sheriff Blackwood said he has already started having community discussions, and he serves all people of the County. He said he is going on the road to talk to anyone. He said he would like to have known about the forum before it was proposed publically, so he did not appreciate how the community forum idea transpired. He said he can get over that, and they can move forward together.

Commissioner Dorosin said the intent was to for all of them to put something together collectively.

Commissioner Greene said she appreciated the Sheriff's comments tonight, and she especially pleased to hear of the redirection of the forfeiture funds.

Commissioner Marcoplos said he may not have used the word forum in his conversation with Sheriff Blackwood, but he talked about the need for a community process, and did lead the conversation by saying that the Sheriff had a lot of experience to share. He said more people

want to engage this conversation, and Orange County is not Minneapolis. He said what Sheriff Blackwood has been talking about tonight is so important. He said so many residents are uninformed about what is currently being done, and this is the moment not to be missed, and they owe it the community to have this discussion now.

Sheriff Blackwood said they just need to keep moving forward.

Chair Rich thanked Sheriff Blackwood for coming to speak tonight and sharing with the Board. She said she and the Sheriff do often come from different perspectives, but all can work together regardless.

Commissioner Price said Sheriff Blackwood has been open and out in the community, and she is wondering why a forum is needed. She said she has held two community forums in the past, and Sheriff Blackwood always joined. She said a resolution was totally unnecessary, and it was just a matter of calling the Sheriff, and he was always available.

Commissioner Bedford said the Sheriff's department and Caitlin Fenhagen, Criminal Justice Resource Director, are instrumental in the behavioral health committee in Orange County. She said she knew of SROs in the schools but until she became a Commissioner, she has learned so much more. She shared a personal story about her daughter. She said the community needs to know all that the Sheriff's Department is involved in within the community.

Commissioner Dorosin said the purpose of the resolution is for the Orange County Board of Commissioners to go on record that it wants to have a community forum that is sponsored by the BOCC, and held in collaboration with the Sheriff.

Commissioner McKee said he usually does not engage in social media except to find out what is going on in his community. He said last week he saw a picture and video of a military vehicle, which was completely inaccurate and ill informed. He said the Sheriff has a vehicle that is not like the one in the video, and he asked if the Sheriff would clarify the vehicle that his department currently has.

Sheriff Blackwood said his department has a mine resistant, armored personnel carrier, an MRAP, which is stripped down. He said it is a defensive tool that been used three times: a high water rescue in Chapel Hill, where the vehicle was ultimately not needed; in Carrboro, where an armed subject had been in a house for about 12 hours and the Sheriff's department was called to get the gentleman out of the home and get him to safety and services; and the third time it was needed was a high water rescue in the eastern part of the state, but was never used. He said there is no weaponry on the vehicle, and it is to deploy deputies in a safe manner.

Commissioner McKee said it is like his own two-ton truck he has on his farm; a high water truck.

RECOMMENDATION(S): The Manager recommends that the Board receive the report from Sheriff Blackwood, and be apprised of this information.

b. Discussion on a Potential Community Forum Regarding Policing and Racial Justice and Equity in Orange County

The Board discussed and considered voting to approve a potential community forum regarding policing and racial justice and equity in Orange County and a resolution calling for such a forum.

Commissioner Dorosin and Commissioner Marcoplos presented this item:

BACKGROUND:

Commissioners Mark Dorosin and Mark Marcoplos recently shared the attached resolution with other Board members and suggested the Board might want to discuss this topic and potential consideration of the attached resolution.

Commissioner Dorosin said the resolution speaks for itself, and the Board should take a vote and make a commitment. He said it is critical that the Board take a position on whether or not it wants to do this.

Commissioner Dorosin read the resolution:

A RESOLUTION CALLING FOR A COMMUNITY PUBLIC FORUM TO DISCUSS ISSUES OF POLICING AND RACIAL JUSTICE AND EQUITY IN ORANGE COUNTY

WHEREAS, the residents of Orange County, North Carolina are committed to discussing and addressing issue of structural racism, inclusion, racial equity, and the continuing legacy of racial segregation and discrimination in this community; and

WHEREAS, on June 2, 2020, the Board of County Commissioners adopted “A Resolution denouncing the murder of George Floyd and addressing the health director’s declaration of structural racism as a “public health crisis” in Orange County” and committed to working to dismantling structural racism; and

WHEREAS across the nation local governments and the communities they represent are engaging in a wide-ranging review of police policies and practices in light of these tragic events, and

WHEREAS Orange County places a high priority on community engagement, participation, and transparency; and

WHEREAS unlike municipalities in our state, which directly control their police departments, the Sheriff is an independently elected official under the North Carolina Constitution and the Sheriff’s Office is an independent county agency, but by this resolution seeks it’s partnership in addressing these issues.

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners will conduct a community public forum to discuss issues of policing and racial justice and equity in Orange County, and

BE IT FURTHER RESOLVED that the Orange County Board of Commissioners will request that the Sheriff and the Sheriff’s Office be a full and equal partner with the BOCC in planning, organizing, and leading the forum.

This, the 16th Day of June, 2020.

Commissioner Dorosin said Orange County is not a city, and the Sheriff is not their Board’s employee. He said it is incumbent of this Board to do this.

A motion was made by Commissioner Dorosin, seconded by Commissioner Marcoplos for the Board to approve the resolution calling for such a community policing forum.

Commissioner Marcoplos said the Board should step up and take the responsibility given to it, since so many residents are asking questions. He said the forum should be straightforward, and the Board needs to listen to its residents.

Commissioner Price said she will abstain from voting on this. She said she recognizes that the intention is good, but she has issues with it. She said a resolution has never before been needed to have a community meeting. She said this is supposed to be about racial equity and justice, and it bothers her to have the Sheriff as an equal partner, but not Annette Moore, Human Rights and Relations Director. She said no person of color is involved in the planning of this forum. She said she agreed with the intent, but she has issues with the process.

Commissioner Greene said she is in favor of this forum and has no issues with the resolution. She agreed with Commissioner Dorosin that the Board should be on record that it is having this conversation. She said she does not understand the bickering, and the Board should just move forward. She said Commissioner Price cannot abstain unless there is a real conflict of interest.

Commissioner Dorosin said to Commissioner Price that nothing has yet been planned. He said all the Orange County Board of Commissioners will be involved in the planning and the execution of this forum, and the topic has simply been brought up for discussion. He said if the majority of the Board votes to have a forum, then planning can begin.

Commissioner Price said she was not trying to bicker, and she recognizes the good intent behind the actions. She said she has a problem with the fact that Commissioner Marcoplos, Commissioner Dorosin, and the Sheriff were putting this idea forward, as they are three white men. She said it would have been more respectful to have some diverse partners to be a part of this.

Commissioner Dorosin said this is an idea, and nothing is planned. He said this has been presented as an idea for the Board to decide upon. He said he likes to have discussions publicly and provide total transparency.

PUBLIC COMMENT:

Sonia D said it is important that the planning should involve those most impacted, and she hoped that not only recommendations out of the forum, but real concrete commitment.

Commissioner McKee said he has the same concerns as Commissioner Price, and this could have been a petition. He speculated that the Sheriff had no part in formulating this resolution, and likely neither did Commissioner Price or the HRC. He said there was probably also no input from the people of color in the community. He said he has never seen a resolution come forward like this before, but rather it has always been done using the petition process. He said he feels conversation is important, and he will support the forum. He said if conversations had started years ago, the situation might not be what it is today.

Commissioner McKee said Commissioner Dorosin and Commissioner Marcoplos did not think in advance as to how this would be received, and he hopes the motivation is pure and he will vote for this. He said this could have been handled in a much better way.

Commissioner Marcoplos said he is having a hard time understanding this feedback, and he and Commissioner Dorosin said this was kept wide open with a clean canvas to decide on a forum. He said the resolution format was chosen to promote the urgency of this issue, as opposed to the petition process that takes weeks. He said he is often asked what he is going to do to fight racism, and this is an invitation to all to have a discussion.

Commissioner Dorosin said that Commissioner McKee does not know with whom he has talked, and he has talked to many diverse members of the community. He said this resolution is in response to what has been brought forward to him by the community.

Commissioner Dorosin called the question.

VOTE: Ayes, 6 (Chair Rich, Commissioner Greene, Commissioner Marcoplos, Commissioner Dorosin, Commissioner McKee, Commissioner Bedford)

Commissioner Price is present but did not vote.

John Roberts said when members of the Board are physically present for a vote, and choose to abstain, the vote is counted as a “yes”. He said the rules of procedure, and the new law, are unclear as to whether a person, who is participating remotely, can abstain. He said the minutes should reflect that Commissioner Price was present, and did not vote, unless she would like to ask the Board to excuse her from voting, in which case the Board would need to vote to allow her to do so.

Commissioner Price asked the Board to excuse her from voting.

A motion was made by Commissioner McKee to excuse Commissioner Price from voting.

No Second.

MOTION FAILS

Commissioner Price said she will not vote. She reiterated her reason being that she finds a resolution about racial injustice, that does not include the mention of partnering with people of color, to be concerning. She said she was not sure what is the best adjective to describe her feelings.

Chair Rich said the public forum should occur, and needs to happen soon. She said she has also heard from many community members that want to speak about these issues. She asked if the intent is to have this forum presented by the entire BOCC.

Commissioner Dorosin said one way to do this is like a public hearing, with a short presentation by the Sheriff and the HRC. He said the bulk of the time should be for the public to speak.

Chair Rich said the Board can do it that way, having the BOCC take time to listen and then perhaps collaborative respond to all of the questions that are asked.

Sheriff Blackwood said it is important to keep in mind that, if there are a lot of people, a facilitator may be wise to take input from the public and then have panel respond. He said he would recommend having Caitlin Fenhagen, someone from the courts, the District Attorney, faith community, etc. He said it needs to happen soon, and zoom works well for this format to allow greater numbers and more access.

Commissioner Greene said the Sheriff’s comments are in line with what she was thinking. She said people should be able to express freely, with the facilitator keeping the flow organized and moving. She said including representatives from the National Association for the Advancement of Colored People (NAACP) would be good as well.

Commissioner McKee said in these early planning stages, the Board must make sure to involve leaders of color. He said he has not been impacted by issues of race and equity, and does not pretend to know how the conversation should go. He said people of color must be involved at every stage, and the community should be the driver.

Commissioner Marcoplos said these are straightforward ideas. He said the idea of a facilitator will be helpful. He asked if this can be done quickly, and he would like to aim for 3 weeks.

Commissioner Dorosin said the Board/panel should not presume it will have answers, and this is a time to be open to hearing all of the ideas.

Chair Rich said the Board does not need to hear from a panel, but to hear from the public voicing concerns, ideas for change, etc.

Commissioner Bedford said some information that is in the public is grossly inaccurate, and the Board should be able to address such mistakes. She said Commissioners Dorosin and Marcoplos should take this on as the resolution was their idea.

Commissioner Greene agreed with the community having a forum to talk, and said the panel should not be considered to have all the answers, but should be able to correct inaccurate factual information.

Commissioner McKee concurred with Chair Rich's suggestion about a listening session, and Commissioner Bedford's comment to correct any blatant misinformation. He said the Board's primary goals in past community forums have been to listen.

Commissioner Price called her previous listening sessions "Village Circle", and there was not a time limit on the speakers. She said some problems were solved at these sessions, and everyone sat at the same level, on equal ground.

Commissioner Price said she has heard this referred to as a forum, a public hearing, an information session. She said she has heard most of the community talking about what will be done moving forward, as opposed to what is being done currently. She asked if the main goal of the forum could be identified.

Commissioner Marcoplos said he sees the opportunity as a way to provide clear information, for people to express their perspective, and ask questions. He said he thinks some brief presentations in the beginning would be helpful so that the conversation can start from a more informed perspective.

Commissioner Price said those who are affected by racism and inequity want to hear what is going to be done about it, not to have accurate information about what is being done currently.

Chair Rich asked if the Board could move towards next steps.

Commissioner Dorosin said he wants to hear what residents want the Board to do.

Chair Rich said 30 days is way too long to wait.

Bonnie Hammersley said the forum could be held after July 4th, and she can look for a facilitator. She said staff is happy to help in any way, and can set up the zoom component.

Commissioner Marcoplos suggested coming up with a draft list of people who will be on the panel, and he and Commissioner Dorosin can poll the BOCC as to who needs to be involved.

Commissioner Dorosin said he is reluctant to take any leadership on this. He said the Orange County Board of Commissioners is listening, and it is the public's opportunity to speak to the Board's listening ear.

Commissioner Marcoplos said the public needs to speak to someone, and asked if it should just be the BOCC, or should others be included.

Commissioner Greene asked if this forum has a name. She asked if Town Hall would be appropriate. She said she does not want to call it a public hearing.

Chair Rich said she recently participated in a Town Hall, and she is not sure that is the right name. She said people have a lot of feelings and thoughts right now, and want to be heard.

Commissioner Greene suggested calling it a listening session.

Donna Baker asked if people will have to sign up in order to participate.

Chair Rich said in her recent experience there were two rooms on zoom, with the speakers in one room and the listeners in the other. She said a facilitator served as a go between. She said people need to be allowed to speak, and there should be some time limit on the speakers.

Commissioner McKee said community forum indicates that the community is the driver, and there should be no time limit on the speakers. He said if people have something to say,

they should be able to do so completely and freely. He said there should be someone controlling when people speak, or else the meeting could go sideways.

Chair Rich said that is important, or else everyone talks on top of each other.

Commissioner Marcoplos said a facilitator will stop the conversation going sideways.

Commissioner Dorosin said he does not want a facilitator, as it is an artificial intermediary and seems unnecessary. He said the time limit question is trickier.

Donna Baker said current zoom meetings have everyone sign up in advance, and grant people access.

Commissioner Dorosin said that seems fair and appropriate

Chair Rich said she will talk to everyone to start getting an idea of where everyone is.

Commissioner Greene said she is a convert to facilitators.

Commissioner Bedford said Chair Rich and Sheriff Blackwood, and any others that want to, can be a part of a sub-committee. She said she will show up for the forum, and the Board should just move on.

Commissioner Marcoplos said it is important to have clarity on who is hosting or listening. He said he would steer away from having 35 hosts, and put energy into making sure the event is well publicized to those communities from whom the Board most wants to hear; those who are most affected by these issues.

Chair Rich said she will reach out to everyone.

8. Consent Agenda

- **Removal of Any Items from Consent Agenda**
No items removed.
- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner McKee, seconded by Commissioner Price to approve the remaining items on the Consent Agenda.

VOTE: UNANIMOUS

a. Minutes

The Board approved the draft minutes from May 19 and 21, 2020 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for three taxpayers with a total of four bills that will result in a reduction of revenue, in accordance with NCGS.

c. Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release property tax values for five taxpayers with a total of seven bills that will result in a reduction of revenue, in accordance with North Carolina General Statute 105-381.

d. Voluntary Agricultural District Designation – Multiple Farms

The Board voted to certify two (2) farm properties totaling 96.9 acres; designate them as Voluntary Agricultural District farms within the White Cross Voluntary Agricultural District; and enroll the lands in the Orange County Farmland Preservation Program's Voluntary Agricultural District (VAD) program.

e. Approval of Two Contracts Associated with the State of North Carolina’s “Building Reuse Grant” Incentive to ABB, Inc.

The Board approved and authorized the Chair to sign two contracts, on behalf of Orange County, related to the State of North Carolina’s “Building Reuse Grant” incentive awarded on July 10, 2019 to ABB, Inc., a local manufacturing industry. This State incentive requires Orange County’s participation as part of the “pass through” process for \$500,000 in North Carolina Department of Commerce funds to transfer from the State to the County, and then to ABB, Inc.

f. Request for Road Additions to the State Maintained Secondary Road System for Peninsula Lane and Grassland Court in The Bluffs at Moorefields Subdivision

The Board voted to make a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NC BOT), concerning a petition to add Peninsula Lane and Grassland Court in The Bluffs at Moorefields Subdivision to the State Maintained Secondary Road System.

g. JCPC Certification for FY 2020-2021

The Board approved the Orange County Juvenile Crime Prevention Council (JCPC) Certification and County Plan for FY 2020-2021 and authorize the Chair to sign.

h. Resolution of Approval – Conservation Easement on Triangle Land Conservancy’s Patterson-Thornton Property

The Board voted on a resolution, which is incorporated by reference, to approve the acceptance by Orange County of a conservation easement donation for Triangle Land Conservancy’s Patterson-Thornton Property and authorize the Chair and the Clerk to sign the conservation easement agreement, subject to final review by staff and County Attorney, with a closing and recordation of the document expected to occur on or about June 30, 2020.

i. Update to Orange County Limited English Proficiency Policy (“Orange County Language Access Plan”)

The Board approved an update to Orange County’s Limited English Proficiency Policy (“Language Access Policy”).

j. Approval of Contract with Ceres Environmental Services, Inc. as a Secondary Provider for Disaster Debris Removal and Clearance Service

The Board authorized the Manager to sign an Agreement with Ceres Environmental Services, Inc. as a secondary provider for Disaster Debris Removal and Clearance Services for the County.

k. Fiscal Year 2019-20 Budget Amendment #11

The Board approved budget, grant, and capital project ordinance amendments for fiscal year 2019-20 for Housing and Community Development; Emergency Services; Miscellaneous; Non-Departmental Corona Virus Relief Fund; Article 46 Sales Tax Fund; Sheriff’s Office; Health and Dental Insurance Fund; County Capital Projects; Deferred Maintenance – Schools; Criminal Justice Resource Department; and Arts Commission.

l. Application for North Carolina Education Lottery Proceeds for Chapel Hill – Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #11-A Related to CHCCS Capital Project Ordinances

The Board approved an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2019-20 debt service payments for Chapel Hill – Carrboro City Schools (CHCCS), authorize the Chair to sign and to approve Budget Amendment #11-A, contingent on the NCDPI’s approval of the application.

m. Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #11-B Related to OCS Capital Project Ordinances

The Board approved an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2019-20 debt service payments for Orange County Schools (OCS), authorize the Chair to sign and to approve Budget Amendment #11-B, contingent on the NCDPI's approval of the application.

n. Endorsement of Letter to Governor Roy Cooper from Orange County Climate Council

The Board authorized the Chair to sign the letter from the Orange County Climate Council as an additional endorsement and send the letter to Governor Roy Cooper.

ADDITION:

o. North Carolina Housing Finance Agency (NCHFA) – 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Award

The Board approved the 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Assistance Policy and ESFRLP20 Procurement and Disbursement Policy and authorize the County Manager to sign the Funding and Written Agreement for the ESFRLP20 award from the North Carolina Housing Finance Agency (NCHFA).

9. County Manager's Report

Bonnie Hammersley thanked the Board for its support through the budget process.

Bonnie Hammersley said staff is working with the Orange County Schools (OCS) on its lease for IT equipment, and the Board of Education (BOE) is working on this next week. She said it does require the Board's approval. She said staff will monitor this closely, and if a brief zoom meeting is needed on this issue, she will let the Board know.

10. County Attorney's Report

John Roberts said last week he gave the Board a report on the General Assembly bills, and one issue involves agri-tourism. He said the County cannot regulate those from a land use position. He said the Governor just signed a bill expanding these uses, and those who have concerns should contact the legislature, as there is little the BOCC can do.

11. *Appointments

a. Durham Technical Community College Board of Trustees – Appointment Discussion

The Board considered making a reappointment to the Durham Technical Community College Board of Trustees.

A motion was made by Commissioner Price, seconded by Commissioner Bedford to appoint the following to the Durham Tech Community College Board of Trustees:

- Position 2 Lee Storrow BOCC Appointee to a Second Full Term expiring 06/30/2024

Commissioner Marcoplos nominated Katie Loovis.

No Second.

VOTE: UNANIMOUS

12. Information Items

- June 2, 2020 BOCC Meeting Follow-up Actions List
- Memorandum Regarding Expansion of Hillsborough Area Economic Development District (EDD)

- Memorandum from Sheriff Blackwood Regarding Purchase of Mobile Command Center

13. Closed Session
NONE

14. Adjournment

Commissioner Price referred to her earlier comments about proposed thank you letters going to David Price and the Governor. She asked if the Board agrees.

Chair Rich said yes, and asked Commissioner Price to craft these letters and she would sign.

The Board agreed by consensus.

A motion was made by Commissioner Price, seconded by Commissioner McKee to adjourn the meeting at 10:11 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.