



**Orange County
Board of Commissioners**

Agenda

Business Meeting

February 7, 2023

7:00 p.m.

Donna S. Baker Meeting Room

Whitted Building

300 West Tryon Street

Hillsborough, NC 27278

Note: Background Material
on all abstracts
available in the
Clerk's Office

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

PUBLIC CHARGE

The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

2. Public Comments (Limited to One Hour)

(We would appreciate you signing the pad ahead of time so that you are not overlooked.)

- a. Matters not on the Printed Agenda (Limited to One Hour – THREE MINUTE LIMIT PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

Petitions/Resolutions/Proclamations and other similar requests submitted by the public will not be acted upon by the Board of Commissioners at the time presented. All such requests will be referred for Chair/Vice Chair/Manager review and for recommendations to the full Board at a later date regarding a) consideration of the request at a future Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement, or consent.

- 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 (Three Minute Limit Per Commissioner)



4. Proclamations/ Resolutions/ Special Presentations

- a. Discussion and Appointment for the Vacant Position on the Orange County Board of Commissioners
(PLEASE NOTE THAT NO PUBLIC COMMENT WILL BE ACCEPTED AT THE MEETING ON THIS ITEM.)
- b. 2023 Year of the Trail Proclamation and Great Trails State Coalition

5. Public Hearings

- a. 5311 Rural Area Formula Grant and Combined Capital Program (5311/5339) Grant for FY 2024

6. Regular Agenda

- a. Approval of a Professional Services Contract with Berry, Dunn, McNeil & Parker, LLC to Create a Countywide Strategic Plan, and Approval of Budget Amendment #5-C
- b. Proposed Revisions to the Wild and Dangerous Animal Provisions in the Orange County Unified Animal Control Ordinance
- c. Amendment to the Code of Ordinances – Emergency Proclamations

7. Reports

8. Consent Agenda

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Late Applications for Property Tax Exemption/Exclusion
 - e. Capacity Building Competitive Grant Mobile Command Trailer Purchase
 - f. Approval of Additional Non-voting Youth Member to Parks and Recreation Council (PRC)
 - g. Adoption of Orange County's HOME-ARP Allocation Plan
 - h. Two-Year Extension of the Lease for Suite 101 in the Europa Center
 - i. Proposed Extension to Medline Industries, LP Incentive Performance Agreement Concerning the Company's Employment & Investment Target Dates

9. County Manager's Report

Projected February 16, 2023 Work Session Items

Oath of Office and Seating for New Member of the Board of Commissioners
Boards and Commissions – Annual Work Plan Summaries - First Group (Second Group
Scheduled for March 14, 2023 Work Session)
Review of Upcoming Boards and Commissions Appointments

10. County Attorney's Report

11. *Appointments



12. Information Items

- January 17, 2023 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100

13. Closed Session

“To discuss the County’s position and to instruct the County Manager and County Attorney on the negotiating position regarding the terms of a contract to purchase real property,” NCGS § 143-318.11(a)(5).

14. Adjournment

Note: Access the agenda through the County's web site, www.orangecountync.gov

***Subject to Being Moved to Earlier in the Meeting if Necessary**

Orange County Board of Commissioners' meetings and work sessions are available via live streaming video at orangecountync.gov/967/Meeting-Videos and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No.** 4-a

SUBJECT: Discussion and Appointment for the Vacant Position on the Orange County Board of Commissioners

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

Applications for BOCC Vacancy
January 2023 Correspondence from the
Orange County Democratic Party

INFORMATION CONTACT:

Laura Jensen, Clerk to the Board, 919-
245-2130

PLEASE NOTE THAT NO PUBLIC COMMENT WILL BE ACCEPTED AT THE MEETING ON THIS ITEM.

PURPOSE: To discuss nominees to the vacant position on the Board of County Commissioners, hear comments from nominees for the position, and make an appointment.

BACKGROUND: At its December 5, 2023 Business Meeting, the Board of County Commissioners addressed the issue of filling the vacant District 2 seat on the Board, which occurred on December 31, 2022. State statute requires that the Board consult the political party with which the departing commissioner is affiliated. The Board decided on the following course of action for filling the vacancy, which follows a similar process used for filling a previous vacancy in 2021:

- The application form for nomination was produced and advertised by the Clerk to the Board Laura Jensen, after revisions were suggested by the Board of County Commissioners.
- Applications for the vacancy were submitted to the Clerk to the Board by Friday, January 6, 2023, at 5:00 pm. Any individual wanting to be considered for the vacancy had to submit an application.
- The Clerk's Office forwarded all applications to the Orange County Democratic Party and BOCC members for review. In addition, the applications were sent to the Board of Elections to verify eligibility of each candidate.
- The Orange County Democratic Party had until January 30, 2023 to review the applications and provide a nomination/nominations to the Clerk to the Board and the Chair of the BOCC.
- The BOCC agreed to consider the nominations and vote by ballot on an individual to fill the vacancy at the February 7, 2023 BOCC meeting.

According to State statute, the appointment of a new Board member must be made within sixty days of the vacancy. Otherwise, the Clerk of Superior Court shall make the appointment. Thus, the BOCC has a deadline of March 1, 2023 to make an appointment.

The Clerk to the Orange County Board of Commissioners received applications from the following individuals for the commissioner vacancy by the published deadline of 5:00 pm on Friday, January 6, 2023. Director of Elections Rachel Raper has confirmed that all of the applicants are registered Democrats and reside in District 2, making them eligible for appointment to the vacant seat.

- Gail Corrado
- Horace Johnson
- Phyllis Portie-Ascott
- Brenda Stephens
- Natalie Ziemba

On January 17, 2023, Gail Corrado formally withdrew her name from consideration for the vacancy.

The applications from each remaining applicant are attached. Following the process used when filling a previous vacancy in 2021, the applicants will each have two minutes to address the Board prior to any action. Correspondence from the Orange County Democratic Party is also attached regarding consideration of the applicants.

The person chosen by the Board of Commissioners will take the Oath of Office at the February 16, 2023 Board work session and begin service at that meeting. The selected individual will serve until December 2, 2024, and a primary and general election will occur in 2024 to elect an individual to serve a full, four-year term through 2028.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board discuss the nominees for the vacant BOCC position, hear comments from the nominees, and consider voting by ballot to appoint an individual to serve in the vacant position on the Board of Commissioners.

Orange County Board of Commissioners - Vacancy Application

Name: Horace H. Johnson Jr.

Address: P.O. Box 473 , 632 Cedar Grove Rd, Hillsborough, NC 27278

Email: hjohnson134@nc.rr.com Phone: 919-593-2477

Registered Voter? yes no Party Affiliation: Democrat

Questions:

1. What motivates you to want to serve as an Orange County commissioner, including why are you seeking an appointment now, as opposed to running for the seat during a previous election?

Reason for not running for a seat/position in the previous election: Diagnosis of a neurological disorder re:one of my parents required my full attention in securing treatment and around the clock care for my parent. My parents come first.. My goal was achieved

What Motivates Me: The needs of the people i've met throughout the county that say to me and believe that no one gives a damn about them! That their voices go unheard,That they are never asked what their issues are, that they are the last in the equation to be considered when policies are being considered that will greatly effect them, that face gentrification. The opportunity to be part of a team that makes Preservation of Historical Neighborhoods a priority

2. What do you consider to be one of the most important characteristics of a county commissioner? What in your experience demonstrates your ability to be effective as a commissioner? What is your experience in shared governance or leadership? What steps do you take in making decisions?

Communication skills. My most recent experience was my gained by working in a team member capacity with a local community based organization to research ways to better inform county residents that are homeowners of the County Tax assistance program that was being offered and and provide professional assistance, to those that qualified, but were still in need of help to understand the questions and fill out the forms. I Currently serve on the Board of Preservation Foundation of Historical Hillsborough aswell a Commitee engaged by the Alliance of Historical Hillsborough. Finally, I have been at My fathers side during his political career. Sometimes as an adviser, but definitely more as a student of how to negotiate for things needed for the people. I make my decisions based on facts! Facts are like the truth. Stick with truth.

3. How would your appointment enhance diversity of the BOCC?

Most obvious, my appointment would be the addtion of a African American Male. But more importantly, my appointment to the BOCC would ensure diversity of thought, and insure that all individuals residing in Orange County have a strong , accessible, unbiased representative to whom they can voice their concerns and or fears related to issues and or events that may have a negative or positive affect in their daily lives and coming future.

Orange County Board of Commissioners - Vacancy Application

4. What do you see as the most urgent unmet needs facing Orange County. Please limit to 5 or less and prioritize these needs, particularly if listing more than 3.

1. Tax assistance for senior homeowners that qualify (Outreach)
2. Shelter for the Homeless/Domestic Violence Victims
3. Improving and Maintaining Grade school reading and writing levels
4. Broadband
5. Address the local traffic issue

5. If you could change one thing about the current county budget, what would that be?

Increase funding for shelters/housing for the homeless and victims of domestic abuse

6. What is your assessment of the county's funding practices with regard to the two school systems? How do you propose the BOCC meet over \$300 million in K-12 public schools capital needs?

This is a very complicated issue. I suggest that a search for an outside consultant that specializes in assessing the needs of the schools and identifying alternative funding sources be conducted. It's the only way to insure that nothing is overlooked regarding the needs of the facilities.

7. Do you support the 1909 Chapel Hill-Carrboro City Schools special district tax? How should it be used?

Irrespective of the originators, of the CHCCS special tax, intent, the funds generated by the Special Tax, should be used to research, develop, and implement programs and teaching methods that will be of benefit to ALL children in an effort to insure that they learn how to read and write at the level required to further their education post K-12, and to hire those individuals uniquely trained to insure that the levels required are reached and maintained.

Orange County Board of Commissioners - Vacancy Application

8. What is your vision for how Orange County should grow economically?

Redirect focus from past place-based initiatives that typically were too focused on attracting outside investment rather than growing local assets, and often too expansive or determined by political interests, to place based initiatives that focus on community centered economic inclusion. In reality, we would redefine the Where, Who, What and How

9. One of the unfortunate outcomes of the pandemic is that the wealth gap has grown even greater. We anticipate what economists call a K-shaped recovery, in which pre-existing inequities are exacerbated. This disparity largely falls along lines of race. How can county commissioners ensure that prosperity in the coming years is more equitably shared?

I think one option is researching community-centered economic inclusion. It is a place-based approach that values process as well as outcomes in achieving equity—seeking to build community power, shift relational dynamics, and bridge policy siloes, all while working toward equity-focused neighborhood-level change.

10. What steps do you think the Board of Commissioners could take to address the chronic lack of affordable housing in the county?

Research the possibility of improving housing voucher programs. Maintain and research increasing funding for the emergency rental assistance program, research community land trust. If possible , re-evaluate how contracts are award to potential contractors when planning land development for housing. i'm sure there are many things that can be reviewed as potential solutions.

Orange County Board of Commissioners - Vacancy Application

11. What should the county government be doing to address the climate crisis?

I believe the county has proposed to convert nine vehicles recommended for replacement to electric models and to additional replacements to Hybrid models. That is in my opinion, a great start... lead by example.

12. How should the BOCC interact with other governments—i.e., town councils, NC General Assembly?

In accordance with the Law to ensure that residents concerns are met and that town and state requirements are met. It should be a Bias free environment! The BOCC, Town Councils, NC General Assembly all ONE TEAM!!!

Orange County Board of Commissioners - Vacancy Application

Name: Phyllis Portie-Ascott

Address: 723 Churton Grove Blvd Hillsborough, NC 27278

Email: phyllisascott@gmail.com **Phone:** 919452-3871

Registered Voter? yes no **Party Affiliation:** Democrat

Questions:

1. What motivates you to want to serve as an Orange County commissioner, including why are you seeking an appointment now, as opposed to running for the seat during a previous election?

SEE ATTACHED

2. What do you consider to be one of the most important characteristics of a county commissioner? What in your experience demonstrates your ability to be effective as a commissioner? What is your experience in shared governance or leadership? What steps do you take in making decisions?

A commissioner's most important characteristic is being collaborative. I' ve demonstrated this while serving on the Northern Orange NAACP leadership team and the Orange County Democratic Party.

While leading the County Party as Acting Chair, I recruited an entirely new leadership team who were passionate and dedicated to achieving the party's goals. During leadership meetings and phone calls with individual team members, we created a space of mutual respect, where colleagues were encouraged to share all opinions including those that were unpopular. Certainly, there are times when executive decisions must be made in urgent situations, but generally, I believe in a collaborative approach to leadership.

3. How would your appointment enhance diversity of the BOCC?

SEE ATTACHED

Orange County Board of Commissioners - Vacancy Application

4. What do you see as the most urgent unmet needs facing Orange County. Please limit to 5 or less and prioritize these needs, particularly if listing more than 3.

Affordable and reliable broadband access

Affordable housing including rentals.

Expand healthcare resources for individuals needing behavioral healthcare.

Access to Childcare.

Equitable Education in a safe environment.

5. If you could change one thing about the current county budget, what would that be?

Considering the significant labor shortage impacting every sector in this county, the implications for our most vulnerable populations, such as our students and people needing behavioral health services, suggest that we act quickly. For that reason, I would increase funding to those departments for competitive wages and benefits.

6. What is your assessment of the county's funding practices with regard to the two school systems? How do you propose the BOCC meet over \$300 million in K-12 public schools capital needs?

Students have the best opportunity to become the best learners in a safe and comfortable learning environment. I would consult with fellow commissioners, school board members, staff, and stakeholders to understand the priorities of the capital needs before meeting with both school systems to discuss their greatest needs and desires.

7. Do you support the 1909 Chapel Hill-Carrboro City Schools special district tax? How should it be used?

As a strong supporter of public education, every funding source is essential to students' success, so I support leveraging this funding source to meet local school needs.

Orange County Board of Commissioners - Vacancy Application

8. What is your vision for how Orange County should grow economically?

Creating an Orange County where everyone can both live AND work would be ideal. As we recruit businesses, the growth must be sustainable and environmentally friendly. A focus on economic growth around healthcare and supporting services would play to the strengths of our community. In addition, the expansion of services that support sustainable farming would enable Orange to continue to be a leader in innovating programs that reach all parts of our county.

9. One of the unfortunate outcomes of the pandemic is that the wealth gap has grown even greater. We anticipate what economists call a K-shaped recovery, in which pre-existing inequities are exacerbated. This disparity largely falls along lines of race. How can county commissioners ensure that prosperity in the coming years is more equitably shared?

SEE ATTACHED

10. What steps do you think the Board of Commissioners could take to address the chronic lack of affordable housing in the county?

SEE ATTACHED

Orange County Board of Commissioners - Vacancy Application

11. What should the county government be doing to address the climate crisis?

If one doesn't exist, establish a Climate Crisis Plan. I would work to understand better the direct impact of the climate crisis on our entire community and work to implement a plan to mitigate the crisis.

12. How should the BOCC interact with other governments—i.e., town councils, NC General Assembly?

From my observation, the BOCC has a good working relationship with our legislative and municipal delegation. Consistent collaboration with other counties may be mutually beneficial as it ensures awareness of what each is attempting to achieve and may reveal interferences in implementing practices or policies beneficial to future Orange County projects.

Orange County Board of Commissioners - Vacancy Application

Name: Phyllis Portie-Ascott

Address: 723 Churton Grove Blvd. Hillsborough, NC 27278

Email: phyllisascott@gmail.com **Phone:** 919-452-3871

Registered Voter? yes no **Party Affiliation:** Democrat

1. **What motivates you to want to serve as an Orange County commissioner, including why are you seeking an appointment now, as opposed to running for the seat during a previous election?**

Throughout my life, serving others through volunteering has been a priority that started while growing up as a tobacco farmer in Bertie County and continued through undergraduate and graduate school, building human services and real estate businesses, raising a family, and establishing Orange County as home.

Prior to the pandemic, I've never desired to serve in elected office. However, the pandemics' far-reaching impacts have shaken the safety net that our most vulnerable residents have come to rely on. It has also underscored how critical it is for Orange County residents to have reliable and affordable broadband access, affordable housing, childcare, and accessible behavioral health services. In numerous service experiences, I have prided myself on being a hardworking team player and have always sought to impact others through my efforts positively. I believe Orange County residents would benefit from my perspective, experience in rural communities, work ethic, and commitment to delivering results as a Commissioner.

2. **What do you consider to be one of the most important characteristics of a county commissioner? What is your experience demonstrates your ability to be effective as a commissioner? What is your experience in shared governance or leadership? What steps do you take in making decisions?**

A commissioner's most important characteristic is being collaborative. I've demonstrated this while serving on the Northern Orange NAACP leadership team and the Orange County Democratic Party.

While leading the County Party as Acting Chair, I recruited an entirely new leadership team who were passionate and dedicated to achieving the party's goals. During leadership meetings and phone calls with individual team members, we created a space of mutual respect, where colleagues were encouraged to share all opinions including

those that were unpopular. Certainly, there are times when executive decisions must be made in urgent situations, but generally, I believe in a collaborative approach to leadership.

3. How would your appointment enhance the diversity of the BOCC?

The BOCC would be enhanced by my diverse business background, including serving on the Advisory Board for a leading bank in NC. Having started and managed several human service and real estate businesses that provided the safety net to our vulnerable residents provides me with a better understanding of what our residents are experiencing and the urgency of our work.

My diverse experiences include living through the challenges of working and being the parent of school-age children while lacking reliable broadband access. As a result, our family had to sell our Orange County farm-based dream home after only nine years.

Furthermore, my experience serving on the Orange County Public Schools' Equity Task Force provided me broad and deep perspective on the specific challenges our students and their families face and reinforced how a structured, ongoing approach to addressing these challenges benefits the learning environment for all students.

Finally, as a volunteer Chaplain journeying with patients and families experiencing significant health crises, including death, I always created a safe space for them to reflect and remember, to restore some dignity that may have been stripped away during the disease process or from being hospitalized.

4. What do you see as the most urgent unmet needs facing Orange County. Please limit to 5 or less and prioritize these needs, particularly if listing more than 3.

1. Affordable and reliable broadband access
2. Affordable housing including rentals.
3. Expand healthcare resources for individuals needing behavioral healthcare.
4. Access to Childcare.
5. Equitable Education in a safe environment.

5. If you could change one thing about the current county budget, what would that be?

Considering the significant labor shortage impacting every sector in this county, the implications for our most vulnerable populations, such as our students and people needing behavioral health services, suggest that we act quickly. For that reason, I would increase funding to those departments for competitive wages and benefits.

6. **What is your assessment of the county's funding practices with regard to the two school systems? How do you propose the BOCC meet over \$300 million in K-12 public schools capital needs?**

Students have the best opportunity to become the best learners in a safe and comfortable learning environment. I would consult with fellow commissioners, school board members, staff, and stakeholders to understand the priorities of the capital needs before the meeting with both school systems to discuss their greatest needs and desires.

7. **Do you support the 1909 Chapel Hill-Carrboro City Schools special district tax? How should it be used?**

As a strong supporter of public education, every funding source is essential to students' success, so I support leveraging this funding source to meet local school needs.

8. **What is your vision for how Orange County should grow economically?**

Creating an Orange County where everyone can both live AND work would be ideal. As we recruit businesses, the growth must be sustainable and environmentally friendly. A focus on economic growth around healthcare and supporting services would play to the strengths of our community. In addition, the expansion of services that support sustainable farming would enable Orange to continue to be a leader in innovating programs that reach all parts of our county.

9. **One of the unfortunate outcomes of the pandemic is that the wealth gap has grown even greater. We anticipate what economists call a K-shaped recovery, in which pre-existing inequities are exacerbated. This disparity largely falls along the lines of race. How can county commissioners ensure that prosperity in the coming years is more equitably shared?**

Living through the pandemic was a very stressful experience, yet I felt hopeful hearing leaders acknowledge how the pandemic exacerbated existing inequities while pledging to address it. Perhaps a good start could be reaching out to the BIPOC (Black Indigenous People of Color) community for input on ensuring our residents have access to opportunities to build prosperity.

The wealth gap exists largely because of the gap in homeownership between our white residents and our BIPOC residents. The supply could not keep up with demand during the pandemic, so prices soared. Understanding the inequities in income, gaps in saving, and the ability to obtain a mortgage has made purchasing a home largely unaffordable.

I suggest increasing the down payment assistance program and ensuring some funding is earmarked to address the gaps.

Additionally, increase the total amount of business grants to be intentional about marketing to BIPOC businesses, including startups.

10. What steps do you think the Board of Commissioners could take to address the chronic lack of affordable housing (workforce housing) in the county?

The first approach to addressing the affordable housing crisis is to partner with developers in the three Economic Development Areas to allow inclusionary zoning for new construction, encouraging the designation of a certain number of affordable housing units for those with moderate income.

Second, expand the downpayment assistance program for people seeking to purchase a home.

And finally, incentivize landlords to accept housing subsidies beyond the Housing Choice Vouchers for seniors, individuals with intellectual disabilities, and other behavioral health challenges by streamlining the entry process.

11. What should the county government be doing to address the climate crisis?

If one doesn't exist, establish a Climate Crisis Plan. I would work to understand better the direct impact of the climate crisis on our entire community and work to implement a plan to mitigate the crisis.

12. How should the BOCC interact with other governments—i.e., town councils, NC General Assembly?

From my observation, the BOCC has a good working relationship with our legislative and municipal delegation. Consistent collaboration with other counties may be mutually beneficial as it ensures awareness of what each is attempting to achieve and may reveal interferences in implementing practices or policies beneficial to future Orange County projects.

Orange County Board of Commissioners - Vacancy Application

Name: Brenda Stephens

Address: 5807 Craig Rd Durham, NC 27712

Email: Stephensb1908@gmail.com **Phone:** 919-309-0919

Registered Voter? yes no **Party Affiliation:** Democrat

Questions:

1. What motivates you to want to serve as an Orange County commissioner, including why are you seeking an appointment now, as opposed to running for the seat during a previous election?

I have a record of dedicated service to our county, and I believe that service as a Commissioner would be a natural extension of my leadership in public service. During the prior elections, I opted to continue my term as a school board member at the local and state level. Now that I have fulfilled and closed my commitment as a school board member, I am seeking this role as another avenue of service.

2. What do you consider to be one of the most important characteristics of a county commissioner? What in your experience demonstrates your ability to be effective as a commissioner? What is your experience in shared governance or leadership? What steps do you take in making decisions?

A county commissioner is more than a fiduciary gatekeeper. As an elected official, I understand and appreciate the shared governance model that we enjoy in our county. My experience in leadership and shared governance is one of growth, efficacy, and pragmatism.

In my role as Regional Library Director (Caswell, Orange & Person) I established a positive working relationship with trustees, county commissioners and patrons. I worked with municipal and state officials to meet the needs of libraries, and worked with special groups in advisory capacities. I collaborated with Dr. Neil Pederson, former Superintendent of Chapel Hill-Carrboro City Schools, to place a branch library in McDougle middle school, and I worked with former Mayor Mike Nelson and the Carrboro Board of Alderman to establish the inaugural location of the Cybrary in the Century Center.

3. How would your appointment enhance diversity of the BOCC?

I am unapologetically a champion for diversity and equity. I have been blessed in my life to see equal rights, albeit slowly, extended to the underrepresented and underserved demographics in America. As a Black woman who served in the military, I have firsthand knowledge of the positive effects of diversity.

Also, I have deep roots in Orange County that date back to 1792. My family has been enhancing diversity for centuries in our community. My great, great, great grandfather, Frank Umstead, was a Blacksmith in Hillsboro Township.

Orange County Board of Commissioners - Vacancy Application

4. What do you see as the most urgent unmet needs facing Orange County. Please limit to 5 or less and prioritize these needs, particularly if listing more than 3.

Economic development and affordable housing are the most pressing concerns for the County at this time. Additionally, the infrastructure needs associated with growth and expansion demand immediate attention. Having a strategic plan for continued positive growth that is equitable is key for the present and future success of Orange County. Our county is already the jewel of the state, and I want to continue to make Orange County the most desired destination in North Carolina.

5. If you could change one thing about the current county budget, what would that be?

I'm a proponent of funding our schools to support success for all students. Our County Commissioners already do an outstanding job in funding schools, and I would look for other funding opportunities for them within the budget.

6. What is your assessment of the county's funding practices with regard to the two school systems? How do you propose the BOCC meet over \$300 million in K-12 public schools capital needs?

The needs of the two school systems are different, and each should be treated on their individual merits and needs. If there is a good basis for it, bringing a bond referendum is a possible option addressing the capital needs of the school systems.

7. Do you support the 1909 Chapel Hill-Carrboro City Schools special district tax? How should it be used?

The residents in the Chapel Hill/Carrboro School district believe the special district tax is essential to their children's education. Board members fulfill their fiduciary responsibilities by working together as a governance team with the superintendent to make decisions to spend the special district tax.

Orange County Board of Commissioners - Vacancy Application

8. What is your vision for how Orange County should grow economically?

Strategic and well-planned growth is essential. Orange County should be open to business but also open to families being able to thrive within the county.

9. One of the unfortunate outcomes of the pandemic is that the wealth gap has grown even greater. We anticipate what economists call a K-shaped recovery, in which pre-existing inequities are exacerbated. This disparity largely falls along lines of race. How can county commissioners ensure that prosperity in the coming years is more equitably shared?

The pandemic put on display that inequity exists on many planes. For instance, access to broadband services were and continue to be a factor in academic outcomes for students. Creating a more equitable public service model is the key to addressing these disparities.

10. What steps do you think the Board of Commissioners could take to address the chronic lack of affordable housing in the county?

More structure could be added to development requirements to increase access to affordable housing. But, that's not the only concern with affordable housing. Public transportation is a major issue that is connected to housing. That will have to be addressed as well in order to create more affordable housing.

Orange County Board of Commissioners - Vacancy Application

11. What should the county government be doing to address the climate crisis?

There should be a green initiative that includes staff who are knowledgeable about positive public policies to affect climate change.

12. How should the BOCC interact with other governments—i.e., town councils, NC General Assembly?

With mutual respect and understanding the BOCC should:

1. Have open communication
2. Work collaboratively
3. Establish shared goals

Orange County Board of Commissioners - Vacancy Application

Name: Natalie Ziemba

Address: 2406 George Anderson Drive, Hillsborough 27278

Email: natalieziemba@yahoo.com **Phone:** 970-310-4369

Registered Voter? yes no **Party Affiliation:** Democrat

Questions:

1. What motivates you to want to serve as an Orange County commissioner, including why are you seeking an appointment now, as opposed to running for the seat during a previous election?

As a lifelong social justice advocate, I have been involved in many community-based advocacy efforts and non-profit organizations working to address inequalities. Throughout these experiences, I constantly wrestle with the tension between what can be changed through non-governmental channels and what can be changed through direct governmental action. Both options have limits and opportunities, and I think both are necessary in creating an equitable society. I don't feel the need to replace any of the existing Commissioners by competing for a seat during an election, but do appreciate the opportunity provided by the vacancy as a chance to expand my resources for making change.

2. What do you consider to be one of the most important characteristics of a county commissioner? What in your experience demonstrates your ability to be effective as a commissioner? What is your experience in shared governance or leadership? What steps do you take in making decisions?

I think a willingness to change is one of the most important characteristics of leadership, whether that means making a personal change of opinion or behavior, or changing a plan of action that may not be achieving the desired outcome within the time or limits of the original plan. When making a decision, I make a concerted effort to gather information from multiple perspectives, solicit feedback on what aspects of the decision I haven't yet considered, and also allow enough time to reflect on the options and let my thoughts settle. My social work training and volunteer and professional experience on rape crisis hotlines have helped me refine my approach to leadership in high-stakes personal interactions and collaborative planning and action among stakeholders with disparate goals. I also have some experience in county government as a member of the Orange County Parks and Recreation Council.

3. How would your appointment enhance diversity of the BOCC?

As a cis-gender, upper-middle class white woman, I experience a lot of privilege in my daily life. Having served as a Peace Corps Volunteer in the South Pacific, I gained invaluable experiences in cultural humility and always try to bring an attitude of seeking to understand across differences. Additionally, my experience and perspective as a 34-year old who graduated from school during the great recession, and being a younger employee, have helped me stay tuned to economic and labor changes in recent years.

Orange County Board of Commissioners - Vacancy Application

4. What do you see as the most urgent unmet needs facing Orange County. Please limit to 5 or less and prioritize these needs, particularly if listing more than 3.

The Orange County Broadband Initiative is one of the most important activities in the county, in light of the widening digital divide from the Covid pandemic and the ability of internet to offer social connection as well as educational and economic opportunities.

I would love to see universal Pre-K in effect in Orange County, and also additional support and resources for parents during the first year after having a baby, such as regular nurse home visits.

I also think it is essential to establish alternatives to the criminal legal system. The drug treatment courts are an excellent example of this, and additional alternatives could include restorative justice programs and mental health crisis response teams.

5. If you could change one thing about the current county budget, what would that be?

I would like to see an increase in funding for reentry programs following incarceration. Formerly incarcerated folks have a wide variety of needs, including housing, assistance finding and retainign employment, meeting ongoing terms of probation or parole, and general support through a major life transition. More robust reentry programs may help reduce recidivism and ongoing expenses related to housing inmates.

6. What is your assessment of the county's funding practices with regard to the two school systems? How do you propose the BOCC meet over \$300 million in K-12 public schools capital needs?

Considering the population distribution, I think the county's funding practices of the CHCCS and OHS districts makes sense, though it is important to keep in mind that the rural OHS faces logistical challenges not present to the same degree in CHCCS. The intersection of public schools and public needs could provide some opportunities for cross-funding of projects, such as improving internet service through a combination of Broadband Taskforce and school allotments. The county could also lobby the state government to increase funding for schools to allow the county to reallocate money spent on instructional funds toward capital improvements. More traditional methods like a bond initiative could also be considered.

7. Do you support the 1909 Chapel Hill-Carrboro City Schools special district tax? How should it be used?

While I fundamentally support any initiative that puts more resources toward education, it is hard fully support the 1909 special district tax knowing it was implemented with racist objectives to promote education of white students. Intentional spending of special tax funds can help reduce disparities by supporting educational programs that increase resources for at-risk populations like low-income students, racial minorities, and students who speak English as a second or third language. Also, it may be worthwhile to consider whether a similar special tax may be implemented in the OHS district to reduce disparities among school systems.

Orange County Board of Commissioners - Vacancy Application

8. What is your vision for how Orange County should grow economically?

With the presence of the flagship UNC campus in Orange County, much of the county economic activity revolves around academia, healthcare, college sports, student life, and other university endeavors. While this will continue to drive much of the economic growth in the county, I hope it will also contribute to growth in essential sectors related to these areas. I would love to see Orange County become an oasis for nurses and medical techs by increasing training programs, affordable housing, and public transportation that makes the environmentally friendly choice the easy choice for getting to and from UNC. Orange County also has a great opportunity for attracting interest and investment in the growing healthcare tech industry.

9. One of the unfortunate outcomes of the pandemic is that the wealth gap has grown even greater. We anticipate what economists call a K-shaped recovery, in which pre-existing inequities are exacerbated. This disparity largely falls along lines of race. How can county commissioners ensure that prosperity in the coming years is more equitably shared?

One way the BOCC can reduce a k-shaped recovery is to specifically allocate Covid recovery funds to programs and organizations working to promote racial equity. This could include funding for things like public health programs, organizations working to reduce educational disparities, and infrastructure improvements in low-income neighborhoods. Additionally, it would be important to consider what other social and environmental factors contribute to long-term community stability and growth, including affordable housing, secure employment, safe communities, reliable public transportation, and reducing toxic stress, among other contextual factors.

10. What steps do you think the Board of Commissioners could take to address the chronic lack of affordable housing in the county?

There are several ways the BOCC could work to address affordable housing in the county. The BOCC can reevaluate property valuations that disadvantage minority communities, like the Northside neighborhood in Chapel Hill, and impose higher taxes on investment, rental, and corporate properties. The BOCC can also work to incentivize Section 8 housing among landlords, which could also benefit from infrastructure improvements in low-income neighborhoods to help make properties more desirable. Another option could involve less traditional methods, such as exploring the feasibility of building a tiny house community to see whether reduced property sizes and building costs could contribute to long-term affordability and stability in housing.

Orange County Board of Commissioners - Vacancy Application

11. What should the county government be doing to address the climate crisis?

Climate action is one of those areas where I particularly feel the fine balance of limits and opportunities between social justice activism and government action. While individual efforts to reduce plastic and energy consumption are important, I think the BOCC has a great opportunity for normalizing sustainable practices through incentives, regulations, and penalties that protect the environment, reduce reliance on non-renewable energy, and promote sustainable alternatives. In addition to "Reduce, Reuse, Recycle" it is also important to repurpose, repair, and recover. BOCC actions can support all of these options.

12. How should the BOCC interact with other governments—i.e., town councils, NC General Assembly?

Municipal and state governments overlap significantly in their actions and goals, so it is important to maximize resources by reducing duplicate efforts. County and city councils could share quarterly updates about current priorities and future actions, whether presented briefly at a regular meeting or sent over email. The BOCC can also work to amplify the concerns of residents by advocating with the NC General Assembly.



January, 2023

Via Email

Dear Orange County Board of County Commissioners,

As you know, on January 30, 2023, the County Executive Committee of the Orange County Democratic Party (the “CEC”) met in an open, virtual meeting to consider whom to recommend to the Orange County Board of County Commissioners (“BoCC”) to fill the vacancy on the BoCC left by the departure of Commissioner Price. Following precedent, CEC members residing in Commission District 2 voted ‘yes’ or ‘no’ as to each applicant on the question of whether such applicant should receive the CEC’s recommendation, with any applicant receiving weighted-majority votes in the affirmative receiving a recommendation.

Per that vote, Phyllis Portie-Ascott receives the Orange County Democratic Party’s recommendation to fill the BoCC vacancy, attaining a weighted vote total of 77.5%.

No other applicant attained a weighted-majority vote.

Thank you for your consideration. For the avoidance of doubt, please note that our transmission of these recommendations is intended to fulfill the consultation requirement of N.C. Gen. Stat. § 152A-27(c).

Sincerely,

Jonah Garson, OCDP Chair

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No.** 4-b

SUBJECT: 2023 Year of the Trail Proclamation and Great Trails State Coalition

DEPARTMENT: Environment, Agriculture, Parks
& Recreation (DEAPR)

ATTACHMENT(S):
2023 Year of the Trail Proclamation
Great Trails State Coalition PowerPoint

INFORMATION CONTACT:
David Stancil, 919-245-2510

PURPOSE: To consider adoption of a proclamation declaring 2023 as the “Year of the Trail” in Orange County, and to join the Great Trails State Coalition as a government partner.

BACKGROUND: The North Carolina General Assembly and North Carolina State Parks have declared 2023 to be the “Year of the Trail” in the state. Communities and organizations across the state have been asked to share a proclamation to this effect. An organization entitled the Great Trails State Coalition has also been formed to support this effort and promote the use and construction of trails across North Carolina.

The attached proclamation and materials note that trail use has increased more than 300% in many parks and open spaces in the last year. One of the peripheral outcomes of the pandemic illustrated the importance of outdoor recreation opportunities such as hiking, walking and biking trails. Outdoor recreation is a \$28 billion industry, and trails support public and personal physical and mental well-being, and promote economic vitality and connectivity – allowing residents of the state to capitalize on the natural beauty, warm people and rich history.

Trails in Orange County and across the state connect people, towns, natural areas, parks and open space, and other cultural and natural resources. Orange County currently has over 13 miles of trails within its nine parks and nature preserves, with plans for more – including a long segment of the statewide Mountains to Sea Trail.

A number of local governments have joined the Great Trails State Coalition and others are being asked to adopt the Year of the Trail proclamation. The Orange County Capital Investment Plan reflects trails as a priority with funding dedicated to new trail acquisition and construction.

On December 7, 2022, the Orange County Parks and Recreation Council reviewed the Great Trails State Coalition and Year of the Trail, and passed a unanimous statement of support for joining the coalition and approving the proclamation.

FINANCIAL IMPACT: There is no financial impact associated with adoption of the proclamation. Joining the Great Trails State Coalition is recommended at the \$500 level, with funds coming from existing appropriations in the Mountains to Sea Trail project.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND USE AND ENVIRONMENTAL POLICIES**

The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

This action supports trails for public use that are eco-friendly and promote public health and community usage.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**

Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

The proclamation supports trail use and construction, which helps protect open spaces and natural areas throughout the County, enhances access to public areas and parks, and promotes awareness of the area's cultural and natural resources.

RECOMMENDATION(S): The Manager recommends that the Board:

- 1) approve and authorize the Chair to sign the proclamation declaring 2023 to be the "Year of the Trail" in Orange County; and
- 2) approve the County joining the Great Trails State Coalition as a government partner organization as proposed.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION 2023 YEAR OF THE TRAIL

WHEREAS, Orange County's natural beauty is critical to its residents' quality of life, health, and economic wellbeing; and

WHEREAS, the trails that span across our community are an integral part of the recreational and transportation possibilities of our area and promote an enjoyment of scenic beauty by residents and visitors; and

WHEREAS, the parks, greenways, trails and natural areas in our community are welcoming to all and provide a common ground for people of all ages, abilities and backgrounds to access our rich and diverse natural, cultural, and historic resources; and

WHEREAS, Orange County's natural assets and resources are integral to disaster recovery and resiliency to climate change for future generations; and

WHEREAS, Orange County trails and others across the state connect people, towns, natural areas, parks and open space, and other cultural and natural resources, with Orange County's nine parks and nature preserves providing more than 13 miles of trails – including seven miles at Little River Regional Park and Natural Area, and with plans to add more, and including a large segment of the State's Mountains to Sea Trail that stretches more than 1,000 miles from the mountains to the coast; and

WHEREAS, trails offer quality-of-life benefits to all as expressions of local community character and pride, as outdoor workshops for science education, as tools for economic revitalization, as free resources for healthy recreation, as accessible alternative transportation, and as sites for social and cultural events; and

WHEREAS, annual trail runs such as the annual Little River Trail Run and community hiking activities on Orange County trails and nature preserves are significant in importance to show how valuable trails are to Orange County residents; and

WHEREAS, the North Carolina General Assembly designated 2023 as the Year of the Trail in North Carolina to promote and celebrate the State's extensive network of trails that showcase our State's beauty, vibrancy and culture; and

WHEREAS, North Carolina is known as the "Great Trails State";

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby proclaim 2023 as the "YEAR OF THE TRAIL" in Orange County, and commend its observance to all people.

Adopted by the Orange County Board of Commissioners, this the 7th day of February, 2023.

Jamezetta Bedford, Chair
Orange County Board of Commissioners

Laura Jensen, Clerk to the Board



YEAR OF THE TRAIL

◀ 2023 ★ NC ▶



GREAT TRAILS STATE COALITION



NORTH CAROLINA IS



BUILDING ON NC'S REPUTATION AS THE GREAT ROADS STATE





WHY TRAILS

- Free to users
- Improved health and well being
- Create positive economic impact, especially for rural communities
- Safety from vehicular traffic
- Protect valuable natural resources



THE GREAT TRAILS STATE COALITION



Image by Piedmont Fat Tire Society



Image by Piedmont Legacy Trails



Image by NC State Parks



Image by NCDOT

WHO WE ARE

- A broad, diverse coalition committed to bringing the benefits of trails to all of North Carolina – nonprofits/local government/industry partners
- All trail types: Hike / Bike / Walk / Run / Paddle / Ride
- All 100 Counties
- State agency partners





THE BIG BOLD VISION

- Secure sustained state funding for trails
- Brand North Carolina as “The Great Trails State”

WHY

- Historically, NC has had very little direct state investment in trails and greenways



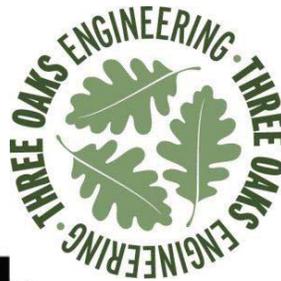
29 NON PROFIT MEMBERS



THE CONSERVATION FUND



15 INDUSTRY PARTNERS



LOCAL GOVERNMENT MEMBERS

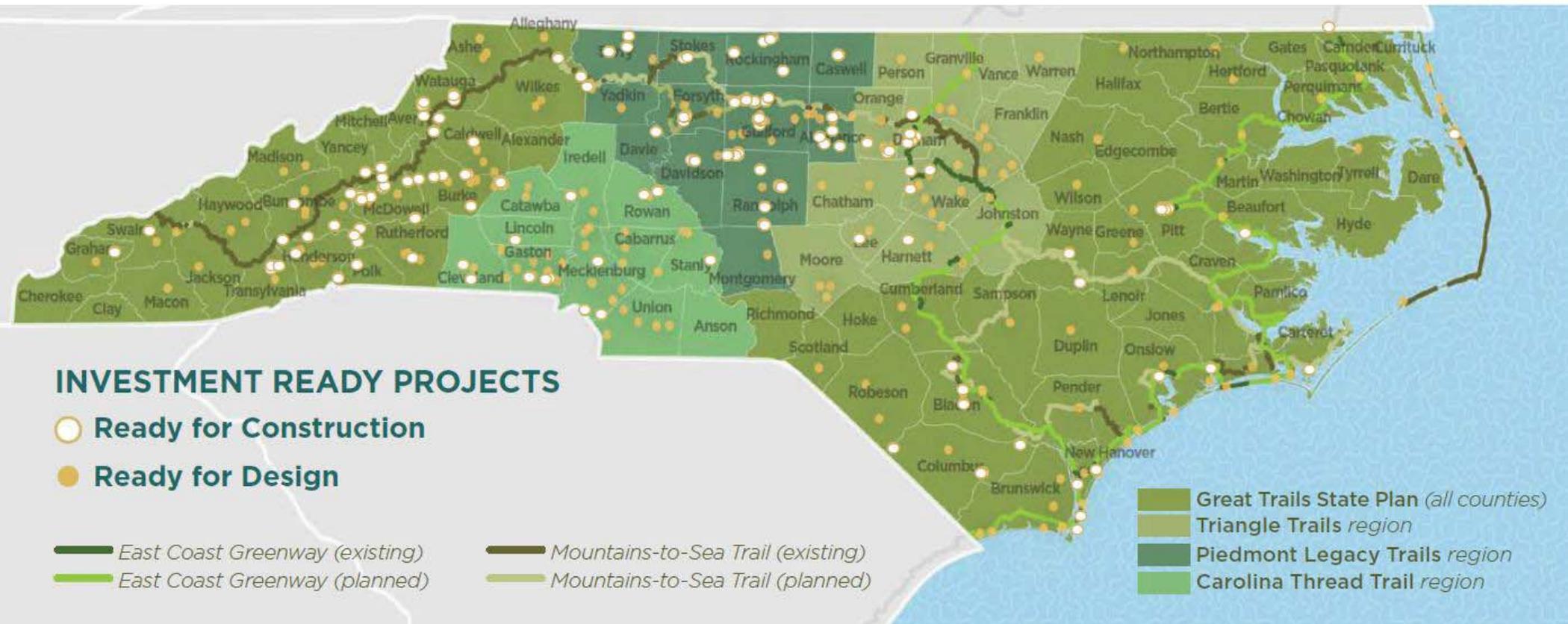


**Goal: Build the Cities, Towns and Counties for
Trails Working Group**



INVESTMENT READY

Communities have invested in planning and identified trail projects in all 100 counties.



2021 LONG SESSION SUCCESS

- 2023 Year of the Trail Designation
- Budget funding – first time ever specifically for authorized State Trails
 - \$29.15 M for the Complete the Trails Fund
 - Non-State Trails not eligible for funding



North Carolina State Trails



2023 LONG SESSION

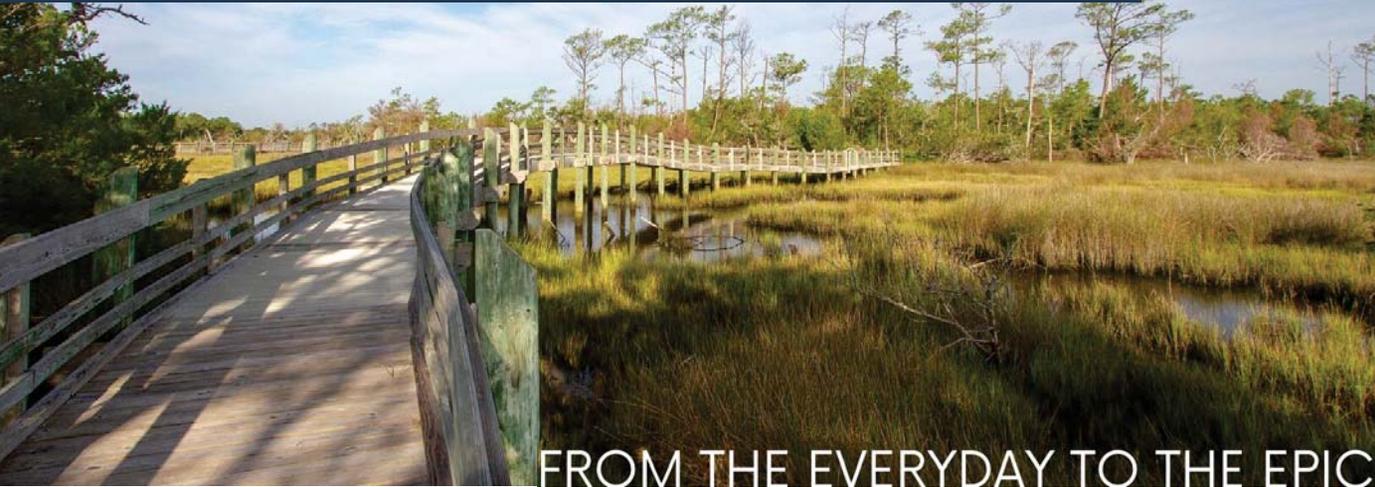
- Establish the **Great Trails State Fund** – to fund all types of trails, paved and unpaved
 - \$50M
- Form a **Trails Caucus**
- Invite legislators to **Year of the Trail events**

IMAGE BY NC STATE PARKS





2023
YEAR OF THE TRAIL



FROM THE EVERYDAY TO THE EPIC

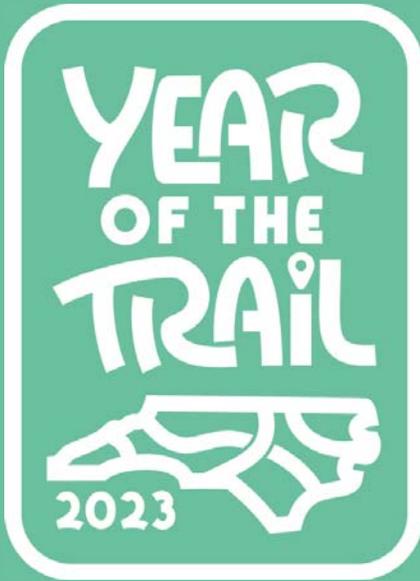




HIKE • WALK • RUN • RIDE • PADDLE

The Year of the Trail celebrates trails all across
North Carolina.



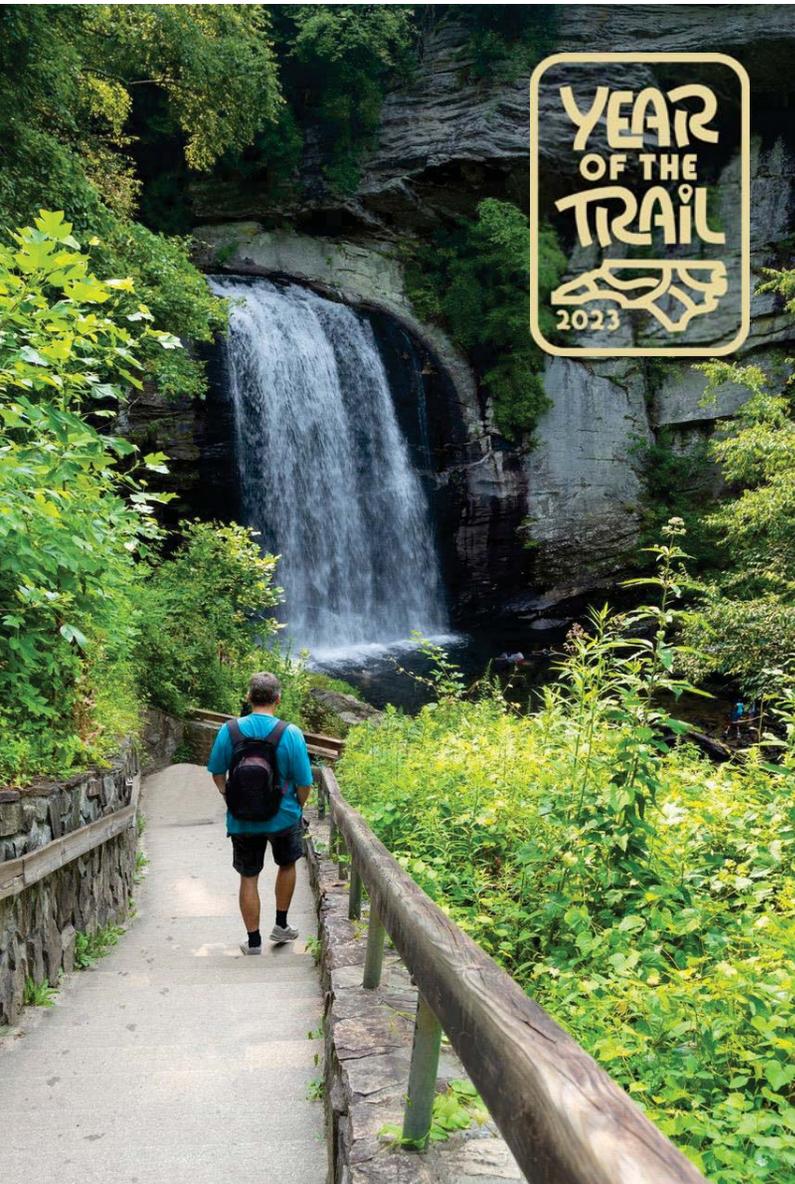


YEAR OF THE TRAIL IS BIG NEWS FOR NORTH CAROLINA!

Highlights:

- Host events in all 100 counties
- Inspire people of all ages, abilities and backgrounds to try trails
- Create new trail users
- Boost outdoor recreation tourism across the state
- Promote safe and responsible use of trails





THE CAMPAIGN

- **Events in all 100 counties**
- Focus on **diversity and inclusion**
- **Website/Social media**
- Local **tool kits** for communities with Year of the Trail assets
- **Advertising** - outdoor, radio, print media
- **Call for Artists** program
- **Merchandise**
- **PBS NC Partnership** – 30-minute documentary titled “Ten to Try” and 10 short trail profiles
- Speaking at **conferences**
- **Measurement** and reporting





TOOL KITS

1. Introductory Information

- YOTT Toolkit Fact Sheet
- YOTT Brochure
- Logos, Assets & Brand Usage Guide

2. All About Trails

- Trail Asset Analysis Worksheet

3. Trail User Guides

- Trail Day Planning Checklist
- Leave No Trace (Outdoor NC)

4. How to Host a YOTT Event

- Templates - Event Planning, Volunteer Recognition, Banners, Invitation/Save the Date Postcard, Event Flier, Event Evaluation & Reporting Form

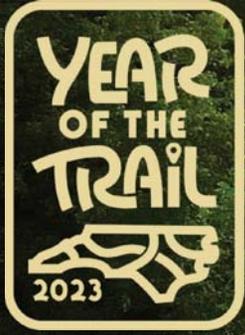
5. Community Engagement Strategies

Communicating trails benefits and ideas and tools for advocating for trails in your community.

- Finished Social Media Assets - Monthly Content Calendars, Canva Templates, Trail Awareness Flier, Utility Bill Insert, YOTT Postcards, Editorial templates, Trail story ideas

6. Trail Support beyond 2023

- *How to stay engaged with trails in NC and your community and how to become part of the Great Trails State Coalition.*



Income

	CASH	IN-KIND
GOVERNMENT CONTRIBUTION		
NC State Parks	\$350,000	
Visit NC	\$100,000	
NC DNCR	\$50,000	
US Department of Commerce	\$40,000	
SUBTOTAL	\$540,000	
CORPORATE CONTRIBUTION		
NC Electric Cooperatives	\$10,000	\$15,000
Duke Energy	\$5,000	
Destination by Design		\$50,000
McAdams		\$30,720
SUBTOTAL	\$15,000	
NON-PROFIT CONTRIBUTION		
Rails to Trails Conservancy	\$1,000	
SECU Foundation	\$225,000	
SUBTOTAL	\$226,000	
TOTAL	\$781,000	\$95,720

Expenses

ADMINISTRATION	\$185,000
MARKETING SERVICES	\$350,000
Branding, Toolkits, social media management, marketing plan, PR services	
EVENTS	\$40,000
NC Museum of Art, Regional Events	
PAID ADVERTISING	\$280,000
Radio, Outdoor Advertising, Print	
OUTREACH & EDUCATION	\$300,000
PBS NC Partnership, Artist Program, Conferences, printing, merchandise	
TOTAL	\$1,155,000
NEED TO RAISE:	\$319,000

2023 YEAR OF THE TRAIL SPONSORS



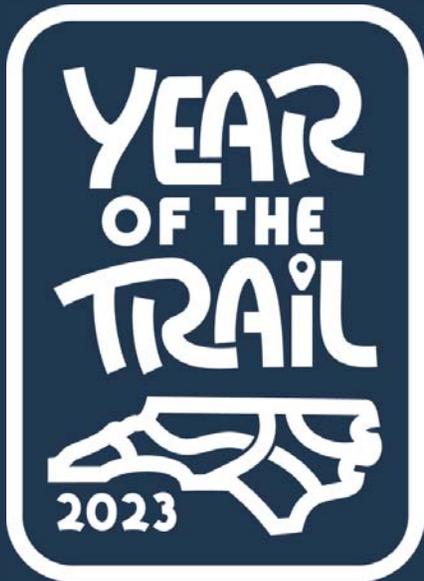
SECU Foundation

PEOPLE HELPING PEOPLE®





GET IN TOUCH



www.greattrailsnc.com

www.greattrailsstatecoalition.org

EMAIL ADDRESS

info@greattrailsnc.com



Join the Great Trails State movement!

- Become a member of the Great Trails State Coalition
- Hold Year of the Trail event(s)
- Become a sponsor of Year of the Trail
- Contact info@greattrailsnc.com
-



**GREAT
TRAILS
STATE
COALITION**



BUILDING THE GREAT TRAILS STATE

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: February 7, 2023**

**Action Agenda
Item No. 5-a**

SUBJECT: 5311 Rural Area Formula Grant and Combined Capital Program (5311/5339)
Grant for FY 2024

DEPARTMENT: Orange County Transportation Services

ATTACHMENT(S):

1. FY 2024 Program Resolution
2. FY 2024 Local Share Certification
3. FY 2024 Master Documents

INFORMATION CONTACT:

Nishith Trivedi, Transportation Director, 919-245-2007

PURPOSE: To:

1. Conduct a public hearing on the 5311 Administrative grant application and the Combined Capital grant application for FY 2024;
2. Approve the 5311 Administrative grant application and the Combined Capital grant application;
3. Approve the Program Resolution (Attachment 1) and Local Share Certification (Attachment 2); and
4. Approve the annual master documents (Attachment 3).

BACKGROUND: Each year, the North Carolina Department of Transportation (NCDOT) Integrated Mobility Division (IMD) accepts requests for capital, operations and administrative needs for county-operated transit programs. Orange County Transportation Services (OCTS) is eligible to make application for both capital and administrative funding and seeks a total of \$617,405 in federal and state transit grant funding.

Detailed breakdown is outlined in the table below:

Source	5311 Admin Grant	Combined Capital Grant	Totals
Total	\$ 196,947	\$ 500,000	\$ 696,947
Federal	\$ 157,557	\$ 400,000	\$ 557,557
State	\$ 9,848	\$ 50,000	\$ 59,848
Local	\$ 29,542	\$ 50,000	\$ 79,542

OCTS provides the opportunity for access to jobs and services to many individuals.

The 5311 Administrative and Combined Capital grants provide financial support for transit services that promote economic self-sufficiency to a wide range of residents and locations. The funds additionally support a system that enhances the access of residents in the non-urbanized areas to health care, shopping, education, employment, public services, and recreation.

TRANSPORTATION ADVISORY SERVICE (TAS) Action:

The TAS met on Thursday, January 26, 2023 and unanimously recommended approval.

Orange Unified Transportation Board (OUTBoard) Action:

The OUTBoard met on Thursday, January 26, 2023 and unanimously recommended approval.

FINANCIAL IMPACT: The 5311 Administrative and Combined Capital grant programs will utilize any currently available carryover funds from OCTS funds to cover the required local match, and will include this funding action in a future Budget Amendment for consideration by the Board of Commissioners.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item.

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **CLEAN OR AVOIDED TRANSPORTATION**
Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options; 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

RECOMMENDATION(S): The Manager recommends that the Board:

1. Conduct a public hearing on the 5311 Administrative grant application and the Combined Capital grant application;
2. Approve the 5311 Administrative grant application for \$196,947 with a local match total of \$29,542 and the Combined Capital grant application for \$500,000 with a local match total of \$50,000;
3. Approve and authorize the Chair and staff to sign the Program Resolution (Attachment 1) and Local Share Certification (Attachment 2) as appropriate; and
4. Approve and authorize the Chair and staff to sign the annual master documents (Attachment 3) as appropriate.

PUBLIC TRANSPORTATION PROGRAM RESOLUTION**FY 2024 RESOLUTION****Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.**

Applicant seeking permission to apply for **Public Transportation Program** funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (Board Member's Name) **Commissioner** _____ and seconded by (Board Member's Name) **Commissioner** _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of- service" projects under the Capital budget Section 5310 program.

WHEREAS, (Legal Name of Applicant) **Orange County** hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the **Chair of the Orange County Board of Commissioners** is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I (Certifying Official's Name)* _____ (Certifying Official's Title) _____ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) **Orange County Board of Commissioners**, duly held on the _____ day of _____, _____.

Signature of Certifying Official

**Note that the authorized official, certifying official, and notary public should be three separate individuals.*

Seal Subscribed and sworn to me
(date) _____



*Notary Public **

Printed Name and Address

My commission expires
(date) _____

FY 2024 LOCAL SHARE CERTIFICATION FOR FUNDING

Orange County
(Legal Name of Applicant)

Requested Funding Amounts

<u>Project</u>	<u>Total Amount</u>	<u>Local Share**</u>
5311 Administrative	\$ <u>196,947</u>	\$ <u>29,542</u> (15%)
5311 Operating (No State Match)	\$ _____	\$ _____ (50%)
5310 Operating (No State Match)	\$ _____	\$ _____ (50%)
5307 Operating	\$ _____	\$ _____ (50%)
5307 Planning	\$ _____	\$ _____ (10%)
Combined Capital	\$ <u>500,000</u>	\$ <u>50,000</u> (10%)
Mobility Management	\$ _____	\$ _____ (50%)
5310 Capital Purchase of Service	\$ _____	\$ _____ (10%)
_____	\$ _____	\$ _____ (_ %)
_____	\$ _____	\$ _____ (_ %)
_____	\$ _____	\$ _____ (_ %)

Funding programs covered are 5311, 5310, 5339 Bus and Bus Facilities, 5307 (Small fixed route, regional, and consolidated urban-rural systems)

TOTAL	\$ <u>696,947</u>	\$ <u>79,542</u>
	Total Funding Requests	Total Local Share

****NOTE: Applicants should be prepared for the entire Local Share amount in the event State funding is not available.**

The Local Share is available from the following sources:

<u>Source of Funds</u>	<u>Apply to Grant</u>	<u>Amount</u>
<u>General Funds</u>	<u>5311 Admin</u>	\$ <u>29,542</u>
<u>General Funds</u>	<u>Combined Capital</u>	\$ <u>50,000</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

FY 2024 Local Share Certificate (page 2)

_____	_____	\$ _____
_____	_____	\$ _____
TOTAL		\$ <u>79,542</u>

**** Fare box revenue is not an applicable source for local share funding**

I, the undersigned representing (*Legal Name of Applicant*) **Orange County** do hereby certify to the North Carolina Department of Transportation, that the required local funds for the FY2024 Community Transportation Program and 5307 Governors Apportionment will be available as of **July 1, 2023**, which has a period of performance of July 1, 2023 – June 30, 2024.

Signature of Authorized Official

Jamezetta Bedford, Chair, Board of County Commissioners
Type Name and Title of Authorized Official

Date

DBE GOOD FAITH EFFORTS CERTIFICATION

This is to certify that in all purchase and contract selections (Legal Name of Applicant) **Orange County** is committed to and shall make good faith efforts to purchase from and award contracts to Disadvantaged Business Enterprises (DBEs).

DBE good faith efforts will include the following items that are indicated by check mark(s) or narrative:

Required by PTD	Check all that apply	Description
*	X	Write a letter/email to Certified DBEs in the service area to inform them of purchase or contract opportunities;
*	X	Document telephone calls, emails and correspondence with or on behalf of DBEs;
	<input type="checkbox"/>	Advertise purchase and contract opportunities on local TV Community Cable Network;
*	X	Request purchase/contract price quotes/bids from DBEs;
	<input type="checkbox"/>	Monitor newspapers for new businesses that are DBE eligible
*	X	Encourage interested eligible firms to become NCDOT certified. Interested firms should contact the office of contractual services at (919) 707-4800 for more information
*	X	Encourage interested firms to contact the Office of Historically Underutilized Businesses at (919) 807-2330 for more information
*	X	Consult NCDOT Certified DBE Directory. A DBE company will be listed in the DBE Directory for each work type or area of specialization that it performs. You may obtain a copy of this directory at https://www.ebs.nc.gov/endorDirectorv/default.html
	<input type="checkbox"/>	Other efforts: Describe:
	<input type="checkbox"/>	Other efforts: Describe:

You may obtain a copy of the USDOT Disadvantaged Business Enterprise Program Title 49 Part 26 at <https://www.ebs.nc.gov/endorDirectorv/default.html>

Reminder: Documentation of all good faith efforts shall be retained for a period of five (5) years following the end of the fiscal year.

I certify that, to the best of my knowledge, the above information describes the DBE good faith efforts.

Signature of Authorized Official

Date

Type Name and Title of Authorized Official

SECTION 5311, 5310, 5339, Combined Capital, 5307 or State Funds Call for Projects
TITLE VI PROGRAM REPORT

Legal Name of Applicant: Orange County
(Complete either Part A or Part B; and Part C)

Part A - No complaints or Lawsuits Filed

I certify that to the best of my knowledge, **No complaints or lawsuits** alleging discrimination have been filed against **Orange County Transportation Services** (*Transit System Name*) during the period **July 1, 2022 through June 30, 2023**.

Signature of Authorized Official

Date

Chair, Board of Orange County Commissioners
Type Name and Title of Authorized Official

Part B - Complaints or Lawsuits Filed

I certify that to the best of my knowledge, the below described complaints or lawsuits alleging discrimination have been filed against during the period July 1, 2022 through June 30, 2023 Orange County Transportation Services.

Complainant Name/Address/Telephone Number	Date	Description	Status/Outcome

(Attach an additional page if required.)

Signature of Authorized Official

Date

Type Name and Title of Authorized Official

Part C - Title VI Plan

Do you currently have a Title VI Plan: Yes

Date of last plan update: September 2, 2022

PUBLIC HEARING NOTICE

Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

This is to inform the public that a public hearing will be held on the proposed FY2024 Community Transportation Program Application to be submitted to the North Carolina Department of Transportation no later than February 8, 2023. The public hearing will be held on February 7, 2023 at 7:00 PM before the (*governing board*) Orange County Board of County Commissioners at 300 W. Tryon St Whitted Bldg. Rm-230, Hillsborough, NC 27278.

Those interested in attending the public hearing and needing either auxiliary aids and services under the Americans with Disabilities Act (ADA) or a language translator should contact Nishith Trivedi on or before February 7, 2023, at telephone number 919.245.2007 or via email at ntrivedi@orangecountync.gov.

The Community Transportation Program provides assistance to coordinate existing transportation programs operating in Orange County as well as provides transportation options and services for the communities within this service area. These services are currently provided using **fixed, demand response, deviated fixed, and subscription routes.** Services are rendered by **Orange County Transportation Services.**

The total estimated amount requested for the period July 1, 2023 through June 30, 2024.

NOTE: Local share amount is subject to State funding availability.

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ 196,947	\$ 29,542 (15%)
Operating (5311)	\$	\$ (50%)
Capital (Vehicles & Other)	\$ 500,000	\$ 50,000 (10%)
5310 Operating	\$	\$ (50%)
Other _____	\$	\$ (%)
TOTAL PROJECT	\$ 696,947	\$ 79,542

Total Funding Request

Total Local Share

This application may be inspected at **Orange County Public Transportation Administration Building at 600 Highway 86 North, Hillsborough, NC 27278** from **8:00am -5:00pm, Monday through Friday.** Written comments should be directed to ocboce@orangecountync.gov email address by 3:00pm on the afternoon of the meeting (February 7, 2023).

———— **Note: AN ORIGINAL COPY** of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. **Both the Public Hearing Notice and the Affidavit of Publication** must be submitted with the grant application. ————

AVISO DE AUDIENCIA PUBLICA

SECCION 5311 (ADTAP), 5310, 5339, 5307 y fondos estatales aplicables, o una combinaci6n de ellos.

Esto es para informar al publico de que se llevara a cabo una audiencia publica sobre las Solicitudes propuestas para el Programa de Transporte Comunitario del Condado de Orange que se. La audiencia publica se llevara a cabo el 7 de February de 2023 a las 7:00 pm ante la Junta de Comisionados del Condado de Orange en el 300 W. Tryon St Whitted Bldg. Rm-230, Hillsborough, NC 27278.

Las personas interesadas en asistir a la audiencia publica y que necesiten ayuda y servicios auxiliares segun la Ley de Estadounidenses con Discapacidades (ADA) o un traductor de idiomas deben comunicarse con **Nishith Trivedi** el 6 de February de 2023 o antes, al numero de telefono 919.245.2007 o por correo electr6nico a ntrivedi@orangecountync.gov.

El Programa de Transporte Comunitario brinda asistencia para coordinar las programas de transporte existentes que operan en el Condado de Orange, asf coma opciones y servicios de transporte para las comunidades dentro de esta area de servicio. Estes servicios se proporcionan actualmente mediante respuesta a la demanda rural y rutas de suscripci6n. Los servicios son prestados por el Departamento de Transporte del Condado de Orange.

El monto total estimado solicitado para el periodo comprendido entre el **(1 de julio de 2021 y el 30 de junio de 2024)**.

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ 196,947	\$ 29,542 (15%)
Operating (5311)	\$	\$ (50%)
Capital (Vehicles & Other)	\$ 500,000	\$ 50,000 (10%)
5310 Operating	\$	\$ (50%)
Other _____	\$	\$ (%)
TOTAL PROJECT	\$ 696,947	\$ 79,542

Total Funding Request

Total Local Share

Esta solicitud puede ser inspeccionada en en el edificio de administraci6n de transporte publico del Condado de Orange en 600 Highway 86 North, Hillsborough, NC 27278 de 8:00 am a 5:00 pm. Los comentarios escritos deben dirigirse a ocbooc@orangecountync.gov antes del 3:00pm 7 de enero de 2023.

Las reuniones y sesiones de trabajo de la Junta de Comisionados del Condado de Orange estan disponibles a traves de transmisi6n de video en vivo en orangecountync.gov/967/Meeting-Videos yen Orange County Gov-TV (television de gobierno del condado de Orange) en los canales 1301 o 97.6 (Spectrum Cable).

Important – A public hearing MUST be conducted whether or not requested by the Public

PUBLIC HEARING RECORD

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

APPLICANT: _____

DATE: _____

PLACE: _____

TIME: _____

How many BOARD MEMBERS attended the public hearing? _____

How many members of the PUBLIC attended the public hearing? _____

Public Attendance Surveys

(Attached)

(Offered at Public Hearing but none completed)

I, the undersigned, representing (*Legal Name of Applicant*) _____ do hereby certify to the North Carolina Department of Transportation, that a Public Hearing was held as indicated above and

During the Public Hearing

(NO public comments)

(Public Comments were made and meeting minutes will be submitted after board approval)

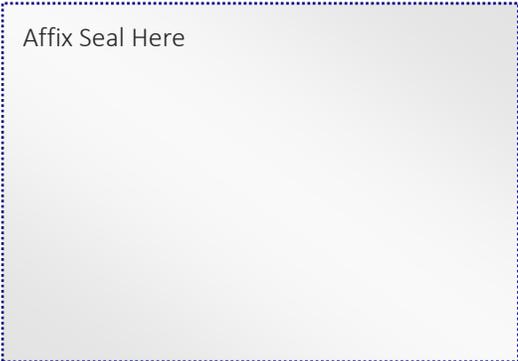
The estimated date for board approval of meeting minutes is: _____

Signature or Clerk to the Board

Printed Name and Title

Date

Affix Seal Here



Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires the North Carolina Department of Transportation (NC DOT) to gather statistical data regarding participants and beneficiaries of the agency's federal-aid programs and activities. NC DOT collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population impacted by a proposed project.

NC DOT wishes to clarify that this information gathering process **is completely voluntary** and that you are not required to disclose the statistical data requested to participate in this meeting. This form is a public document used to collect data, only.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact the NCDOT Title VI Program at telephone number 919.508.1808 or email at titlevi@ncdot.gov.

Project Name:		Date:
Meeting Location:		
Name (please print)	Gender:	
	<input type="checkbox"/> Male <input type="checkbox"/> Female	
General ethnic identification categories (check one)		
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/Alaskan Native
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	Other: _____
Color:	National Origin:	

After completing this form, please fold and place it inside the designated box on the registration table.

Thank you for your cooperation.

PUBLIC HEARING NOTICE

Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

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NOTE: Local share amount is subject to State funding availability.

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
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5310 Operating	\$	\$ (50%)
Other _____	\$	\$ (%)
TOTAL PROJECT	\$ 696,947	\$ 79,542

Total Funding Request

Total Local Share

This application may be inspected at **Orange County Public Transportation Administration Building at 600 Highway 86 North, Hillsborough, NC 27278** from **8:00am -5:00pm, Monday through Friday.** Written comments should be directed to ocboecc@orangecountync.gov email address by 3:00pm on the afternoon of the meeting (February 7, 2023).

———— **Note: AN ORIGINAL COPY** of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. **Both the Public Hearing Notice and the Affidavit of Publication** must be submitted with the grant application. ————

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 6-a**

SUBJECT: Approval of a Professional Services Contract with Berry, Dunn, McNeil & Parker, LLC to Create a Countywide Strategic Plan, and Approval of Budget Amendment #5-C

DEPARTMENT: County Manager

ATTACHMENT(S):

1. *BerryDunn Response to Request for Proposal*

UNDER SEPARATE COVER

Only Available Electronically at:

<https://www.orangecountync.gov/DocumentCenter/View/22850/6-a-1---BerryDunn-Response-to-Request-for-Proposal>

2. Year-to-Date Budget Summary
-

INFORMATION CONTACT:

Travis Myren, Deputy County Manager,
919-245-2308

PURPOSE: To consider the approval of a professional services contract with Berry, Dunn, McNeil & Parker, LLC to create a Countywide Strategic Plan, and approve Budget Amendment #5-C.

BACKGROUND: During the Board of Commissioners 2022 Retreat, the Board authorized staff to solicit proposals from vendors to assist in the creation of a comprehensive, Countywide Strategic Plan. A Request for Proposals was released in late September 2022. The scope of work includes a data driven strategic planning process that is grounded in the principles of equity, responsive to the concerns and priorities of the community, positions the County to address the challenges of the future, and is fiscally sustainable.

The outcome of this process will be a comprehensive strategic plan that presents:

- a clear planning process and approach
- a community engagement process
- relevant data and analysis of trends
- identification of opportunities and strategies
- a process to prioritize and focus County programs and services, and
- an implementation plan with performance measures that track progress on achieving the goals of the plan.

The project is anticipated to take nine to twelve months.

An evaluation review committee consisting of the BOCC Chair Jamezetta Bedford, Commissioners Amy Fowler and Anna Richards, the Deputy County Manager, the Chief Equity and Human Rights Officer, the Budget Director, and the Planning & Inspections Director evaluated

all proposals, interviewed two finalists, and unanimously selected the team of Berry, Dunn, McNeil & Parker, LLC to perform this work.

The project will be performed and billed over five phases as detailed in the following table:

Phases and Deliverables	Fees
Phase 1. Project Initiation and Planning	
D01. Project Work Plan and Schedule	\$3,480
D02. Biweekly Status Meetings	\$5,250
Phase 1 Sub-Total	\$8,730
Phase 2. Stakeholder Engagement	
D03. Environmental Scan and Community Needs Assessment	\$17,100
Phase 2 Sub-Total	\$17,100
Phase 3. Strategic Plan Development and Approval	
D04. Initial Orange County Strategic Plan	\$14,190
D05. Final Orange County Strategic Plan	\$3,640
Phase 3 Sub-Total	\$17,830
Phase 4. Implementation Recommendations and Budget	
D06. Recommendations Report and Project Closeout Activities	\$9,870
Phase 4 Sub-Total	\$9,870
Phase 5. Performance Monitoring and Continuing Engagement	
D07. Progress Reports	\$18,900
Phase 5 Sub-Total	\$18,900
Statistically Valid Survey Sub-Total	\$24,500
Travel Expense Sub-Total	\$8,373
Project Total	\$105,303

The total cost of the strategic plan is \$105,303. This price includes a statistically valid community survey to be performed by the ETC Institute for \$22,000 plus an in person presentation of the survey and analysis for \$2,500. The stakeholder engagement phase includes eighty-six hours of community engagement work.

The BerryDunn team is scheduled to make a presentation to the Board at its February 24, 2023 Retreat to address any questions about the firm's approach, begin initial visioning with the Board, and discuss stakeholder and community engagement. If the amount of engagement exceeds the current contract amount, staff will create an addendum to accommodate the Board's desired level of engagement.

FINANCIAL IMPACT: The consulting service fee to create a Countywide Strategic Plan is \$105,303.

The consulting service fees are recommended to be funded with approval of Budget Amendment #5-C which would utilize \$105,303 of the County Capital Reserve Fund authorized in Budget

Amendment #5-A, and would transfer those funds to the County Capital Fund. This will create the following Capital Ordinance:

Orange County Strategic Plan (\$105,303) - Project # 10085

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Transfer from General Fund	\$0	\$105,303	\$105,303
Total Project Funding	\$0	\$105,303	\$105,303

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Project Expenditures	\$0	\$105,303	\$105,303
Total Costs	\$0	\$105,303	\$105,303

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

- **CLEAN OR AVOIDED TRANSPORTATION**

Implement programs that monitor and improve local and regional air quality by: 1) promoting public transportation options; 2) decreasing dependence on single-occupancy vehicles, and 3) otherwise minimizing the need for travel.

RECOMMENDATION(S): The Manager recommends that the Board:

- 1) Approve and authorize the County Manager to sign the contract with Berry, Dunn, McNeil & Parker, LLC to create a Countywide strategic plan at a cost of \$105,303;
- 2) Authorize the County Manager to approve amendments to the agreement with Berry, Dunn, McNeil & Parker, LLC up to the budgeted amount; and
- 3) Approve Budget Amendment #5-C as detailed above.

Year-To-Date Budget Summary

Fiscal Year 2022-23

Fund Budget Summary	County Capital
Original Budget Revenue	\$10,612,009
Interfund Transfer Revenue	
Fund Balance Appropriation	
Total Original Budget	\$10,612,009
Additional Revenue Received Through Budget Amendment #5-C (February 7, 2023)	
Grant Funds	\$336,177
Non Grant Funds	\$296,098
Additional Interfund Transfer Revenue	\$623,979
Additional Fund Balance Appropriation	
Total Amended Budget	\$11,868,263
Dollar Change in 2022-23 Approved Budget	\$1,256,254
% Change in 2022-23 Approved Budget	11.84%

Authorized Full Time Equivalent Positions

Original Approved Full Time Equivalent Positions (includes Permanent and Time Limited)	0.000
Changes to Full Time Equivalent Positions	
Amended Approved General Fund Full Time Equivalent Positions	0.000
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2022-23	0.000

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No.** 6-b

SUBJECT: Proposed Revisions to the Wild and Dangerous Animal Provisions in the Orange County Unified Animal Control Ordinance

DEPARTMENT: Animal Services

ATTACHMENT(S):
Current Unified Animal Control Ordinance
Divisions with Tracked Changes

INFORMATION CONTACT:
Sandra Strong, Animal Services Director,
919-942-7387

PURPOSE: To present for first reading proposed revisions and changes to the Wild and Dangerous Animal provisions in the Orange County Unified Animal Control Ordinance.

BACKGROUND: The Animal Services Director and key staff worked with the Animal Services Advisory Board (ASAB) and the County Attorney on proposed revisions to the Unified Animal Ordinance – specifically, Division 4-Display of Wild and Exotic animals; Division 5-Keeping of Wild Animals Dangerous to Persons and Property, and definitions related to these sections. The work on these ordinance changes began in 2019 and was completed in 2022.

In addition, minor changes for the dangerous dog definitions are included in this proposed update. These changes are introduced to improve oversight and implementation of the dangerous dog law. The Animal Services Director and the County Attorney evaluated other North Carolina County dangerous dog ordinances, consulted with experts at the UNC School of Government, and consulted with the ASAB to develop these recommended changes.

Proposed Changes:

- Define wild animals
- Define wild and dangerous animals
- Update violations and civil penalties with regards to wild and dangerous animals
- Exemptions updated
- Control of dangerous animals 4-42 b(3) change to serious injury
- Define serious physical harm, human vs animal

Because violations of some of the provisions of this chapter of the Code of Ordinances are punishable as misdemeanors, the amendment will be presented for two readings for adoption.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board discuss and approve on first reading the recommended changes to the Unified Animal Control Ordinance, and direct staff to present the recommended changes to the Unified Animal Control Ordinance for second reading approval at the Board's February 21, 2023 Business meeting.

~~Sec. 4-37. – Definitions.~~~~As used in this Chapter, the following terms mean:~~~~(k) *Display*: Display shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, roadside zoo, performance, or similar undertaking in which animals are required to perform tricks, fights, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged.. "Displayed" means to be the subject thereof.~~DIVISION 4. - DISPLAY OF WILD, WILD AND DANGEROUS, AND EXOTIC ANIMALSSec. 4-131. - Repealed*(Ord. of 8-14-2001(1), § 1, eff. 8-14-01)*Sec. 4-132. - Display of wild or exotic animals prohibited.

It shall be unlawful for any Person to Display or sponsor a Display of Wild Animals, Exotic Animals, or Wild Animals Dangerous to Persons or Property as defined in Section 4-181 of this Ordinance, on any public or private property within Orange County.

*(Ord. of 8-14-2001(1), § 2, eff. 8-14-01)*Sec. 4-133. – Exemptions.

The provisions of this Ordinance do not apply to the use or exhibition of Wild Animals, Wild and Dangerous Animals, or Exotic Animals for strictly animal-related educational purposes by non-profit groups, ~~or~~ institutions or individuals, provided the following conditions are met in order to assure the health and safety of the public: no Wild Animal or Exotic Animal may be Displayed that are not permitted by the United States Department of Agriculture and/or North Carolina Wildlife Resources Commission, as applicable, nor shall any Exotic Animal or Wild Animal that has been designated a rabies vector species in North Carolina be Displayed, except when approved by the Animal Services Director. Wild Animals or Exotic Animals designated as rabies vector species may only be Displayed in a manner so as to not come into contact with the public. All Persons planning to Display a Wild Animal or an Exotic Animal within Orange County shall, at least thirty (30) days prior to the Display, submit an application for approval in accordance with this Section to the Animal Services Director demonstrating how ~~it~~ they will ensure the health and safety of the public and the welfare of the animal. For purposes of this Division, “educational” shall mean intended to educate the public on the natural habitat, lifestyle, or behavior of the animal in question.

Sec. 4-134. - Enforcement.

To the extent the North Carolina Wildlife Resources Commission does not have jurisdiction to investigate complaints and take enforcement action regarding an animal being Displayed within Orange County, Orange County Animal Services shall enforce this Division as follows:

Any person Displaying or sponsoring a Display of a Wild Animal or an Exotic Animal or a Wild Animal Dangerous to Persons or Property at the date that this Ordinance is adopted to prohibit such Display shall comply with the Ordinance's prohibition on the Display of Wild Animals or Exotic Animals or Animals Dangerous to Persons or Property within 30 days of the effective date of this Ordinance. .

(a) *Investigations.* The Orange County Animal Service Department shall investigate any complaints, reports, or information that Wild Animals or Exotic Animals are being Displayed or will be Displayed in Orange County in violation of this Ordinance ~~to determine whether or not a violation has occurred.~~

- (1) If the Orange County Animal Services Department determines that Wild Animals or Exotic Animals are being Displayed in Orange County in violation of this Chapter, the investigating officer(s) shall issue a written warning to the person Displaying the Wild Animal or Exotic Animal(s) in violation thereof. The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the Display.
- (2) The person against whom the warning is issued shall desist all activities in violation of this Ordinance as of the business day the written notice is given.
- (3) ~~Notwithstanding the foregoing, a~~Any Wild Animals or an Exotic Animal Displayed in violation of this Division that is determined by the Animal Services Director to be a danger to the public may be impounded in accordance with the provisions of Section 4-43, Impoundment of Animals.

(b) *Penalties.*

(1) Criminal Summons- A violation of any provision of this Division constitutes a Class 3 Misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4.

~~(1) — Each day's continuing violation shall constitute a separate offense.~~

(2) Civil penalty - A person who violates any of the provisions of this Division shall be subject to a civil penalty of \$250 per ~~animal for each day of the violation incident~~. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by written notification. ~~Each day of a continuing violation shall constitute a separate violation.~~ The Animal Services Director shall make or cause to be

made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within fourteen (14) days after demand for payment is made, the matter may be referred to the County Attorney for institution of a division civil proceeding of the general court of justice for recovery of the penalty and costs of the action. Removal of the Display from the County shall not relieve the Owner or Keeper of responsibility for payment of the civil penalty that was assessed prior to the Display being removed from the County.

- (3) Injunctive Relief. Equitable and Injunctive relief. The County may institute a civil action for appropriate equitable remedy and/or injunctive relief and/or an order of abatement for violations or threatened violations of this Division pursuant to the North Carolina General Statutes § 153A-123. The institution of any action for equitable or injunctive relief shall not relieve the Owner or Keeper of any criminal or civil penalties prescribed for violations of this Division.

(Ord. of 8-14-2001(1), § 3, eff. 8-14-01)

Secs. 4-134—4-180. - Reserved.

DIVISION 5. - KEEPING OF WILD ANIMALS ~~AND DANGEROUS TO PERSONS AND PROPERTY~~ ANIMALS

Sec. 4-181. ~~— Definitions~~ Animals Considered Wild and Dangerous.

~~As used hereinafter, the following term shall mean:~~

~~*Wild Animals Dangerous to Persons and Property, hereinafter referred to as "Wild and Dangerous Animals":* The term applies to the following animals that are deemed dangerous and injurious to the public and/or domesticated animals and/or other property based on elevated risk of causing physical, zoonotic or epidemiological harm The following are deemed Wild and Dangerous Animals:~~

- a. Venomous reptiles, defined as lizard and snake species or subspecies that are capable of injecting toxins that may cause pain, injury, and/or death to humans;
- b. Crocodylians;
- c. Large constricting snakes, meaning any heavy-bodied snake that feeds by constriction and which species, subspecies, or hybrid may attain a total body adult length reaching or exceeding ten (10) feet];
- d. Felines other than the domestic house cat, and any hybrid of a feline with a domestic house cat;
- e. Coyotes and wolves, and any hybrid of coyotes and wolves with the domestic dog;
- f. Bears;
- g. Nonhuman primates

(Ord. of 8-14-2001(2), § 1, eff. 8-14-01)

Sec. 4-182. - Keeping of wild and dangerous animals prohibited.

No Person shall own, keep, shelter, maintain, or have under their control any Wild and Dangerous Animal within Orange County.

(Ord. of 8-14-2001(2), § 2, eff. 8-14-01)

Sec. 4-183. - Exemptions.

The provisions of this Ordinance shall not apply to the keeping of Wild and Dangerous Animals as follows, provided, such keeping is in all respects in compliance with applicable federal and state rules and regulations, and such:

- (a) Animals owned or kept for teaching and/or research purposes by institutions of higher education duly authorized and existing under the laws of the State of North Carolina, provided such institution is permitted for such animal by the U.S. Department of Agriculture and continually maintains any necessary permits from all relevant state and federal agencies.
- ~~(b) Bears, bobcats, and venomous snakes kept temporarily for rehabilitation by wildlife rehabilitators with a U.S. Fish and Wildlife Service Rehabilitation Permit and/or a North Carolina Wildlife Resources Commission Rehabilitation License (hereinafter, collectively, "rehabilitation license"), to the extent permitted by the rehabilitation license,~~

~~provided the rehabilitator obtains prior approval from the Animal Services Director and the following conditions are met in order to assure the health and safety of the public:~~

- ~~i. Said wildlife is maintained in accordance with applicable federal and state laws, rules, and regulations;~~
- ~~ii. The rehabilitator shall provide a safety plan for the management of the wildlife and a comprehensive recovery plan in the event of escape of the animal;~~
- ~~iii. The rehabilitator shall continuously maintain liability insurance with a minimum of \$1,000,000 per occurrence and \$2,000,000 aggregate to compensate any person for personal injury or property damage caused by the wildlife;~~
- ~~iv. In addition to compliance with the requirements of N.C. Gen. Stat. §14-417, §14-417.1, and §14-417.2, all reptiles kept pursuant to this subsection shall be confined in accordance with the following:

 - ~~i. All snake enclosures shall be within a building with secured exterior doors and windows, which building shall be of sufficient construction to prevent escape.~~~~
- ~~v. Wild and Dangerous Animals kept pursuant to this subsection shall be in compliance with the requirements of N.C. Gen. Stat. 15A NCAC 10H 0302. The enclosures described in this subsection shall be subject to approval by the Animal Services Director or their designee.~~

~~Approval for keeping these otherwise prohibited Wild and Dangerous Animals for rehabilitation purposes by rehabilitators permitted and/or licensed by the North Carolina Wildlife Resources Commission and/or the United State Fish and Wildlife Service shall be in the sole discretion of the Animal Services Director. No Wild and Dangerous Animal shall be kept by a rehabilitator for long term captivity purposes. In addition to the above requirements, approval by the Animal Services Director shall be conditioned upon current permitting and/or licensing and a history of compliant permitting and/or licensing, as well as an on-site inspection of the premises on which the Wild and Dangerous Animals are to be kept. Failure to abide by any of the above requirements subsequent to approval by the Animal Services Director shall require immediate removal of the Wild and Dangerous Animals from the County.~~

(b) A hybrid of a feline with the domestic house cat (hereinafter, “hybrid feline”) is permissible if the hybrid is a filial 5 (F5) hybrid or later (meaning there have been five or more generations since the cross included a pure wild feline) as documented by a breeder pedigree from a generally accepted registry, or by genetic testing methods that are generally accepted by the scientific community. Hybrid felines permitted by this subsection ~~shall be maintained at all times in an enclosed environment and~~ shall be documented to be vaccinated against rabies by a licensed veterinarian.

~~(c) Methods of rabies control for hybrid felines may differ from those for domestic cats.~~

~~(d)~~(c) Animals exempted by this Ordinance prior to [effective date of amendment], provided the Person owning, keeping, maintaining, or controlling the Wild and Dangerous Animal provides notice of the following to the Animal Services Director within ~~one (1) year~~90 days of [effective date]:

- i. Notice of possession of the animal and the location at which the animal is kept;

- ii. Information regarding acquisition of the animal;
- iii. A safety plan for the management of the animal; and
- iv. A comprehensive recovery plan in the event of escape of the animal, including informing the Animal Services Department within twelve (12) hours of the animal's escape.

Should a Person fail to provide notice of (d)(i)-(iv), above, within ~~one (1) year~~ 90 days of [effective date] for the purposes of amortization, the Wild and Dangerous Animal shall be deemed prohibited as described in this Division.

(Ord. of 8-14-2001(2), § 3, eff. 8-14-01)

Sec. 4-184. - Enforcement.

To the extent the North Carolina Wildlife Resources Commission does not have jurisdiction to investigate complaints and take enforcement action regarding ~~an animal defined in this Division as a Wild Animal Dangerous to Persons or Property (“Wild and Dangerous Animal”)~~, Wild and Dangerous Animals, Orange County Animal Services shall enforce the Division as follows:

- (a) *Investigations.* The Orange County Animal Services shall investigate any complaints that a Wild and Dangerous Animal is possessed or harbored in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.
- (b) *Violations.* Upon determining a violation of this Division has occurred, the Animal Services Director or its designee may:
 - (1) Provide written notification of the violation(s) that shall require the Owner or Keeper to submit to Orange County Animal Services within seventy-two (72) hours a written plan for removal of the animal(s) from the County. Removal of the animal shall be overseen by the Animal Services Director or their designee to ensure the health and safety of both the public and the animal during loading and transport. The Owner or Keeper of any animal that has been required to remove the animal pursuant to this Section shall, within five (5) days after removal, inform the Animal Services Director in writing of the animal's present location, including the name, address, and telephone number of the animal's Owner or Keeper. If the animal has been ~~destroyed~~ euthanized, the Animal Services Director shall be informed of the name, address, and telephone number of the person who ~~destroyed~~ euthanized such animal.
 - (2) Impound the animal as a danger to the public. If the animal is impounded, authorization for reclamation after any required holding period shall be granted when the Animal Services Director or their designee is reasonably assured that the impounded animal shall be immediately removed from the County, including by the Owner or Keeper of the animal providing the intended location of the animal, including the name, address, and telephone number of the owner of the property where the animal shall be kept. Following reclamation, the Owner or Keeper shall provide notice

confirming the animal's present location or ~~destruction-euthanasia~~ as described in subsection 4-184(b)(1), above. If the Owner or Keeper fails to provide the Animal Services Director reasonable assurance that the impounded animal will be immediately removed from the County upon reclamation, as described above, within three (3) days of impoundment, the animal shall become property of Animal Services and be ~~disposed-removed from the County~~ or disposed of in accordance with Animal Services' procedures.

(c) *Recovery of Costs.* The Owner or Keeper of any Wild and Dangerous Animal shall reimburse the County for all costs incurred by the County related to the recapture, impoundment, care, euthanasia, and/or relocation of the animal.

(d) *Penalties.*

- (1) Criminal Summons - A violation of any provision of this Division constitutes a misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.
- (2) Civil penalty - A person who violates any of the provisions of this Division shall be subject to a civil penalty of \$250.00 for the first incident and \$500.00 for each incident thereafter. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by written notification. Each day of a continuing violation shall constitute a separate violation. The Animal Services Director shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within fourteen (14) days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Ordinance. Surrender or removal of an animal from the County shall not relieve the Owner or Keeper of responsibility for payment of the civil penalty that was assessed prior to the animal being surrendered or removed from the County.
- (3) Equitable and Injunctive relief. The County may institute a civil action for appropriate equitable remedy and/or injunctive relief and/or an order of abatement for violations or threatened violations of this Division pursuant to the North Carolina General Statutes § 153A-123. The institution of any action for equitable or injunctive relief shall not relieve the Owner or Keeper of any criminal or civil penalties prescribed for violations of this Division.

Sec. 4-185. - Modifications to Wild and Dangerous Animals Definition

The Board of County Commissioners may add or remove species, subspecies, or hybrids on the basis of recommendations made by the Animal Services Advisory Board and the Animal Services Director. Recommendations must be based upon available evidence including subject matter expertise that the animal species, subspecies, or hybrid:

- a. Is domesticated or not, or has undergone domestication to the extent that natural behaviors have changed;
- b. Does or does not require extraordinary measures for safe and effective management, containment, and/or recovery in the event of escape
- c. Does or does not create a reasonable likelihood of physical, zoonotic, or epidemiological hazard to people and/or domesticated animals

Residents of Orange County may petition the Animal Services ~~Advisory Board~~Director to recommend the addition or removal of species, subspecies, or hybrids to or from the definition of Wild and Dangerous Animals. The petition shall detail reasons for the requested addition or removal of the species, subspecies, or hybrid of concern, and be submitted in writing to the Animal Services Director. The Animal Services Director shall relay the petition to the Animal Services Advisory Board to review and determine whether a recommendation of change should be made to the Board of County Commissioners.

Sec. 4-186. - Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such declaration of invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.

(Ord. of 8-14-2001(2), § 5, eff. 8-14-01)

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Sec. 4-37. - Definitions.

As used in this Chapter, the following terms mean:

- (a) *Adequate Food*: The provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.
- (b) *Adequate Shelter*: That shelter which will keep a nonaquatic animal dry, out of the direct path of winds and out of the direct sun, at a temperature level that is healthful for the animal. For dogs, cats and other small animals, the shelter shall be a windproof and moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat. It shall include four walls, a roof and a solid floor raised up off of the ground, with an opening entrance large enough to allow access to the animal, but placed in such a way as to keep the animal out of the direct path of winds. Metal barrels do not provide adequate shelter for a dog, cat or other small animal and are prohibited for that purpose. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shaving, or the equivalent. For all animals the containment area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris, and a suitable method of draining shall be provided to rapidly eliminate excess water or moisture. Aquatic or semi-aquatic animals shall have an adequate amount of clean water in which to move. Does not apply to the following domesticated livestock: cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry (except within municipal corporate limits the term "poultry" applies only to poultry flocks greater than 20 birds).
- (c) *Adequate Water*: A constant access to a supply of clean, fresh water provided in a sanitary manner. In near or below freezing temperatures the water must be changed frequently to prevent freezing, unless heated.
- (d) *Administrator*: The Animal Services Director, or their designee, as designated by the County Manager to perform the responsibilities assigned by this chapter to the Administrator.
- (e) *Animal*: Any live, vertebrate creature specifically including but not limited to dogs, cats, farm animals, birds, fish, livestock, and reptiles.
- (f) *Animal Services Director*: That person designated by the Board of Commissioners and the County Manager in Orange County, and where appropriate, his or her designee, charged with the responsibility, discretion and authority to interpret, implement and enforce the Animal Control program in Orange County.

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- (g) *Animal Shelter*: A place provided and operated by Orange County directly or by contractual agreement, whether jointly with another governmental unit or independently, for the restraint, care, adoption, and disposition of animals.
- (h) *At Large*: Any animal shall be deemed to be at large when it is off the property of its owner or its keeper and not under the restraint of a competent person. For purposes of this definition, the term "real property of its owner or keeper" shall include any property owned or occupied by the owner or keeper of such animal but shall not include any of the common areas (including without limitation, walks, drives, recreation and open space areas, etc.) within any subdivision or multifamily residential development.
- (i) *Competent Person*: A person of suitable age and discretion to keep an animal under sufficient restraint and control in order to prevent harm to the animal, to persons, to other animals, including but not limited to domesticated livestock, or to property.
- (j) *Cruel and Cruel Treatment*: Every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted. Such acts or omissions shall include, but not be limited to: beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, confining in a closed vehicle without functioning air conditioning or ventilation whenever the ambient outdoor temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle and depriving of food, water, and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, lawful activities sponsored by agencies conducting biomedical research or training, lawful activities for sport.
- (k) *Dangerous and Potentially Dangerous Animals: Animals that are deemed dangerous and injurious, or potentially dangerous and injurious, to the public and/or domesticated animals and/or other property based on elevated risk of causing physical, zoonotic or epidemiological harm.*
- (l) *Display*: Display shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, roadside zoo, or similar undertaking in which animals are required to perform tricks, fights, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged. "Display" shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals. "Displayed" means to be the subject thereof.

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~~(h)~~(m) *Domestic Animal*: A domesticated or tame animal that is kept principally as a pet or companion animal, except that livestock (other than rabbits kept as pets and not for productive purposes) and wild animals shall not be regarded as domestic animals.

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- ~~(m)~~(n) *Domesticated Livestock*: Livestock raised for the production of meat, milk, eggs, fiber, or used for draft or equestrian purposes, including but not limited to cattle, sheep, goats, swine, horses, mules, rabbits, and poultry.
- ~~(n)~~(o) *Educational Purposes*: Teaching and instructing with the intent and effect of imparting knowledge to others.
- ~~(o)~~(p) *Exotic ~~animals~~Animals*: ~~Exotic animals are a~~Animals other than domestic animals ~~or~~, farm animals ~~that , and wild animals which~~ are not native to North Carolina, or are native to North Carolina but have been captive-bred.
- ~~(p)~~(q) *Exposed to Rabies*: An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or otherwise come into contact with the saliva or nervous tissue of a proven rabid animal or animal reasonably suspected of having rabies that is not available for laboratory diagnosis.
- ~~(q)~~(r) *Harbor*: An animal shall be deemed to be harbored if it is fed or sheltered by the same person or household for 72 consecutive hours or more.
- ~~(r)~~(s) *Health Department*: Orange County Health Department.
- ~~(s)~~(t) *Health Director*: Director of the Orange County Health Department.
- ~~(t)~~(u) *Keeper*: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person, whether or not that person legally "owns" the animal. Every person 18 years or older residing in the dwelling unit where a pet is harbored and/or kept shall be deemed a keeper for purposes of this Ordinance.
- ~~(u)~~(v) *Leash-free Area*: An area in a Town or County designated by the governing body of said Town or County which permits an animal to go free from physical restraint. Does not apply to animals deemed dangerous or potentially dangerous.
- ~~(v)~~(w) *Other Local Government Body (Bodies)*: The Towns of Carrboro, Chapel Hill and Hillsborough and those parts of the City of Durham located in Orange County.
- ~~(w)~~(x) *Owner*: Any person who owns any animal and is responsible for its care, actions, and behavior.
- ~~(x)~~(y) *Owner or Keeper's Premises*: Any real, owned or leased, property of the owner of an animal; excluding any public right-of-way, or common area of a condominium, apartment complex, or townhouse development.

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~~(y)~~(z) *Person*: Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.

~~(z)~~(aa) *Physical Harm*: Any injury which is serious enough to require immediate medical attention.

~~(aa)~~(bb) *Provocation*: Any act that would reasonably be expected to cause an animal to defend itself, its young, its owner or keeper, or the property of said owner or keeper.

~~(bb)~~(cc) *Restraint*: An animal is under restraint if it is under sufficient physical restraint such as a leash, cage, bridle, or similar effective and humane device which restrains and controls the animal, or within a vehicle, or adequately contained by a fence on the premises or other secure enclosure as permitted in this Ordinance. If a competent adult is physically outside on the land with the animal, on land where the owner or keeper of the animal resides, then the animal shall be deemed to be under restraint during the time the animal is in the company of and under the control of that competent person and the animal is on the premises. If any unattended animal is restrained by a chain, leash or similar restraint, it shall be designated and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten feet in length and shall be on a swivel designed to prevent the animal from choking or strangling itself. The restraint of unattended dogs by a fence, kennel, outdoor enclosure, chain, leash, or similar device is further regulated under this Ordinance.

~~(ee)~~(dd) *Security Dog*: Any dog used, kept, or maintained on the premises of its owner or keeper for the purpose of protecting any person or property. Any such dog shall be further classified as a patrol dog or sentry dog.

- a. Patrol dog: A dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.
- b. Sentry dog: A dog that is trained or conditioned to attack or otherwise respond aggressively without command.

~~(dd)~~(ee) *Secure Enclosure*: An enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner or keeper. A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from the Animal Services Director based on breed, age, height, weight, temperament, and history of the animal.

(ff) *Serious^[SS1] physical harm human*: Any physical injury that results in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.

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~~(ee)~~(gg) Serious physical harm animal: Any physical injury that results in broken bones, life threatening injuries, long term hospitalization, death or euthanasia.

~~(ff)~~(hh) *Steel Jaw Trap*: Spring-powered devices or traps which capture or hold an animal by exerting a lateral force with fix mounted jaws on the leg, toe, paw, or any other part of the animal's body.

~~(gg)~~(ii) *Stray*: Any domestic animal that is not under restraint or is not on the property of its owner and is wandering at large, or is lost, or does not have an owner, or does not bear evidence of the identification of any owner.

~~(hh)~~ *Suspected of Having Rabies*: An animal which has bitten a person or another animal.

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~~(ii)~~(kk) *Tethering*: To restrain a dog outdoors by means of a rope, chain, wire or other type of line for holding a dog one end of which is fastened to the dog and the opposite end of which is connected to a stationary object or to a cable or trolley system. This does not include walking a dog with a handheld leash.

(ll) *Veterinary Hospital*: Any place or establishment which is maintained and operated under the supervision of a licensed veterinarian as a hospital where animals are harbored, boarded and cared for incidental to the treatment, prevention or alleviation of disease processes during the routine practice of the profession of veterinary medicine for surgery, diagnosis and treatment of diseases and injuries of animals.

~~(jj)~~—

(mm) *Wild Animals*: An animal (other than livestock) that typically is found in a nondomesticated state ~~and that, because of its size or dangerous propensity or because it is poisonous, venomous or for any other substantial reason, poses a potential danger to persons, other animals or property, whether bred in the wild or in captivity and includes any or all hybrids bred with these animals and domestic species.~~

(nn) *Wild and Dangerous Animals*: Wild animals that are deemed dangerous and injurious, or potentially dangerous and injurious, to the public and/or domesticated animals and/or other property based on elevated risk of causing physical, zoonotic or epidemiological harm. Wild and Dangerous animals are crocodilians; venomous reptiles, defined as lizard and snake species and subspecies that are capable of injecting toxins that may cause severe pain, injury, and/or death to humans; large constricting snakes, meaning any heavy bodied snake that feeds by constriction and which species, subspecies, or hybrid may attain a total adult body length reaching

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ten (10) feet, including but not restricted to the Green Anaconda, Yellow Anaconda, Reticulated Python, Burmese Python, Indian Python, African Rock Python, and Amethystine Python; felines other than the domestic house cat, and any hybrid of a feline with a domestic house cat; coyotes and wolves, and any hybrid of coyotes and wolves with the domestic dog; bears; and nonhuman primates.

~~(kk)–~~

~~(Ord. of 6-16-1987, § VII, eff. 1-1-1988; Amend. of 12-2-1996, eff. 1-1-1997; Amend. of 11-18-08, eff. 11-19-08)~~

~~DIVISION 4. - DISPLAY OF WILD WILD, AND EXOTIC, AND WILD AND DANGEROUS ANIMALS~~

~~Sec. 4-131. - Repealed~~

~~(Ord. of 8-14-2001(1), § 1, eff. 8-14-01)~~

~~Sec. 4-132131. - Display of wild Wild, or exotic Exotic , or Wild and Dangerous Animals animals prohibited.~~

~~It shall be unlawful for any person Person to display Display or sponsor a display Display of wild Wild Animals, or exotic Exotic Animals, or Wild and Dangerous animals Animals on any public or private property within Orange County.~~

~~(Ord. of 8-14-2001(1), § 2, eff. 8-14-01)~~

~~Sec. 4-18232. - Keeping of wWild and dDangerous aAnimals prohibited.~~

~~No Person shall own, keep, shelter, maintain, or have under their control any Wild and Dangerous Animal within Orange County.~~

~~No person, firm, or corporation shall keep, shelter, feed, harbor, or take care of any wild and dangerous animal within Orange County.~~

~~(Ord. of 8-14-2001(2), § 2, eff. 8-14-01)~~

~~Sec. 4-133. - Exemptions.~~

~~The provisions of this Ordinance shall not apply to the keeping of Wild and Dangerous Animals as follows, provided, such keeping is in all respects in compliance with applicable federal and state rules and regulations:~~

- ~~— Animals owned or kept for teaching and/or research purposes by institutions of higher education duly existing under the laws of the State of North Carolina, provided such institution is permitted for such animal by the North Carolina Wildlife Resources~~

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Commission and/or the United State Fish and Wildlife Service and/or the U.S. Department of Agriculture and continually maintains any necessary permits from state and federal agencies:

- Native species kept temporarily for rehabilitation by wildlife rehabilitators with a U.S. Fish and Wildlife Service Rehabilitation Permit and/or a North Carolina Wildlife Resources Commission Rehabilitation License (hereinafter, collectively, “rehabilitation license”), to the extent permitted by the rehabilitation license, provided the rehabilitator obtains prior approval from the Animal Services Director and the following conditions are met in order to assure the health and safety of the public:
 - Said wildlife is maintained in accordance with applicable federal and state laws, rules, and regulations;
 - The rehabilitator shall provide a safety plan for the management of the wildlife and a comprehensive recovery plan in the event of escape of the animal;
 - The rehabilitator shall continuously maintain liability insurance with a minimum of \$1,000,000 per occurrence and \$2,000,000 aggregate to compensate any person for personal injury or property damage caused by the wildlife;
 - All venomous snakes kept pursuant to this subsection shall be in compliance with the requirements of N.C. Gen. Stat. §14-417, §14-417.1, and §14-417.2;
 - Bears, bobcats, cougars and coyotes kept pursuant to this subsection shall be in compliance with the requirements of N.C. Gen. Stat. 15A NCAC 10H .0302.
- Non-profit organizations accredited by The Global Federation of Animal Sanctuaries (GFAS; <https://www.sanctuaryfederation.org>):

Approval for keeping these otherwise prohibited Wild and Dangerous Animals for rescue purposes by a legitimate animal sanctuary permitted and/or licensed by the North Carolina Wildlife Resources Commission and/or the United States Department of Agriculture and/or the United State Fish and Wildlife Service shall be in the sole discretion of the Board of County Commissioners based on a recommendation of change from the Animal Services Director. Failure to abide by any of the above requirements subsequent to approval by the Board of County Commissioners shall require immediate removal of the Wild and Dangerous Animals from the County.

- A hybrid of a feline with the domestic house cat (hereinafter, “hybrid feline”) is permissible if the hybrid is a filial 5 (F5) hybrid or later (meaning there have been five or more generations since the cross included a pure wild feline) as documented by a breeder pedigree from a generally accepted registry, or by genetic testing methods that are generally accepted by the scientific community. Hybrid felines permitted by this subsection shall be maintained at all times in an enclosed environment and shall be documented to be vaccinated against rabies by a licensed veterinarian. Methods of rabies control for hybrid felines may differ from those for domestic cats.

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~~— Animals exempted by this Ordinance prior to [effective date of amendment], provided the Person owning, keeping, maintaining, or controlling the Wild and Dangerous Animal provides notice of the following to the Animal Services Director within one (1) year of [effective date]:~~

- ~~— Notice of possession of the animal and the location at which the animal is kept;~~
- ~~— Information regarding acquisition of the animal;~~
- ~~— A safety plan for the management of the animal; and~~
- ~~— A comprehensive recovery plan in the event of escape of the animal, including informing the Animal Services Department within twelve (12) hours of the animal's escape.~~

~~Should a Person fail to provide notice of (d)(i)-(iv), above, within one (1) year of [effective date] for the purposes of amortization, the Wild and Dangerous Animal shall be prohibited as described in this Division.~~

~~(Ord. of 8-14-2001(2), § 3, eff. 8-14-01)~~

Sec. 4-133134. – Enforcement.

~~To the extent the North Carolina Wildlife Resources Commission does not have jurisdiction to investigate complaints and take enforcement action regarding an animal defined in this Division as a Wild Animal, Exotic Animal, or Wild and Dangerous Animal, Orange County Animal Services shall enforce the Division as follows:~~

- ~~— *Investigations.* The Orange County Animal Services shall investigate any complaints, reports, or information that a Wild Animal, Exotic Animal, or Wild and Dangerous Animal is being Displayed in Orange County, or a Wild and Dangerous Animal is being possessed in Orange County, in violation of this Ordinance to determine whether or not a violation has occurred.~~
- ~~— *Violations.* Upon determining a violation of this Ordinance has occurred, the Animal Services Director or its designee may:

 - ~~— Provide written notification of the violation(s) that shall require the Owner or Keeper to remove the animal(s) from the County within seventy two (72) hours or such other time as designated in the notice. Removal of the animal shall be overseen by the Animal Services Director or its designee to ensure the health and safety of both the public and the animal during loading and transport. The Owner or Keeper of any animal that has been required to remove the animal pursuant to this Section shall, within five (5) days after removal, inform the Animal Services Director in writing of the animal's present location, including the name, address, and telephone number of the animal's Owner or Keeper. If the animal has been destroyed, the Animal Services Director shall be informed~~~~

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of the name, address, and telephone number of the person who destroyed such animal.

Impound the animal as a danger to the public. If the animal is impounded, authorization for reclamation after any required holding period shall be granted when the Animal Services Director or its designee is reasonably assured that the impounded animal shall be immediately removed from the County, including by the Owner or Keeper of the animal providing the intended location of the animal, including the name, address, and telephone number of the owner of the property where the animal shall be kept. Following reclamation, the Owner or Keeper shall provide notice confirming the animal's present location or destruction as described in subsection 4-134(b)(1), above. If the Owner or Keeper fails to provide the Animal Services Director reasonable assurance that the impounded animal will be immediately removed from the County upon reclamation, as described above, within three (3) days of impoundment, the animal shall become property of Animal Services and be dispositioned in accordance with Animal Services' procedures.

— *Recovery of Costs.* The Owner or Keeper of any animal in violation of this Ordinance shall reimburse the County for all costs incurred by the County related to the recapture, impoundment, care, euthanasia, and/or relocation of the animal.

(d) — *Penalties.*

— *Criminal Summons* — A violation of any provision of this Division constitutes a misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.

— *Civil penalty* — A person who violates any of the provisions of this Division shall be subject to a civil penalty of \$50.00 per animal. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by written notification. Each day of a continuing violation shall constitute a separate violation. The Animal Services Director shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within fourteen (14) days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Ordinance. Surrender or

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~~removal of an animal from the County shall not relieve the Owner or Keeper of responsibility for payment of the civil penalty that was assessed prior to the animal being surrendered or removed from the County.~~

~~Equitable and Injunctive relief. The County may institute a civil action for appropriate equitable remedy and/or injunctive relief and/or an order of abatement for violations or threatened violations of this Division pursuant to the North Carolina General Statutes § 153A-123. The institution of any action for equitable or injunctive relief shall not relieve the Owner or Keeper of any criminal or civil penalties prescribed for violations of this Division.~~

~~(Ord. of 8-14-2001(2), § 4, eff. 8-14-01)~~

~~Any person displaying or sponsoring a display of a wild or exotic animal at the date that this Ordinance is adopted to prohibit such display shall comply with the Ordinance's prohibition on the display of wild or exotic animals within 30 days of the effective date of this Ordinance. No wild or exotic animals may be displayed that are not permitted by the United States Department of Agriculture nor shall any exotic or wild animal that has been designated a rabies vector species in North Carolina be displayed, except when approved by the Animal Services Director. Wild or Exotic animals designated as rabies vector species may only be displayed in a manner so as to not come into contact with the public.~~

~~(a) Investigations. The Orange County Animal Service Department shall investigate any complaints, reports, or information that wild or exotic animals are being displayed or will be displayed in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.~~

~~(1) If the Orange County Animal Services Department determines that wild or exotic animals are being displayed in Orange County in violation of this Chapter, the investigating officer(s) shall issue a written warning to the person displaying the wild or exotic animal(s). The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the display.~~

~~(2) The person against whom the warning is issued shall desist all activities in violation of this Ordinance as of the business day the written notice is given.~~

~~(b) Penalties.~~

~~(1) Criminal Offenses—A violation of any provision of this Division constitutes a Class 3 Misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.~~

Animal Control Ordinance

~~(2) Civil penalty—A person who violates any of the provisions of this Division shall be subject to a civil penalty of \$250 per animal for each day of the violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within fourteen (14) days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty.~~

~~(3) Injunctive Relief:~~

~~a. Whenever the Orange County Animal Services Department or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Division, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Section, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation of threatened violation.~~

~~b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Section.~~

~~(Ord. of 8-14-2001(1), § 3, eff. 8-14-01) Sec. 4-135. — Modifications to Wild and Dangerous Animals Definition~~

~~The Animal Services Director may add or remove species, subspecies, or hybrids on the basis of recommendations made by the Animal Services Advisory Board.~~

~~Recommendations must be based upon available evidence including subject matter expertise that the animal species, subspecies, or hybrid:~~

~~—Is domesticated or not, or has undergone domestication to the extent that natural behaviors have changed;~~

~~—Does or does not require extraordinary measures for safe and effective management, containment, and/or recovery in the event of escape;~~

Animal Control Ordinance

~~Does or does not create a reasonable likelihood of physical, zoonotic, or epidemiological hazard to people and/or domesticated animals.~~

~~Residents of Orange County may petition the Animal Services Advisory Board to recommend the addition or removal of species, subspecies, or hybrids to or from the definition of Wild and Dangerous Animals. The petition shall detail reasons for the requested addition or removal of the species, subspecies, or hybrid of concern, and be submitted in writing to the Animal Services Director. The Animal Services Director shall relay the petition to the Animal Services Advisory Board to review and determine whether a recommendation of change should be made to the Board of County Commissioners.~~

Sec. 4-136. - Severability.

~~If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such declaration of invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.~~

~~(Ord. of 8-14-2001(2), § 5, eff. 8-14-01)~~

Secs. 4-134—4-180. - Reserved.

DIVISION 5. - KEEPING OF WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY

Sec. 4-181. - Definitions.

As used hereinafter, the following term shall mean:

~~*Wild Animals Dangerous to Persons and Property, hereinafter referred to as "Wild and Dangerous Animals":* The term applies to the following animals: all felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing, and giant), and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this Ordinance, the Animal Services Advisory Board may add to or remove from the classification of wild animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to or deletions from the animals regulated herein may be made only if the Animal Services Advisory Board determines, after receiving evidence, that such animals because of habit, mode of life or natural instinct are either capable or incapable of being domesticated, requires the exercise of art, force or skill to keep them safely in subjection, and would or would not create a reasonable likelihood of hazard to the public.~~

~~(Ord. of 8-14-2001(2), § 1, eff. 8-14-01)~~

Animal Control Ordinance

~~Sec. 4-182. – Keeping of wild and dangerous animals prohibited.~~

~~No person, firm, or corporation shall keep, shelter, feed, harbor, or take care of any wild and dangerous animal within Orange County.~~

~~(Ord. of 8-14-2001(2), § 2, eff. 8-14-01)~~

~~Sec. 4-183. – Exemptions.~~

~~The provisions of this Ordinance shall not apply to the keeping of wild and dangerous animals as follows, provided, such keeping is in all respects in compliance with applicable federal and state rules and regulations:~~

- ~~(a) Animals used for teaching and/or research purposes at The University of North Carolina at Chapel Hill.~~
- ~~(b) Wildlife rehabilitators licensed by the state or the federal government to provide such services.~~

~~(Ord. of 8-14-2001(2), § 3, eff. 8-14-01)~~

~~Sec. 4-184. – Enforcement.~~

- ~~(a) Investigations. The Orange County Animal Services Department or the North Carolina Wildlife Resources Commission shall investigate any complaints that a wild animal is possessed or harbored in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.~~

~~(b) Penalties.~~

- ~~(1) Criminal Offenses – A violation of any provision of this Division constitutes a misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.~~
- ~~(2) Civil penalty – A person who violates any of the provisions of this Division shall be subject to a civil penalty of \$50.00 per animal. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by letter. Each day of a continuing violation shall constitute a separate violation. The Administrator shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within fourteen (14) days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered~~

Animal Control Ordinance

~~shall be used to carry out the purposes and requirements of this Ordinance.~~

~~(3) — Injunctive relief.~~

- ~~a. — Whenever the Orange County Animal Services Department and the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Section, the agency shall report the violation or threatened violation to the Administrator. The Administrator may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation or threatened violation.~~
- ~~b. — Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Section.~~

~~(Ord. of 8-14-2001(2), § 4, eff. 8-14-01)~~

Sec. 4-185. — Severability.

~~If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such declaration of invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.~~

~~(Ord. of 8-14-2001(2), § 5, eff. 8-14-01)~~

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: February 7, 2023

**Action Agenda
Item No.** 6-c

SUBJECT: Amendment to the Code of Ordinances – Emergency Proclamations

DEPARTMENT: County Attorney

ATTACHMENT(S):
Draft Ordinance

INFORMATION CONTACT:
John Roberts, County Attorney, 245-
2318

PURPOSE: To present for first reading proposed ordinance amendments to Chapter 14 (Emergency Management and Emergency Services) of the Code of Ordinances.

BACKGROUND: During the COVID-19 pandemic, the Chair of the Board of Commissioners issued an emergency proclamation in order to give greater authority to address the pandemic to the County Manager and County departments. Pursuant to Section 14-39 of the Code of Ordinances, the emergency proclamation was amended multiple times to address the ongoing pandemic. Ultimately the emergency proclamation was continued through those amendments for more than two years. During this time members of the Board of Commissioners expressed concern with the length of the emergency proclamation and the lack of input from the full Board of Commissioners.

The attached draft amendment attempts to address this concern, while keeping in place substantial authority for the Chair, by limiting the time period the Chair may independently extend emergency proclamations to thirty (30) days and to clarify that amendments to an emergency proclamation include extensions of the duration. The draft provides that the Board of Commissioners may vote to extend proclamations beyond this time period if the Board is presented with sufficient information and data to do so. It has been the Board of Commissioners' policy that it is necessary for the Chair, or Vice Chair if the Chair is unavailable, to have substantial authority to declare and amend emergency proclamations for events during which the Board of Commissioners may be unable to meet or assemble.

The subject chapter of the Code of Ordinances provides for misdemeanor penalties for violations. For that reason the ordinance is subject to a first and second reading prior to adoption.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board consider and discuss the ordinance on first reading.

RECOMMENDATION(S): The Manager recommends the Board discuss and approve on first reading the proposed ordinance amendments to Chapter 14 (Emergency Management and Emergency Services) of the Code of Ordinances, and direct staff to present the ordinance amendments for second reading approval at the Board's February 21, 2023 Business meeting.

ORD-2023-008

Sec. 14-39. - Superseding and amendatory proclamations.

- a) The chair of the board of commissioners in ~~their~~his discretion may invoke the restrictions authorized by this article in separate proclamations, and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in section 14-32.
- b) The chair may, upon the receipt of data and information sufficient, in the chair's discretion, to make a determination to do so, amend a proclamation to extend for a period not to exceed thirty (30) days. Should the chair determine an extension is necessary the chair shall, to the extent practical prior to extending the proclamation, provide the board of commissioners with all available data and information upon which the chair based their determination. Any extension of a proclamation beyond thirty (30) days may only be made by majority vote of the board of commissioners and shall be based on data and information sufficient for the board of commissioners, in its discretion, to so do.

(Ord. of 9-18-1990, § 10, eff. 9-18-1990)

Sec. 14-40. - Termination of proclamation.

Any proclamation issued under this article shall expire five days after its last imposition unless sooner terminated or extended in writing under the same procedures set forth in section 14-32 for proclamations.

(Ord. of 9-18-1990, § 11, eff. 9-18-1990)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 8-a**

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

ATTACHMENT(S):
Draft Minutes (Under Separate Cover)

INFORMATION CONTACT:
Laura Jensen, Clerk to the Board, 919-
245-2130

PURPOSE: To correct and/or approve the draft minutes as submitted by the Clerk to the Board as listed below.

BACKGROUND: In accordance with 153A-42 of the General Statutes, the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachment 1: December 13, 2022 Business Meeting

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board approve minutes as presented or as amended.

1 **DRAFT**

2 **MINUTES**
3 **ORANGE COUNTY**
4 **BOARD OF COMMISSIONERS**
5 **BUSINESS MEETING**
6 **December 13, 2022**
7 **7:00 p.m.**

8 The Orange County Board of Commissioners met for a Business Meeting on Tuesday,
9 December 13, 2022 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

10
11 **COUNTY COMMISSIONERS PRESENT:** Chair Jamezetta Bedford, Vice Chair Earl McKee,
12 and Commissioners Amy Fowler, Jean Hamilton, Renee Price, and Anna Richards

13 **COUNTY COMMISSIONERS ABSENT:** Commissioner Sally Greene

14 **COUNTY ATTORNEYS PRESENT:** John Roberts

15 **COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager
16 Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified
17 appropriately below)

18
19 Chair Bedford called the meeting to order at 7:01 p.m. All commissioners were present
20 except for Commissioner Greene.

21
22 **Presentation of the Plaque and Portrait for the Naming of the Whitted Meeting Room as the**
23 **Donna S. Baker Meeting Room**

24
25 Chair Bedford introduced members of Donna Baker's family who attended the meeting
26 remotely. She invited the family, commissioners, former commissioners, coworkers, and friends
27 of Donna Baker to share personal memories. A photograph was taken of the current and former
28 commissioners in attendance.

29
30
31 **1. Additions or Changes to the Agenda**

32
33 There were no changes to the agenda.

34
35 A motion was made to approve the agenda by Commissioner Hamilton and seconded by
36 Vice Chair McKee.

37
38 **VOTE: UNANIMOUS**

39
40 Chair Bedford dispensed with reading the public charge.

41
42
43 **2. Public Comments (Limited to One Hour)**

44 **a. Matters not on the Printed Agenda**

45
46 There was no one signed up to speak on matters not on the printed agenda.

47
48 **b. Matters on the Printed Agenda**

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

50

51

1 **3. Announcements, Petitions and Comments by Board Members**

2 Commissioner Fowler said she attended a library task force meeting and that there will be
3 a request for county funding. She said that TARPO met and there is a CMAC grant that Orange
4 County will probably apply for to cover a new vehicle for Mobility on Demand.

5 Vice Chair McKee had no comments.

6 Chair Bedford said that Orange County Sheriff's Deputy Eric Castro and Emergency
7 Services Administrative Assistant Jorge Hernandez were being recognized at a UNC basketball
8 game that was also taking place at the same time as the business meeting.

9 Commissioner Price, read an announcement from Commissioner Greene who could not
10 be in attendance. She said that Triangle J Council of Governments (COG) and the Durham
11 Metropolitan Planning Organization (MPO) have started discussions about the COG becoming
12 local planning agency or host of the MPO. She said that the conversations are supported by
13 leadership and the MPO policy board. She said that Triangle J is negotiating for a new 10-year
14 lease and more information will be available within the next month. She said that regarding the
15 consent agenda, she wanted to express thanks to the farmers that are part of the voluntary
16 agricultural districts. She requested that the Chair send a thank you letter to the farmers.

17 Commissioner Hamilton wished everyone happy holidays.

18 Commissioner Richards said that the Family Success Alliance canceled their meeting, but
19 she is looking forward to learning more about their conversation regarding changing roles. She
20 said that the Town of Chapel Hill held a public hearing about St. Paul Village, in the Rogers Road
21 neighborhood, and that will add to the affordable housing stock. She said that all of the units are
22 all rentals. She wished everyone happy holidays.

23
24
25 **4. Proclamations/ Resolutions/ Special Presentations**

26 **a. Resolution of Commendation for Commissioner Renée Commissioner Price**

27 The Board approved a resolution commending Commissioner Renée Price for her service to
28 Orange County.

29
30 **BACKGROUND:** After 10 years as a member of the Orange County Board of Commissioners,
31 Commissioner Renée Price will step down from her position on December 31, 2022 to serve in
32 the NC General Assembly representing NC House District 50. The Orange County Board of
33 Commissioners expresses appreciation to Commissioner Price for her hard work, dedication, and
34 exemplary service to the residents of Orange County, and wishes her the very best in her future
35 endeavors.

36
37 Vice Chair McKee read the following resolution:

38
39 **ORANGE COUNTY BOARD OF COMMISSIONERS**

40
41 **RESOLUTION OF COMMENDATION**
42 **FOR**
43 **COMMISSIONER RENÉE PRICE**

44
45 **WHEREAS,** the residents of Orange County elected Renée Price to the Board of County
46 Commissioners in 2012, and re-elected her in 2016 and 2020; and

47
48 **WHEREAS,** Commissioner Price was elected Chair of the Board of Commissioners in 2020 and
49 again in 2021; and Vice-Chair in 2018 and 2019; and

50

1 **WHEREAS,** Commissioner Price has served the residents of Orange County regardless of
 2 geographic location faithfully and with honor, integrity and distinction for the past
 3 ten years; and
 4

5 **WHEREAS,** during her service as an Orange County Commissioner, Commissioner Price
 6 supported the needs of underserved and neglected neighborhoods; building
 7 affordable housing; improving school facilities; preserving farms and agriculture;
 8 the progress of small businesses, artists, craft makers, and entrepreneurs; and
 9 took special interest in social and racial justice and expanding broadband; and
 10

11 **WHEREAS,** Commissioner Price has shared her talent for leadership and public service
 12 through her work on numerous boards and commissions, including the Durham
 13 Technical Community College Board of Trustees, Library Services Task Force,
 14 TARPO (Triangle Area Rural Planning Organization), NACo (National Association
 15 of County Commissioners), NCACC (North Carolina Association of County
 16 Commissioners), Historic Rogers Road Task Force, Community Home Trust Board
 17 of Directors, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
 18 Transportation Advisory Committee, Legislative Issues Work Group, Juvenile
 19 Crime Prevention Council, Triangle J Council of Governments, Upper Neuse River
 20 Basin Association, Alcoholic Beverage Control Board, GoTriangle Special Tax
 21 Board, GoTriangle Board of Trustees, Joint Public Safety Training Facility Work
 22 Group, Cardinal Innovations County Commissioner Advisory Board, Healthy
 23 Carolinians, Justice Advisory Council, North South Bus Rapid Transit Policy
 24 Committee, and the Strategic Communications Work Group, among others; and
 25

26 **WHEREAS,** Commissioner Price was recognized as the WCHL and Chapelboro Hometown
 27 Hero in May 2018 and September 2020, and was awarded the WCHL and
 28 Chapelboro Village Pride Award in January 2015, the 2021 Special Service Award
 29 from the North Carolina Association of Black County Commissioners, the 2020
 30 M.H. "Jack" Brock Outstanding County Commissioner Award from the North
 31 Carolina Association of County Commissioners, and the Outstanding Service
 32 Award from the National Organization of Black County Officials;
 33

34 **NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners
 35 officially commends Renée Price for her hard work, dedication, and exemplary
 36 service to the people of Orange County, and wishes her the very best in her service
 37 in the North Carolina House of Representatives, and all of her future endeavors.
 38

39 **BE IT FURTHER RESOLVED** that this resolution be presented to Renée Price and that the
 40 Resolution be spread upon the minutes of this meeting.
 41
 42

43 This the 13th day of December, 2022.
 44

45 A motion was made by Vice Chair McKee, seconded by Commissioner Hamilton, to
 46 approve the resolution commending Commissioner Renée Price for her service to the residents
 47 of Orange County.
 48

49 **VOTE: UNANIMOUS**
 50

1 Commissioner Price said it was a wonderful time working with everyone and that she
2 would miss everyone, including staff.

3 Commissioner Fowler said she appreciated Commissioner Price's support and wished her
4 luck as she moved on to the NC General Assembly.

5 Vice Chair McKee said now the Board will be bothering Commissioner Price instead of
6 her bothering everyone else. He said the resolution does not cover all of Commissioner Price's
7 accomplishments.

8 Chair Bedford said that Commissioner Price has a great memory and brought
9 graciousness to the Board.

10 Commissioner Richards thanked Commissioner Price for welcoming her to the Board and
11 answering all of her questions and being supportive.

12 Commissioner Hamilton thanked Commissioner Price for her service. She said she
13 learned a lot from watching Commissioner Price.

14 Commissioner Price thanked the staff again for their support.
15
16

17 **5. Public Hearings**

18 None.
19
20

21 **6. Regular Agenda**

22 **a. Consideration of Food Council Memorandum of Understanding Renewal**

23 The Board considered renewing the Memorandum of Understanding (MOU) for the Orange
24 County Food Council as proposed by the Food Council's Executive Committee and considered
25 incorporating recommendations received from the Town of Hillsborough and the Town of
26 Carrboro.
27

28 **BACKGROUND:** In 2019, Orange County, Chapel Hill, Hillsborough, and Carrboro began a
29 process to jointly fund a full-time staff position for the Orange County Food Council. The original
30 Memorandum of Understanding (MOU) was signed by all parties in early 2019, and the Food
31 Council Coordinator was hired in July 2019. The existing MOU was meant to be reviewed after
32 two years.
33

34 The Food Council's Executive Committee, which is comprised of an elected official from each of
35 the participating jurisdictions, is recommending a renewal of the MOU with clarifying updates to
36 the agreement.
37

38 Staff submitted a request to each jurisdiction to provide an annual presentation and a report for
39 the MOU renewal. Each jurisdiction has received the redlined MOU and annual report materials.
40 The BOCC discussed this topic at its November 10, 2022 work session. The Towns of
41 Hillsborough and Carrboro received presentations from staff in August and October. The following
42 recommendations were provided by Hillsborough and Carrboro:
43

44 Hillsborough Recommendation

- 45 1) In Section B (c), change the final line to, "contribute to the dismantling of systemic racism."
46

47 Carrboro Recommendations

- 48 1) Include a clause stating:
49 a. The County will serve as the administrative and fiscal agent for the Food Council
50 b. An annual report be required to be provided to all jurisdictions
51 c. The line item budget must be submitted to the jurisdictions with the annual report.

1 2) Add the word “collaboration” in the third paragraph of the MOU after “facilitate
2 communication.”
3

4 The Town of Chapel Hill has not scheduled the Food Council MOU renewal for discussion.
5

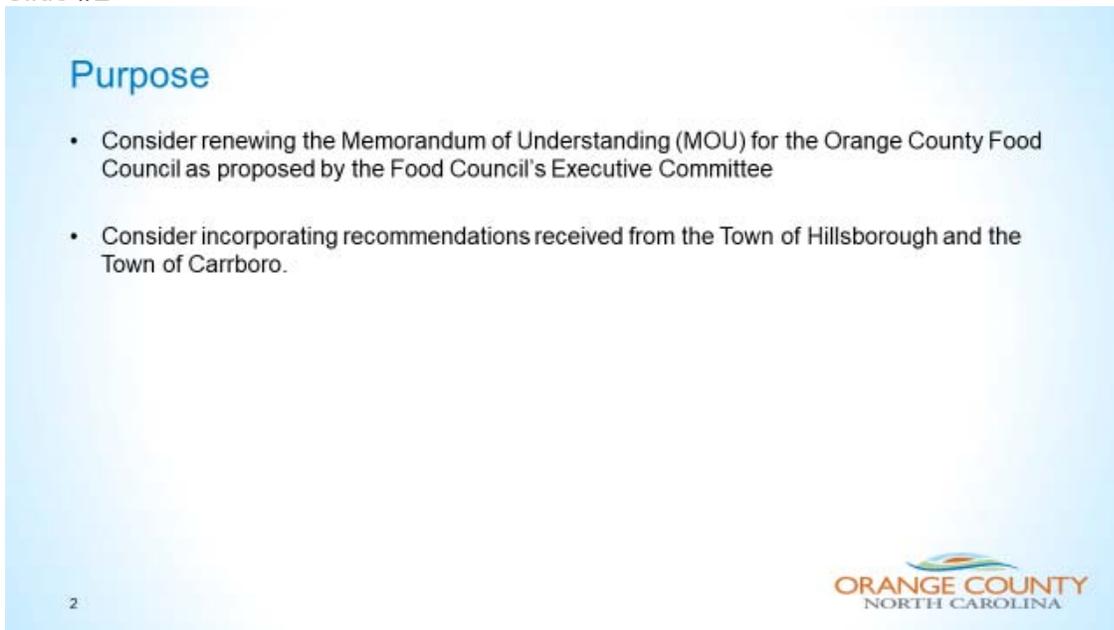
6 Travis Myren made the following presentation:
7

8 Slide #1



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Slide #2



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1 Slide #3

Background

- Original Memorandum of Understanding (MOU) was signed in 2019
- The parties to the original MOU were Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough
- The MOU created a full-time staff position and an operating budget funded through a population based formula
- The MOU also created an Executive Committee composed of 1 elected liaison from each participating jurisdiction
 - Input on Coordinator performance review
 - Approve annual work plan
 - Participate in hiring process for Coordinator position
 - Recommend Food Council Budget to the County Manager
- 2019 MOU has expired

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Slide #4

Executive Committee Recommendations for Renewal

- Executive Committee Recommendations for an updated MOU
 - Create a 5 year term
 - Update population based funding shares to consistent with 2020 census data

• Orange County	No change (39%)
• Chapel Hill	No change (41%)
• Town of Carrboro	Decreased by one percentage point (15% to 14%)
• Town of Hillsborough	Increased by one percentage point (5% to 6%)
 - Reduce number of council seats from 16 to 11
 - Include reference to racial equity work

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1 Slide #5

Town Recommendations for Renewal

- Hillsborough Recommendation
 - In Section B (C) of the relined document, change the final line to, “contribute to the dismantling of systemic racism.”
- Carrboro Recommendations
 - Include a clause stating:
 - The County will serve as the administrative and fiscal agent for the Food Council
 - An annual report be required to be provided to all jurisdictions
 - The line item budget must be submitted to the jurisdictions with the annual report.
 - Add the word “collaboration” in the third paragraph of the MOU after “facilitate communication.”
- Town of Chapel Hill has not scheduled consideration to renew MOU


 ORANGE COUNTY
 NORTH CAROLINA

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Slide #6

Recommendation

- Consider renewing the Memorandum of Understanding (MOU) for the Orange County Food Council as proposed by the Food Council’s Executive Committee
- If renewed, consider incorporating recommendations received from the Town of Hillsborough and the Town of Carrboro.


 ORANGE COUNTY
 NORTH CAROLINA

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Commissioner Hamilton asked when the Food Council was first created.

Travis Myren said the council met informally beginning in 2015 and that a formal agreement was made in 2019 to hire a coordinator and establish a committee.

Vice Chair McKee said it was a good idea that did not come to fruition. He said he thought it would provide greater opportunities for farmers and food for people that needed it. He said he never understood why the focus never moved from the 30,000 foot level. He said that he never saw a great effort to tie the folks that produce food to the organizations that provide that service. He said it tempered what it was, versus what he expected it to be.

1 Commissioner Price said that when she met with farmers and mentioned the Food
2 Council, they responded with blank looks on their faces. She said she appreciated what the
3 former coordinator did. She said they already know a lot of information about the organizations
4 that provide services. She said she wanted to move forward with another approach to put food on
5 the table. She said she will be voting against renewal of the MOU.

6 Commissioner Richards clarified that currently there is no agreement, because the
7 agreement expired. She asked if it was necessary to have a motion

8 John Roberts said technically the Board would be reviving the agreement under similar
9 and new terms.

10 Commissioner Richards said she believes there is food vulnerability in the county. She
11 said the previous agreement was not meeting food insecurities. She wondered if the MOU
12 needed to be renewed at all. She asked if the Board would like to ask the County Manager to
13 explore new ways to address hunger in the county.

14 Chair Bedford said she wanted to make sure other commissioners got an opportunity to
15 speak before making a motion. She said she thought the Board should consider the MOU first,
16 and then discuss next steps.

17 Commissioner Fowler said there are people working on these issues through Cooperative
18 Extension. She wondered if this is something they could address, or are already addressing, and
19 how did the Food Council improve on what they already do. She said the previous presentations
20 felt inadequate and had information that she already knew. She said they weren't getting to
21 solutions and they needed to address that issue. She read a passage from the minutes from the
22 November 10, 2022 BOCC work session, during which a presentation was made on the
23 Community Food Access Assessment:

24 "She [a community expert] said that people see money going to pay people like her or for
25 a refrigerated truck, when they could use those funds in their bank accounts."

26 Commissioner Fowler said the community experts made the point that it's not just food insecurity
27 but also affordable housing and transportation, which are areas the county already works on. She
28 said there are things they already know need to be done, and said that the Board should prioritize
29 those.

30 Travis Myren said that if the Board directs staff to pursue a different path, there are people
31 in Cooperative Extension and Economic Development that could work on weaving the services
32 together without duplicating services. He said that he understands that the Board is looking for
33 more tangible goods.

34 Commissioner Hamilton said that the Food Council has not met the need. She said that
35 the mission wasn't clear and that the Board needed to think of another way to address this.

36 Vice Chair McKee said his expectations and the reality on the ground never synced up.
37 He said the expiration of the agreement has placed it in limbo; it's still there, and there is an
38 expectation that the Board will make a decision. He said the expiration puts the funding in
39 question. He said that the Board should decide whether or not to renew the MOU rather than
40 decline to address it.

41 Chair Bedford agreed that the MOU should not be renewed. She also agreed that the
42 Board should make a motion and vote on the MOU.

44 A motion was made by Vice Chair McKee, seconded by Commissioner Price, to not renew
45 the Memorandum of Understanding (MOU) for the Orange County Food Council as proposed by
46 the Food Council's Executive Committee.

47
48 **VOTE: UNANIMOUS**

49
50 Chair Bedford asked if there needed to be any more discussion or if the County Manager
51 had the direction she needed.

1 Bonnie Hammersley said the request would go on the petition list and staff would look for
2 alternative solutions to the item.

3 Vice Chair McKee requested that various options be brought to the Board for
4 consideration.

5
6
7 **7. Reports**

8 **a. Durham-Chapel Hill-Carrboro Metropolitan Plan Organization Annual Report**

9 The Board received a presentation on Durham-Chapel Hill-Carrboro Metropolitan Planning
10 Organization Annual Report.

11
12 **BACKGROUND:** The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO)
13 is the regional transportation planning agency in North Carolina’s western Triangle. In cooperation
14 with the North Carolina Department of Transportation (NCDOT), the MPO is responsible for the
15 planning and programming of all modes of transportation including highways, public transit,
16 freight, bicycles, and pedestrians. The MPO’s work is regionally based, but community focused.
17 The MPO formulates and implements plans that will improve life locally and ensure that plans
18 reflect the expressed needs of its member communities. Orange County is a member community
19 and provided \$35,019 in local match funding to support MPO operations this year.

20
21 Nishith Trivedi, Transportation Services Director, introduced the item and the presenter,
22 Doug Plachcinski, DCHC MPO Executive Director.

23 Doug Plachcinski made the following presentation:

24
25 Slide #1



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27
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1 Slide #2

DCHC MPO OVERVIEW AND STRUCTURE



DCHC MPO is the regional transportation planning organization responsible for the western part of the piedmont Triangle area. MPOs follow a continuing, comprehensive, and cooperative transportation planning process that includes the development of a long-range transportation plan (MTP), a shorter term Transportation Improvement Program (TIP), and an annual Unified Planning Work Program (UPWP).

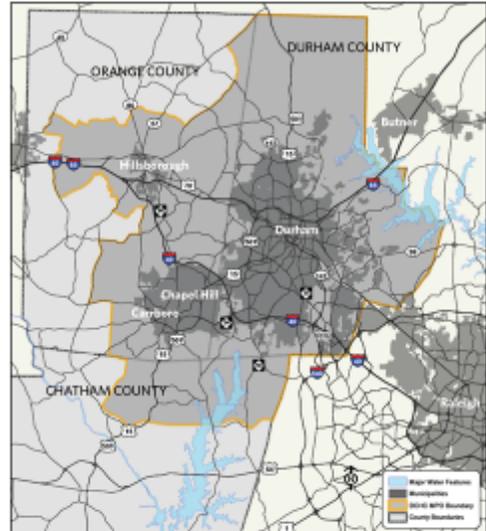
The DCHC MPO urbanized area includes:

- Durham County (entire county and City)
- A portion of Orange County including the towns of Chapel Hill, Carrboro, and Hillsborough
- Northeast Chatham County

The MPO Board members are elected officials that make decisions on transportation planning and policies.

The Technical Committee advise the MPO Board, and membership consists of staff from cities and counties, as well as from partner agencies such as NCDOT, transit agencies, universities, and Triangle J Council of Governments.

Ten MPO staff support the federal 3-C transportation planning process within the Policy Board's direction.



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Slide #3

Executive Director Doug Plachcinski AICP, CFM



- ✓ Durham native, SDHS class of 1994
- ✓ Undergrad UNC-G, Grad Wayne State (Detroit)
- ✓ PhD candidate at UNCG, Geography and Sustainability
- ✓ American Institute of Certified Planners member
- ✓ Certified Floodplain Manager
- ✓ 23+ years of planning experience with local, county, and regional governments
- ✓ 10+ years of MPO experience in Michigan, Massachusetts, and North Carolina
- ✓ 13+ years of City, Town, and County planning and zoning experience in Michigan, Massachusetts, Virginia, and North Carolina
- ✓ Began career in the Durham City Transportation Department during summer 1995 collecting data for the regional travel demand model and turning movements for intersection analysis.



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1 Slide #4

2021-2022 HIGHLIGHTS



TRANSPORTATION PLANNING

- **Comprehensive Transportation Plan (CTP)**
 - Began work on an amendment to the CTP that would update the bicycle and pedestrian elements to be consistent with current locally adopted plans and to provide guidance to NCDOT on inclusion of complete streets elements for non-motorized and highway projects.
 - Joint plan with NCDOT that guides transportation project development and reservation of future right of way.
- **Metropolitan Transportation Plan (MTP)**
 - The DCHC MPO adopted the 2050 MTP on February 9, 2022.
 - Federal long-range plan that balances revenues and costs.
 - Projects in the funding plan, i.e., Transportation Improvement Program, must be identified in the MTP.
- **Transportation Improvement Program (TIP)**
 - The Transportation Improvement Program (TIP) is a ten-year funding document for bicycle, pedestrian, highway, rail, and public transportation projects.
 - The MPO updated the TIP several times through the amendment process and also provided input to NCDOT on the draft FY2024-2033 STIP.

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Slide #5

2021-2022 HIGHLIGHTS



CORRIDOR STUDIES

- **US 70 Corridor Study (Orange County)**
 - Provide a framework for a safe, efficient and equitable multimodal transportation system that offers a choice between public transportation, non-motorized, and automobile modes to seamlessly connect between different transportation options and serves development with appropriate transportation access. VHB leads this study team.
- **US 70 Corridor Study (Durham County)**
 - Working with NCDOT on US 70 from the East End Connector to the Wake/Durham line to reduce congestion and provide safe, efficient transit and bike/ped facilities. Consultant STV leads this study team.

BICYCLE AND PEDESTRIAN PLANNING

- **Triangle Bikeway Study**
 - This completed study identified a multimodal corridor connecting Raleigh, Cary, Morrisville, Research Triangle Park, Durham, and Chapel Hill. The Triangle Bikeway Regional Advisory Committee of stakeholders meets regularly discuss how to move the bikeway forward. Wake County and the Research Triangle Foundation committed funds for environmental impact analysis and preliminary engineering on the Triangle Bikeway between Raleigh and RTP's west boundary.

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Doug Plachcinski said that their signature project is the Triangle Bikeway Study and that it is nearing completion. He said they will be presenting the report to the Town of Chapel Hill in January.

1 Slide #6

2021-2022 HIGHLIGHTS



TECHNICAL

• Triangle Regional Model (TRM)

- An analytical tool for policy decision-making and transportation/transit plan development. The TRM forecasts vehicle volume, transit ridership, non-motorized travel and other travel performance measures, and supports an pollutant emissions model. Regional stakeholders completed a new generation (TRM G2) model for the 2020 base year.
- A key component of the TRM is a Triangle-wide land use model that forecasts where people will live, work, shop, and get services through the year 2050.

• Congestion Management Process (CMP) and Mobility Report Card (MRC)

- A systematic approach to managing new and existing transportation systems for relieving congestion and maximizing the safety and mobility of people and goods.
- This work focuses on data collection, such as roadway weekday count, turning movement count (TMC) of intersections, and transit ridership data produce performance measures.

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Doug Plachcinski said their models forecast future demand. He said they are also promoting alternative transportation forms, reducing congestion, and emissions.

Slide #7

CURRENT YEAR 2022-2023 HIGHLIGHTS



TRANSIT PLANNING

• Orange County Transit Plan and Durham County Transit Plan Updates

• Enhanced Mobility of Seniors and Individuals with Disabilities Grant

- Improve seniors' and persons' with disabilities mobility by removing transportation service barriers and expanding transportation options.
- DCHC MPO served as the Designated Recipient of FTA funds, and coordinated a competitive selection process for projects.
- Awards to Orange County Department on Aging, GoDurham, and Chapel Hill Transit.

TECHNICAL SERVICES

• Rapid Policy Assessment Tool (RPAT)

- Used to support the MTP development process by producing key performance measures, such as VMT, from scenarios that differ in land use, transportation network and services, and policies.

• Big Data

- Produces current system performance data such as vehicle speeds, travel time, volumes, and traveler origin/destination to support decision-making.

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1 Slide #8

CURRENT YEAR 2022-2023 HIGHLIGHTS



SPECIAL PROJECT

- **Safe Streets and Roads for All Grant Application**
 - To fund the development of a Comprehensive Safety Action Plan for regional improvements within the DCHC MPO urbanized area to move towards a Vision Zero goal and planning for low cost, high impact safety improvements.

PUBLIC ENGAGEMENT

- **The DCHC MPO Public Involvement Policy (PIP)** establishes an open decision-making process whereby citizens can be involved in all stages of the transportation planning process. The PIP will continue to guide planning efforts and programs to ensure they are developed in a manner that assures that the public, and affected communities, are afforded ample opportunity to participate. The MPO will revise and update the PIP in 2023-2024.

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Slide #9

PUBLIC ENGAGEMENT



QUESTIONS?

Contact: Doug.Plachcinski@dchcmpo.org



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Commissioner Richards asked if the Triangle Bikeway Study will be presented to the Board.

Doug Plachcinski said that they would like to bring it back to the Board.

1 Commissioner Richards asked if they have applied for other funding than the federal
2 transportation grant.

3 Doug Plachcinski said that the MPO has not. He said there are funds that support the
4 North/South Bus Rapid Transit Line.

5 Commissioner Richards asked for clarification.

6 Doug Plachcinski said there are a lot of projects in the infrastructure act and Orange
7 County has asked the MPO to see if there are any county projects that would be most appropriate
8 for some of those funding sources. He said that they will work with the County on that. He said
9 that some of the enhanced funding that was recently approved supports the North/South BRT
10 line.

11 Commissioner Fowler asked if the MPO was becoming part of the Triangle J Council of
12 Governments (TJCOG).

13 Doug Plachcinski said that traditionally, the City of Durham has been the lead planning
14 agency for the MPO. He said that in North Carolina, when the MPOs were developed, the largest
15 city in the area took the lead. He said that is not necessarily how MPOs still exist in North Carolina,
16 or in other states. He said there was a governance study that the MPO produced that suggested
17 that the MPO no longer be housed with the City of Durham. He said they had other alternatives,
18 such as becoming a standalone agency or joining Triangle J COG. He said the TJCOG is re-
19 evaluating office space and other logistical items that make it a great time to move forward with
20 negotiations with them. He said that he is going to ask for authorization to negotiate a new
21 agreement with TJCOG. He said that he appreciates the City of Durham's support for all of the
22 years.

23 Commissioner Fowler asked if TARPO would move or if it would increase the cost.

24 Doug Plachcinski said there would be an increase in cost because Durham does not ask
25 for reimbursement. He said that Durham receives reimbursements for the hard costs that the
26 MPO spends and salaries. He said they would be adding the indirect TJCOG rate but it will be a
27 very transparent calculation.

28 Commissioner Price said she appreciates what the MPO is doing now with more data.
29 She encouraged the MPO to keep up with public engagement. She said that Durham paid
30 ambassadors to ask people in communities what they really need.

31 Doug Plachcinski said it's critical to make the process open and engaged. He said he
32 wanted to make sure materials are straightforward and clear and not full of jargon. He appreciated
33 Commissioner Price's comments.

34 35 36 **8. Consent Agenda**

- 37
- 38 • Removal of Any Items from Consent Agenda
- 39

40 Commissioner Richards requested to remove item 8-d from the consent agenda.

- 41
- 42 • Approval of Remaining Consent Agenda
- 43

44 A motion was made by Commissioner Price, seconded by Vice Chair McKee, to approve
45 the remaining consent agenda.

46 **VOTE: UNANIMOUS**

- 47
- 48
- 49 • Discussion and Approval of the Items Removed from the Consent Agenda
- 50

1 Commissioner Richards, in reference to item 8-d, Fiscal Year 2022-23 Budget
 2 Amendment #4, said that she had concerns about internal controls for pulling Budget out of
 3 Finance and putting it under the County Manager's Office. She said it was something they should
 4 understand as a Board. She said other communities might have a department called Office of
 5 Management and Budget which had a performance and management aspect but it is usually a
 6 part of Finance. She looked at other communities in North Carolina and said that the examples
 7 were split. She said she wanted to understand the change.

8 Bonnie Hammersley said this is a well-established practice to separate duties. She said
 9 that Orange County was the first county she'd worked in where Budget was part of Finance. She
 10 said that both departments report to the County Manager. She said that under North Carolina
 11 law she is responsible for presenting a recommended budget. She said that it doesn't present
 12 concerns for internal controls. She said that North Carolina statutes require a pre-audit by the
 13 Finance Department. She said that Budget staff will plan the budget with the County Manager.
 14 She said that as they go into the strategic planning process, she wants the Budget staff to be
 15 involved in monitoring the plan. She said that it is not appropriate to put that on Finance staff. She
 16 said the reason she moved it into the Manager's Office is that she wants a direct line over the
 17 budget preparation.

18 Commissioner Richards asked how the plan versus actual is monitored.

19 Bonnie Hammersley said the updates come from Finance. She said it is administered by
 20 Finance but not created by it. She said that she moved the positions out and it will report directly
 21 to her. She said if there are changes to the budget, those come to the Board as amendments.
 22 She said there should be no concern of interaction because both divisions already report to her.
 23 She said they identified a position that had been vacant for awhile and it was no longer needed
 24 so they did not create an additional position.

25 Vice Chair McKee said he had similar questions. He said he is well aware that it is the
 26 County Manager's budget. He said that he thought it would be under the purview of Finance. He
 27 said her explanation makes it clearer.

28 John Roberts said that the County Manager is not only required to present a balanced
 29 budget but is also, by statute, the Budget Officer. He said that in other forms of government the
 30 statute is clear and that the budget has always been under the manager.

31 Vice Chair McKee said it is the manager's budget and he understands that it is not the
 32 Board's until they approve it.

33 Bonnie Hammersley said she understood the comments. She said that is removing a layer
 34 of management so that budget staff can report directly to her.

35 Chair Bedford said that she researched the duties of a Finance Officer. She said she was
 36 glad it was pulled so the Board could understand what they were voting on.

37 Commissioner Hamilton said she appreciated the opportunity to hear from the County
 38 Manager on what her thoughts are for the organization.

39 Commissioner Fowler said she thought the proposal made sense.

40
 41 A motion was made by Commissioner Richards, seconded by Commissioner Hamilton, to
 42 approve item 8-d.

43
 44 **VOTE: UNANIMOUS**

45
 46 **a. Minutes**

47 The Board approved the draft minutes for the November 1, 2022 and November 10, 2022 BOCC
 48 Meetings as submitted by the Clerk to the Board.

49 **b. Enhanced Voluntary and Voluntary Agricultural District Designation – Multiple Farms**

50 The Board approved applications from four (4) landowners/farms to certify qualifying farmland
 51 within the High Rock/Efland, Cedar Grove, and New Hope Agricultural District Regions; and enroll

1 the lands in the Orange County Farmland Preservation Program's Enhanced Voluntary
2 Agricultural District or Voluntary Agricultural District program.

3 **c. Proposed Eighteen-Month Extension of the State of North Carolina's "Building Reuse
4 Grant" Incentive for Industrial Connections & Solutions/ABB Inc.**

5 The Board approved contract amendments for an eighteen-month extension to June 30, 2024,
6 commensurate with the date approved by North Carolina Department of Commerce, for the
7 "Building Reuse Grant" "pass through" incentive approved by the BOCC on June 16, 2020 for
8 Industrial Connections & Solutions/ABB Inc.

9 **d. Fiscal Year 2022-23 Budget Amendment #4**

10 The Board approved budget, grant, and capital project ordinance amendments for Fiscal Year
11 2022-23.

12 **e. North Carolina Local Government Commission Contract Amendment**

13 The Board amended the contract with the North Carolina Local Government Commission (LGC)
14 to modify the audit fee to include two (2) additional major programs not covered by the
15 engagement letter. The original fee included six (6) major programs and the composition of the
16 County's Schedule of Federal and State Awards (SEFSA) required that eight (8) programs be
17 audited.

18 **f. Orange County Transportation Services (OCTS) Title VI Plan**

19 The Board approved the Orange County Transportation Services (OCTS) Title VI Plan.

20 **g. Schools Adequate Public Facilities Ordinance (SAPFO) – Approval of Membership and
21 Capacity Numbers**

22 The Board approved the November 15, 2022 membership and capacity numbers for both school
23 districts (Orange County and Chapel Hill-Carrboro City Schools) which will be used in developing
24 10-year student membership projections and the 2023 SAPFO Technical Advisory Committee
25 (SAPFOTAC) Report.

26 **h. Correction to the Deed for the Emergency Medical Services (EMS) Efland Station, PIN
27 #9844788137**

28 The Board approved a proposed correction to the deed for EMS Efland Station, PIN
29 #9844788137, and authorize the County Attorney to prepare the necessary documents to record
30 the correction.

31 **i. Approval of a License Agreement between Orange County and North State
32 Communications Advanced Services, LLC of North Carolina**

33 The Board approved a License Agreement between Orange County (Licensor) and North State
34 Communications Advanced Services, LLC of North Carolina (Licensee) to allow the Licensee to
35 install a point-of-presence ("POP") facility to house equipment necessary to operate Licensee's
36 fiber network on Orange County-owned property.

37 **j. Change in BOCC Meeting Schedule for 2023**

38 The Board approved changes to the Board of Commissioners' meeting calendar for 2023.

39 **k. Authorization for the Clerk to Proceed with Notification Regarding Potential Removal of
40 an Appointee from the Orange County Housing Authority Board**

41 The Board authorized the Clerk to the Board to proceed with notification of charges regarding the
42 potential removal of an appointee from the Orange County Housing Authority Board (OCHA
43 Board).

44
45
46 **9. County Manager's Report**

47 Bonnie Hammersley wished the Board a happy holiday season and said she would be
48 happy to speak to the Board at any time.
49
50
51

1 **10. County Attorney's Report**

2 John Roberts wished the Board happy holidays.

3
4
5 **11. *Appointments**

6 **a. Schools Safety Task Force – Appointments Discussion**

7 The Board discussed and considered approving initial appointments to the non-designated
8 positions on the Schools Safety Task Force.

9
10 **BACKGROUND:** The charge and composition of the Schools Safety Task Force were
11 established at the Board's November 15, 2022 Business Meeting. The Task Force is charged to:

- 12 1) Discuss ways in which the Orange County government, schools, law enforcement, and
13 community can enhance the safety of the school environment to protect from external
14 threats and promote the education of Orange County K-12 public school students; and
15 2) Recommend to the Board of County Commissioners new or amended policies,
16 ordinances, and/or practices that will address those external threats and provide a safer
17 school environment for our students.

18
19 The Board of County Commissioners previously selected Commissioners Jean Hamilton and Earl
20 McKee to serve on the Task Force, and the Board appoints four (4) community members.

21
22 The following positions are presented for Board consideration:

23

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
BOCC Appointment	Resident – CHCCS District	Partial Term	06/30/2023
BOCC Appointment	Resident – CHCCS District	Partial Term	06/30/2023
BOCC Appointment	Resident – OCS District	Partial Term	06/30/2023
BOCC Appointment	Resident – OCS District	Partial Term	06/30/2023

24
25 Tara May introduced the item. She said there were 2 applicants from Chapel Hill-Carrboro
26 and 5 from Orange County.

27 Commissioner Price said that that the applicants are qualified, but she was dismayed by
28 the lack of diversity of the applicants and asked if they would consider reopening the application
29 period to see if more people apply.

30 Vice Chair McKee agreed with Commissioner Price's comments.

31 Commissioner Hamilton said she was concerned that reopening would push back the
32 work.

33 Commissioner Richards said that there was diversity in age and in sexual orientation. She
34 said she was concerned that reopening would delay the process. She said she supports looking
35 for ethnic diversity.

36 Commissioner Hamilton said that the schools would also bring people and they may
37 provide diversity.

38 Commissioner Price said she is aware that there are other ways of getting diversity, but
39 considering that Orange County has been trying to do its part in diversity, she wanted to make

1 the point that the process could be kept open. She said that in other situations where the county
2 was not inclusive, they had to back pedal. She said they should be proactive.

3 Chair Bedford said there are two African American females as superintendents.

4 Chair Bedford asked what the Board's pleasure was.

5 Commissioner Fowler made a motion to approve the applicants for the Chapel Hill-
6 Carrboro City Schools resident positions.

7 Chair Bedford read their names, Ari Schein and Cassie Rice.

8 Vice Chair McKee seconded the motion.
9

10 **VOTE: Ayes, 5 (Chair Bedford, Vice Chair McKee, Commissioner Fowler, Commissioner**
11 **Hamilton, Commissioner Richards); Nays, 1 (Commissioner Price)**

12
13 **MOTION PASSES**

14
15 Commissioner Fowler made a motion to appoint Kate O'Boyle to one of the Orange County
16 Schools resident positions.

17 Commissioner Richards seconded the motion.

18 Commissioner Richards said Kate O'Boyle seemed like a good applicant due to her
19 experience with young people.
20

21 **VOTE: Ayes, 5 (Chair Bedford, Vice Chair McKee, Commissioner Fowler, Commissioner**
22 **Hamilton, Commissioner Richards); Nays, 1 (Commissioner Price)**

23
24 **MOTION PASSES**

25
26 Chair Bedford made a motion to appoint Richard Bradford to the second Orange County
27 Schools resident position. She discussed his qualifications.

28 Commissioner Hamilton seconded the motion.
29

30 **VOTE: Ayes, 5 (Chair Bedford, Vice Chair McKee, Commissioner Fowler, Commissioner**
31 **Hamilton, Commissioner Richards); Nays, 1 (Commissioner Price)**

32
33 **MOTION PASSES**

34
35 Commissioner Price said she thinks all of the appointees are fine.

36 Vice Chair McKee said sometimes we have to deal with the hand we are dealt. He said
37 he would have liked to have seen more applicants.

38 Commissioner Fowler asked how the task force was advertised.

39 Tara May said they advertised on listservs, county social media channels, and the
40 newspaper. She said she'd be happy to hear other ideas.

41 Commissioner Richards said she included it in a news sharing group she is part of.

42 Commissioner Hamilton said she knows there are a lot of organizations that she is part of
43 and she forgets to advertise something she has initiated. She asked that staff prompt the Board
44 to remind the community about these opportunities.

45 Tara May said she would work on that.

46 Vice Chair McKee asked if there was a list of churches in the county. He said by contacting
47 churches, information may be shared among their congregations. He said some churches may
48 not want to advertise, but some are more politically active. He said that he reached out to churches
49 for assistance with the COVID vaccine and there was a church that engaged immediately and
50 was happy to be involved in the initiative as a partner. He said this would be good for affordable
51 housing and other social services.

1 Tara May said she will look into if that type of list exists.
 2 Bonnie Hammersley said that Janice Tyler in the Aging Department has a list like that.
 3 Tara May said she will reach out to Janice Tyler for that list.
 4

5 **b. Alcoholic Beverage Control Board – Appointment Discussion**

6 The Board considered an appointment to the Alcoholic Beverage Control Board.
 7

8 **BACKGROUND:** The Alcoholic Beverage Control Board has the authority to buy, sell, transport
 9 and possess alcoholic beverages for the operation of its stores. This Board also adopts rules for
 10 the ABC system and has the authority to hire and dismiss employees.
 11

12 The Board of County Commissioners appoints all five (5) At-Large members.
 13

14 The following individual is recommended for Board consideration:

NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Melvin Green	At-Large	Partial Term	06/30/2023

15
 16 If the individual listed above is appointed, no vacancies remain.
 17

18 Tara May introduced the item.
 19 Commissioner Fowler said that the ABC Board held the recommended applicant, Melvin
 20 Green, in high regard.
 21

22 A motion was made by Vice Chair McKee, seconded by Commissioner Price, to appoint
 23 Melvin Green to the ABC Board.
 24

25 **VOTE: UNANIMOUS**
 26
 27

28 **12. Information Items**

- 29 • Memorandum – Orange County-Owned Property Inventory for Potential Affordable
- 30 Housing Development
- 31 • Memorandum – Residential Conditional District (R-CD) Zoning Amendments
 32

33 Chair Bedford said she knows that there was a question about the next steps on the
 34 inventory.

35 Bonnie Hammersley said they will be examining the land and they will continue to update
 36 the Board on the inventory.

37 Commissioner Richards said she wanted to get an understanding of items that were taken
 38 off the list.
 39

40
 41 **13. Closed Session**

42 A motion was made by Commissioner Fowler, seconded by Vice Chair McKee, to enter
 43 into closed session at 8:51 p.m. pursuant to North Carolina General Statute § 143-318.11(a)(5)
 44 "to discuss the County's position and to instruct the County Manager and County Attorney on the
 45 negotiating position regarding the terms of a contract to purchase real property" and to approve
 46 closed session minutes.

1 **VOTE: UNANIMOUS**

2

3 A motion was made by Commissioner Hamilton and seconded by Commissioner Fowler
4 to reconvene into regular session at 9:08 p.m.

5

6 **VOTE: UNANIMOUS**

7

8

9 **14. Adjournment**

10 A motion was made by Commissioner Price and seconded by Commissioner Fowler to
11 adjourn the meeting at 9:08 p.m.

12

13 **VOTE: UNANIMOUS**

14

15

16

Jamezetta Bedford, Chair

17

18

19 Laura Jensen

20 Clerk to the Board

21

22 Submitted for approval by Laura Jensen, Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 8-b**

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

Nancy Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for four (4) taxpayers with a total of four (4) bills that will result in a reduction of revenue.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

- (a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
- (b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
- (c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of \$1,690.83 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2022-2023 is \$14,759.49.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board:

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve the attached release/refund resolution.

NORTH CAROLINA

RES-2023-007

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2023

Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES
FEBRUARY 7, 2023**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Bauer, James Joseph	69355824	2022	33,503	33,503	(208.13)	*Situs error (illegal tax)	
Hamner, Clifton	68501473	2021	22,600	500	(241.47)	Antique plate (property classification)	
Keesee, David	69714926	2022	41,621	0	(673.68)	County changed to Chatham (illegal tax)	
Theriault, Liza	69249871	2022	52,717	0	(567.55)	Military exemption (illegal tax)	
					(1,690.83)	TOTAL	

Adjustment Descriptions

Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.

Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.

Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.

Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.

**Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.*

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.

Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

Military Leave and Earning Statement (LES): Is a document given on a monthly basis to members of the United States military which reports their pay, home of record and service status. The LES is required when applying for exemption from Motor Vehicle Property Taxes. Active duty, non-resident military personnel may be exempt from North Carolina motor vehicle property tax as allowed by United States Code, Title 50, Service members' Civil Relief Act of 1940. (Amended in 2009 by The Military Spouse's Residency Relief Act)

Titles and Brands: Section 1, Chapter 7
NCDMV Title Manual 14th Edition Revised January 2016

Title: Document that records the ownership of vehicles and the liens against them.

Custom-Built: A vehicle that is completely reconstructed or assembled from new or used parts. Will be branded "Specially Constructed Vehicle"

Flood Vehicles: A motor vehicle that has been submerged or practically submerged in water to the extent that damage to the body, engine, transmission or differential has occurred.

Reconstructed Vehicles: A motor vehicle required to be registered that has been materially altered from original construction due to the removal addition or substitution of essential parts.

Salvaged Motor Vehicles: Is a vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairs exceeds 75% of fair market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor, or a vehicle for which an insurance company has paid a claim that exceeds 75% of the Fair Market Value. If the salvaged vehicle is six model years old or newer, an Anti-Theft Inspection by the License and Theft Bureau is required.

Salvage Rebuilt Vehicle: A salvaged vehicle that has been rebuilt for title and registration.

Junk Vehicle: A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as scrap or parts. The vehicle shall not be titled.

Antique Vehicle: A motor vehicle manufactured in 1980 and prior

Commercial Trucking (IRP): The International Registration Plan is a registration reciprocity agreement among jurisdictions in the US and Canada which provides for payment of license fee on the basis of fleet miles operated in various jurisdictions.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 8-c**

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

Nancy Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release property tax values for three (3) taxpayers with a total of three (3) bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received three (3) taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of \$985.66 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution approving these property tax release/refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA

RES-2023-008

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2023

Clerk to the Board of Commissioners

Clerical error G.S. 105-381(a)(1)(a)
 Illegal tax G.S. 105-381(a)(1)(b)
 Appraisal appeal G.S. 105-330.2(b)

**BOCC REPORT - REAL/PERSONAL
 FEBRUARY 7, 2023**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Biek, Brian	3190414	2022	11,552	0	(195.20)	Double billed (illegal tax)	Watercraft billed in Chatham County for 2022
Rolocut, Katherine	3199995	2021	8,890	0	(214.17)	Assessed in error (illegal tax)	Gap Bill: Vehicle registered in Indiana during gap period
Turner, Russell A	1067261	2022	151,300	89,400	(576.29)	Assessed in error (illegal tax)	Value changed due to most out buildings being located on an adjacent parcel
				Total	(985.66)		
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.							
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.							
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.							

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 8-d**

SUBJECT: Late Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:

Nancy Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider four (4) untimely applications for exemption/exclusion from ad valorem taxation for four (4) bills for the 2022 tax year.

BACKGROUND: North Carolina General Statutes (NCGS) typically require applications for exemption to be filed during the listing period, which is usually during the month of January. Applications for Elderly/Disabled Exclusion, Circuit Breaker Tax Deferment and Disabled Veteran Exclusion should be filed by June 1st of the tax year for which the benefit is requested. NCGS 105-282.1(a1) does allow some discretion. Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the close of the listing period may be approved by the Department of Revenue, the Board of Equalization and Review, the Board of County Commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this provision applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed.

Four applicants are applying for homestead exclusion based on NCGS 105-277.1, which allows exclusion of the greater of \$25,000 or 50% of the appraised value of the residence.

Including these four applications, the Board will have considered a total of fifty-four untimely applications for exemption of 2022 taxes since the 2022 Board of Equalization and Review adjourned on June 30, 2022. Taxpayers may submit an untimely application for exemption of 2022 taxes to the Board of Commissioners through December 31, 2022.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2022/2023 taxes due to the County, municipalities, and special districts in the amount of \$7,859.95.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the attached resolution for the above-listed applications for FY 2022/2023 exemption.

NORTH CAROLINA

RES-2023-009

ORANGE COUNTY

EXEMPTION/EXCLUSION RESOLUTION

Whereas, North Carolina General Statutes 105-282.1 empowers the Board of County Commissioners to approve applications for exemption after the close of the listing period, and

Whereas, good cause has been shown as evidenced by the information packet provided, and

Whereas, the Tax Administrator has determined that the applicants could have been approved for 2022 had applications been timely.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ORANGE COUNTY THAT the properties applying for exemption for 2022 are so approved as exempt.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a business meeting of said Board held on _____ said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this ____ day of _____, 2023.

Clerk to the Board of Commissioners

Late exemption/exclusion application - GS 105-282.1(a1)

**BOCC REPORT - REAL/PERSONAL
LATE EXEMPTION/ EXCLUSION
February 7, 2023**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Hardee, Donna Gail	71515	2022	166,100	83,050	(940.29)	Late application for exemption General Statute 105-277.1 (homestead exemption)
O'Brien, Caroline	254762	2022	564,900	282,450	(4,571.74)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Soady, Sheryl & John	279754	2022	266,100	133,050	(2,043.91)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Watson, Mae	257400	2022	86,100	52,600	(304.01)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Total					(7,859.95)	

*Circuit Breaker does not result in a reduction in value. The exemption received is based on the income of the taxpayer.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

Late Application For Exemption Good Cause Information
February 7, 2023

NAME	ACCOUNT NUMBER	BILL YEAR	Exemption Information	Good Cause Reason
Hardee, Donna Gail	71515	2022	Homestead Exemption	Never received completed application from taxpayer that was mailed in April. Application resubmitted in November
O'Brien, Caroline	254762	2022	Homestead Exemption	Disability determination awarded December 2022
Soady, Sheryl & John	279754	2022	Homestead Exemption	Medical reasons
Watson, Mae	257400	2022	Homestead Exemption	Medical reasons

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 8-e**

SUBJECT: Capacity Building Competitive Grant Mobile Command Trailer Purchase

DEPARTMENT: Emergency Services

ATTACHMENT(S):

CBCG Award Memo
Mobile Command Trailer Purchase
Contract

INFORMATION CONTACT:

Kirby Saunders, Emergency Services
Director, 919.245.6123
Sarah Pickhardt, Division Chief of
Emergency Management,
919.245.6135

PURPOSE: To approve the contract to purchase a mobile command trailer from Mobile Concepts in the amount of \$273,756.73.

BACKGROUND: Orange County is a recipient of the Capacity Building Competitive Grant (CBCG) through North Carolina Emergency Management. The total amount of this no-match grant award is \$335,000 for acquiring a mobile command trailer. This trailer will provide local first responders and public safety personnel a safe and secure workspace to manage long duration emergencies effectively while in harsh or austere conditions.

The Board of Commissioners authorized the acceptance of this grant award in June 2022. Since then, the Emergency Management Division of Orange County Emergency Services has collaborated with public safety agencies from across all disciplines, as well as the Health Department, to determine specifications that will best meet the needs of the community.

Utilizing the Government Services Administration (GSA), the Emergency Management Division has recommended Mobile Concepts Specialty Vehicles to build this vehicle (GSA Contract # GS-30F-0012T) for a total price of \$273,756.73.

FINANCIAL IMPACT: The total amount of grant funding awarded to Orange County is \$335,000. There is no local match of funds or cost share required for this grant. Orange County will be responsible for all future maintenance and servicing of both the trailer itself and any associated mobile command trailer equipment. The Emergency Management Division will request a slight increase (\$1,000) to future operational budgets to cover maintenance costs. The remaining grant funds (\$61,243.27) will be utilized to purchase additional equipment for the trailer (public safety radios, wireless gateways, etc.).

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

The purchase of this mobile command trailer will provide local first responders and public safety personnel a safe and secure workspace to manage long duration emergencies effectively while in harsh or austere outdoor conditions.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the County Manager to sign the contract and any subsequent documents/amendments that may be necessary to complete the purchase from Mobile Concepts.



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

William C. Ray, Director

May 31, 2022

Emergency Management Capacity Building Competitive Grant (CBCG) Fiscal Year 2022 NC Appropriations Act of 2021, [Senate Bill 105](#), Section 19E.5.(a)

Recipient: Sarah Pickhardt Orange County PO Box 8181 Hillsborough, NC 27278-	Project(s): 2294011 Mobile Incident Command	\$335,000.00
Period of performance: July 1, 2022 to June 30, 2023	Total amount of awards:	\$335,000.00

The North Carolina Department of Public Safety (NCDPS) / NC Emergency Management (NCEM) is pleased to inform you that a project(s) submitted by your organization for the Fiscal Year 2022 Emergency Management Capacity Building Competitive Grant (CBCG) has been approved for funding. In accordance with the provisions of the FY 2022 CBCG Notice of Funding Opportunity, NCEM hereby awards your organization a grant in the amount shown above to complete the approved project(s) during the designated period of performance. Indirect costs are not authorized under this award.

Payment of funds: The grant shall be effective upon final approval and execution of the corresponding Memorandum of Agreement (MOA) by Recipient and NCDPS/NCEM. Grant funds will be disbursed upon receipt of acceptable documentation submitted by Recipient that funds have been invoiced, products or services received, and proof of payment is provided. Reimbursements will be made in conjunction with the timely submission of required reports by Recipient as specified in the MOA.

Conditions: Recipient agrees that funds will only be expended to complete the approved project(s) not to exceed the funding amount for the project(s) during the designated period of performance. Recipient also agrees to comply with all terms, conditions and responsibilities specified in the MOA, and to comply with all applicable federal, state and local laws, rules and regulations in the performance of this grant.

Supplanting: Recipient confirms that these grant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for emergency management capacity building activities.

In the box below, list the names and emails authorized as Recipient signatories for the above-referenced MOA in the preferred order of signature and receipt. Append "cc" to designate copy-only.

Example: *John Smith* (john.smith@yahoo.com)
Mary Jones (mary.jones@hotmail.com) cc
Sam Brown (s.brown@gmail.com)

Bonnie Hammersley (bhammersley@orangecountync.gov)
CC - Kirby Saunders (k Saunders@orangecountync.gov)
CC - Sarah Pickhardt (spickhardt@orangecountync.gov)

Mailing Address:
4236 Mail Service Center
Raleigh, NC 27699-4236
www.ncdps.gov
www.ReadyNC.gov



Office Location:
1636 Gold Star Drive
Raleigh, NC 27607
Phone: 919-825-2500
Fax: 919-825-2685

[Departmental Use Only]
 TITLE Command Trailer
 FY 22/23

NORTH CAROLINA

SERVICES AGREEMENT NO RFP/RFQ

ORANGE COUNTY

This Services Agreement (hereinafter "Agreement"), made and entered into this X day of February, 2023, ("Effective Date") by and between Orange County, North Carolina a political subdivision of the State of North Carolina (hereinafter, the "County") and EW2 II LLC (DBA Mobile Concepts Specialty Vehicles), (hereinafter, the "Provider").

WITNESSETH:

That the County and Provider, for the consideration herein named, do hereby agree as follows:

1. Services

a. Scope of Work.

- i) This Agreement is for services to be rendered by Provider to County with respect to (*insert type of project*): vehicle purchase (GSA Contract #GS-30F-0012T)
- ii) By executing this Agreement, the Provider represents and agrees that Provider is qualified to perform and fully capable of performing and providing the services required or necessary under this Agreement in a fully competent, professional and timely manner.
- iii) Time is of the essence with respect to this Agreement.
- iv) The services to be performed under this Agreement consist of Basic Services, as described and designated in Section 3 hereof. Compensation to the Provider for Basic Services under this Agreement shall be as set forth herein.

2. Responsibilities of the Provider

- a. Services to be provided. The Provider shall provide the County with all services required in Section 3 to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the highest professional standards.
- b. Standard of Care.
 - i) The Provider shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the highest generally accepted standards of this type of Provider practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Provider is solely responsible for the professional

quality, accuracy and timely completion and submission of all work related to the Basic Services.

- ii) Provider shall be responsible for all errors or omissions of its agents, contractors, employees, or assigns in the performance of the Agreement. Provider shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the County.
- iii) The Provider shall not, except as otherwise provided for in this Agreement, subcontract the performance of any work under this Agreement without prior written permission of the County. No permission for subcontracting shall create, between the County and the subcontractor, any contract or any other relationship.
- iv) Provider is an independent contractor of County. Any and all employees of the Provider engaged by the Provider in the performance of any work or services required of the Provider under this Agreement, shall be considered employees or agents of the Provider only and not of the County, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Provider.
- v) If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Provider represents that it or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.
- vi) In determining the Basic Services to be provided, should any documents be referenced in this Agreement, the terms of this Agreement shall have priority in any conflict between the terms of referenced documents and the terms of this Agreement.
- vii) Should this Agreement involve project designs, the construction or creation of which is to be bid out or fulfilled by other contractors, and bidding or negotiation with contractors produce prices which, when added to the other elements of the approved total project cost, produce a cost that is in excess of the approved total project cost, the Provider shall participate with the County in negotiation and design adjustments to the extent such are necessary to obtain prices within the approved total project cost. All activity of the Provider with respect to these matters shall constitute Basic Services and shall be performed by the Provider without additional compensation. If negotiation and design adjustments fail to bring costs within the total project cost the County may reject all bids and Provider will redesign or reduce portions of the project in an effort to reduce the bid prices to within the total project cost and rebid the project. One such redesign is included within Basic Services. If this second letting for bids does not produce bids that are within the approved total project cost initially or after negotiations with the contractor the cost is not reduced to an amount within the total project cost, the Provider is not obligated to engage in further redesign.

3. Basic Services

- a. Basic Services. The Services to be rendered pursuant to this Agreement are as follows (fully describe services to be provided): purchase of vehicle as described in the Quote, Attachment A, and pursuant to the terms of GSA Contract #GS-30F-0012T which are fully incorporated by reference here.

4. Duration of Services

- a. Term. The term of this Agreement shall be from February X, 2023 to February X, 2024.
- b. Scheduling of Services.
 - i) The Provider shall schedule and perform its activities in a timely manner.
 - ii) Should the County determine that the Provider is behind schedule, it may require the Provider to expedite and accelerate its efforts, including providing additional resources and working overtime, as necessary, to perform its services in accordance with the approved project schedule at no additional cost to the County.
 - iii) The Commencement Date for the Provider's Basic Services shall be February X, 2023.

5. Compensation

- a. Compensation for Basic Services. Compensation for Basic Services shall include all compensation due the Provider from the County for all services satisfactorily (as determined by the County) performed pursuant to this Agreement. The maximum amount payable for Basic Services shall not exceed two hundred seventy three thousand seven hundred fifty six Dollars (\$273,756.73). Payment for satisfactorily performed Basic Services shall become due and payable within thirty (30) days of Provider properly invoicing County. Payment shall be subject to provisions of Section 5(b).
- b. Disputes. In the event the amount stated on an invoice is disputed by the County, the County may withhold payment of all or a portion of the amount stated on an invoice until the parties resolve the dispute. Should Provider fail to perform its duties under the terms of this Agreement, County may, without fault or penalty, withhold any payment associated with the work to be performed until such time as said work is completed.
- c. Additional Services. County shall not be responsible for costs related to any services in addition to the Basic Services performed by Provider unless County requests such additional services in writing and such additional services are evidenced by a written amendment to this Agreement.

6. Responsibilities of the County

- a. Cooperation and Coordination. The County has designated (Kirby Saunders) to act as the County's representative with respect to the Project who shall have the authority to

render decisions within guidelines established by the County Manager or the County Board of Commissioners and who shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

7. Insurance

- a. General Requirements. Provider shall obtain, at its sole expense, Commercial General Liability Insurance, Automobile Insurance, Workers' Compensation Insurance, and any additional insurance as may be required by County's Risk Manager as such insurance requirements are described in the Orange County Risk Transfer Policy and Orange County Minimum Insurance Coverage Requirements (each document is incorporated herein by reference and may be viewed at http://www.orangecountync.gov/departments/purchasing_division/contracts.php). If County's Risk Manager determines additional insurance coverage is required such additional insurance shall consist of N/A (if no additional insurance required mark N/A as being not applicable). Provider shall not commence work until such insurance is in effect and certification thereof has been received by the County's Risk Manager.

8. Indemnity

- a. Indemnity. To the extent authorized by North Carolina law the Provider agrees, without limitation, to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Project and arising from property damage or bodily injury including death to any person or persons caused in whole or in part by the negligence or misconduct of the Provider except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Provider to indemnify the County to the fullest extent permitted under North Carolina law.

9. Amendments to the Agreement

- a. Changes in Basic Services. Changes in the Basic Services and entitlement to additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the County and the Provider. The Provider shall proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the County.

10. Termination

- a. Termination for Convenience of the County. This Agreement may be terminated without cause by the County and for its convenience upon seven (7) days' prior written notice to the Provider.
- b. Other Termination. The Provider may terminate this Agreement based upon the County's material breach of this Agreement; provided, the County has not taken all reasonable actions to remedy the breach. The Provider shall give the County seven (7) days' prior written notice of its intent to terminate this Agreement for cause. Either party may terminate this Agreement upon notice to the other party that obligations pursuant to this Agreement are made impractical due to declarations of emergency by Orange County or

by North Carolina due to events directly impacting Orange County. Both parties shall remain responsible for all payment and performance due up to the receipt of such notice, but shall have no further obligation or responsibility beyond that date provided the terminating party has taken all reasonable steps to complete the performance of its obligations.

c. Compensation After Termination.

i) In the event of termination, the Provider shall be paid that portion of the fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the County due to errors or omissions of the Provider. Upon request of the County, the Provider shall submit to County all relevant documentation, including but not limited to, job cost records, to support its claims for final compensation.

ii) Should this Agreement be terminated, the Provider shall deliver to the County within seven (7) days, at no additional cost, all deliverables including any electronic data or files relating to the Project.

d. Waiver. The payment of any sums by the County under this Agreement or the failure of the County to require compliance by the Provider with any provisions of this Agreement or the waiver by the County of any breach of this Agreement shall not constitute a waiver of any claim for damages by the County for any breach of this Agreement or a waiver of any other required compliance with this Agreement.

e. Suspension. County may suspend the Basic Services and this Agreement at any time for County's convenience and without penalty to County upon three (3) days' notice to Provider. Upon any suspension by County, Provider shall discontinue work on the Basic Services and shall not resume the Basic Services until notified to proceed by County.

11. Additional Provisions

a. Limitation and Assignment. The County and the Provider each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the County nor the Provider shall assign or transfer its interest in this Agreement without the written consent of the other.

b. Governing Law. This Agreement and the duties, responsibilities, obligations and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina. By executing this Agreement Provider affirms that Provider and any subcontractors of Provider are and shall remain in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes. By executing this Agreement Provider certifies that Provider has not been identified, and has not utilized the services of any agent or subcontractor identified, on the list created by the State Treasurer pursuant to G.S. 147-86.58. By executing this Agreement Provider certifies that Provider has not been identified, and has not utilized the services of any agent or subcontractor identified, on the list created by the State Treasurer pursuant to G.S. 147-86.81.

- c. Non-Discrimination. Provider shall at all times remain in compliance with all applicable local, state, and federal laws, rules, and regulations including but not limited to all state and federal non-discrimination laws, policies, rules, and regulations and the Orange County Non-Discrimination Policy and Orange County Living Wage Policy (each policy is incorporated herein by reference and may be viewed at http://www.orangecountync.gov/departments/purchasing_division/contracts.php.) Any violation of the Orange County Non-Discrimination Policy is a breach of this Agreement and County may immediately terminate this Agreement without further obligation on the part of the County. This paragraph is not intended to limit and does not limit the definition of breach to discrimination.
- d. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or non-performance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. Binding arbitration may not be initiated by either Party, however, the Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.
- e. Entire Agreement. This Agreement represents the entire and integrated agreement between the County and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures.
- f. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be valid and binding upon the Parties.
- g. Ownership of Work Product. Should Provider's performance of this Agreement generate documents, items or things that are specific to this Project such documents, items or things shall become the property of the County and may be used on any other project without additional compensation to the Provider. The use of the documents, items or things by the County or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the County.
- h. Non-Appropriation. Provider acknowledges that County is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable or not appropriated for the performance of County's obligations under this Agreement, then this Agreement shall automatically expire without penalty to County immediately upon written notice to Provider of the unavailability or non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement.

In the event of a change in the County's statutory authority, mandate or mandated functions, by state or federal legislative or regulatory action, which adversely affects

County's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to County upon written notice to Provider of such limitation or change in County's legal authority.

- i. Signatures. This Agreement together with any amendments or modifications may be executed electronically. All electronic signatures affixed hereto evidence the consent of the Parties to utilize electronic signatures and the intent of the Parties to comply with Article 11A and Article 40 of North Carolina General Statute Chapter 66.
- j. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County
Attention: Kirby Saunders
P.O. Box 8181
Hillsborough, NC 27278

Provider's Name
EW2 II LLC
480 Bessemer Rd
Mt. Pleasant, PA 15666

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

ORANGE COUNTY:

PROVIDER:

By: _____
Bonnie Hammersley, County Manager

By: _____
Chris Simon, Chief Operating Officer
Printed Name and Title



480 Bessemer Road
 Mt Pleasant, PA 15666
 724-542-7640
 724-542-7648 FAX
 POC: Chris Simon, Chris@MobileConcepts.com

www.MobileConcepts.com

Date: 10/24/22

PREPARED FOR:

Sarah E Pickhardt
 Division Chief of Emergency Management
 Orange County Emergency Services
 510 Meadowlands Drive
 Hillsborough, NC 27278
 spickhardt@orangecountync.gov
 M: 704.641.2083 | O: 919.245.6138

GSA Quote

This Quote is valid through 6/23



Schedule
 Contract # GS-30F-0012T

GSA Contract #GS-30F-0012T

ITEM	UNIT PRICE	QUANTITY	TOTAL PRICE
2023 SCOTTY Command 42-6WS Dimensions: 42'L x 8' W x 12'-6"H <ul style="list-style-type: none"> • 42ft length w/ hitch fifth wheel • Seamless Gel Coat Fiberglass Exterior • Insulated 2x3 Sidewalls • Insulated 2x4 Floor • Insulated 2x6 domed roof rafters • Triple 7,000 axles w/16" aluminum rims • 2x10" Main Frame rails • 6 workstations w/task chairs in slide outs • 2 electric slide outs • 2-110v/USB/ 2-CAT6 at each workstation • A removable table (about 75x32 will be installed in the side out room and stored in the 5ht wheel area • private conference room with seating for 6, bench on one side and two (2) chairs on the opposite side. 2-110v/USB and 2- 	282,955.20	1	282,955.20

<p>CAT6 will be installed above the 75x24 conference table</p> <ul style="list-style-type: none"> • galley w/microwave/frig/Keurig • Four (4) workstations in middle room each with 2-110v/USB/ 2-CAT6 and a task chair • wire chase management raceway system • aluminum cabinets w/dry erase surfaces • high impact laminate countertops • FRP pebble finish interior walls • Raised coin flooring • Ample 120 outlets throughout interior and exterior • 50" TV in conference room • Three (3) high capacity 13,500 btu heat pumps/ Air conditioners • Two (2) 1,000w electric wall heaters • LED DOT lighting • Onan Diesel 12,000w Generator in compartment with a 30 gallon fuel tank, surge protection system and Automatic transfer switch • Split 120v/12v breaker panel • Removable 50 Amp shore line • LED White Ceiling lights • Deluxe Roll-out Awning (8x16 Electric) • Electric Leveling Jacks w/auxiliary battery • Six (6) LED scene lights • Eight (8) Exterior dome cameras with NVR • Electronics equipment rack in 5th Wheel Area • Eight (8) RED ONLY Whelen M4 Emergency Lights • Exterior Graphics (2,000.00 allowance) 			
Total Commercial Price			282,955.20
Less 5% GSA discount			\$14,147.76
GSA Price			\$268,807.44
Total GSA Price w/IFF GSA Price/.9925			\$270,838.73
Open Market Items			
Delivery			2,918.00
Total GSA Price FOB 27278			273,756.73



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/3/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Liberty Insurance Agency 1910 Cochran Road Manor Oak Two Suite 800 Pittsburgh, PA 15220	CONTACT NAME: Jill Maga PHONE (A/C, No, Ext): (412) 571-5700 FAX (A/C, No): (412) 571-9909	
	E-MAIL ADDRESS: 	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : Cincinnati Casualty Company		28665
INSURER B : Lackawanna American Insurance Company		11219
INSURER C :		
INSURER D :		
INSURER E :		
INSURER F :		

INSURED

EW2 II, LLC dba Mobile Concepts Specialty Vehicles
480 Bessemer Road
Mount Pleasant, PA 15666

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ENP0601006	12/30/2022	12/30/2023	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRE AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			EBA0601006	12/30/2022	12/30/2023	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			ENP0601006	12/30/2022	12/30/2023	EACH OCCURRENCE	\$ 2,000,000
							AGGREGATE	\$ 2,000,000
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	WCP000885502	12/30/2022	12/30/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER	
							E.L. EACH ACCIDENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
A	Property			ENP0601006	12/30/2022	12/30/2023	Contents	985,000
A	Property			ENP0601006	12/30/2022	12/30/2023	Deductible	5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
All coverages listed are subject to the terms, conditions and exclusions within the policies.

Evidence of Coverage

CERTIFICATE HOLDER

CANCELLATION

Orange County
200 South Cameron Street
Hillsborough, NC 27278

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Manufacturer's One-Year Limited Warranty

Covered Components

Mobile Concepts Specialty Vehicles Inc (the "Company") warrants the original owner/end user that the trailer will be free from defects in materials and workmanship, except as herein limited, for a period of one (1) year on all models. This warranty is non-transferable from the original owner/end user and begins on the date of delivery, provided all stated conditions and exclusions are met and satisfied. The obligation of this warranty shall be limited to repairing or replacing any part or parts which, in the opinion of the Company, are determined to be defective during the warranty period.

All warranty requests must be presented to the Company and proper arrangements must be made with and approved by the Company prior to the repairs being made. This can be done by calling 1-800-783-0213 or 724-542-7640 and asking for the Quality Control Manager.

All warranty repairs must be made at the Company's factory unless prior written approval is obtained from the Company before repairs begin. The Company may elect at its option to have warranty work performed by a qualified repair shop. The Company will not be obligated in any way to pay for actual repairs made unless specific written approval from the Company is received in advance of any repairs being made. Repairs must be made in a manner that is approved by the Company. Charges for labor and parts for any covered warranty work are limited to the cost that would have been incurred by the Company at its factory for such labor and parts.

Excluded (Not Covered) Components

This warranty does not cover the following components ("excluded components"): tires, wheels, axles, jacks, couplers, paint, electrical and plumbing parts, seals, plywood, aluminum components, windows, doors, awnings, generators and electrical fixtures and any other component that carries its own manufacturer's warranty. The excluded components are covered by the warranties of the manufacturers of these components. Any potential warranty claim for an excluded component must be presented by the owner/end user to the manufacturer of that component for reimbursement.

This warranty does not cover any equipment or components that have been modified, repaired, or altered in any way. The Company will not be responsible for work performed or options installed by others, including without limitation, graphics, special awnings, and hydraulic lift systems. This warranty does not cover corrosion to the frame, skin, electrical, or other construction materials caused by the presence of any product causing a chemical reaction to the materials used to build the trailer (fertilizers, cement, caustic chemicals, etc.).

This warranty is void if the defective part or parts were caused by misuse of the product. The Company, in its sole discretion, will determine if misuse has occurred. Examples of misuse include overloading (as determined by the gross vehicle weight rating and not payload capacity as shown on the vehicle identification label), improper loading, negligence, alteration, accident, and lack of reasonable and proper periodic maintenance.

This warranty does not cover damages caused by loose or improperly torqued lug nuts, incorrect or altered hitch balls, improper hitching, loose bolts and screws, or damages to any tow vehicle or tow vehicle wiring.

Except as described in this warranty, the Company will not pay any other charges or expenses, including overtime labor, service calls, loss of use, inconvenience, rental of substitute equipment, towing charges, transportation costs, or other commercial loss. Such charges or expenses are the responsibility of the customer and will not be paid for by the Company.

By signing this document the customer agrees to receipt of this warranty information and to the terms & conditions provided therein.

Purchaser's name (signature)

Purchaser's name (print)

Date (Month/Day/Year)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 8-f**

SUBJECT: Approval of Additional Non-voting Youth Member to Parks and Recreation Council (PRC)

DEPARTMENT: Environment, Agriculture, Park and Recreation (DEAPR)

ATTACHMENT(S):

1. PRC Memorandum
2. Code of Ordinances (Sec. 26-115, Sec. 26-117 Proposed Changes – Mark-up and Clean Versions)
3. Resolution

INFORMATION CONTACT:

David Stancil, DEAPR Director, 919-245-2510
Kalani Allen, Administrative Support, 919-245-2510

PURPOSE: To consider the adoption of a resolution approving changes to the Code of Ordinances to authorize the addition of a second youth delegate non-voting member to the Orange County Parks and Recreation Council (PRC).

BACKGROUND: At its May 3, 2022 Business meeting, the BOCC approved the addition of a non-voting youth delegate position on the Orange County Parks and Recreation Council. The Council, now comprised of 13 appointed members including the previously-approved non-voting youth delegate, has expressed an interest in adding a second youth member in a non-voting capacity. This second non-voting member would also be an applicant between 13 and 17 years of age to be appointed by the BOCC. The addition of a second youth member will require a change to the Code of Ordinances section that governs the PRC. A memorandum from the PRC, a resolution, and the proposed changes to Article 26, subsections 26-115 and 26-117 of the Code of Ordinances are attached.

If approved, the PRC would work with the Clerk to the Board's Office to recruit applicants.

FINANCIAL IMPACT: There is no identified financial impact associated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

An additional youth PRC member would provide input on issues and concerns relating to youth participation in recreation activities and County parks and serve as a colleague to the previously-approved youth position.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board adopt and authorize the Chair to sign the attached resolution approving changes to Article 26 of the Code of Ordinances, adding a second non-voting youth delegate member to the Parks and Recreation Council.

Attachment 1

**ORANGE COUNTY
PARKS AND RECREATION COUNCIL**

MEMORANDUM

TO: Orange County Board of County Commissioners

FROM: Parks and Recreation Council

DATE: December 8, 2022

RE: Parks and Recreation Council Youth Delegate Member Position Proposal

The Parks and Recreation Council (PRC) thanks the Board of County Commissioners for creating the first youth delegate position for the PRC on May 3rd, 2022.

At its October and December meetings, the Parks and Recreation Council (PRC) developed a recommendation for the current youth delegate, and as part of this conversation discussed the value and benefit in an additional second non-voting “youth delegate” member on the Council.

We understand that this would require another small amendment to the Code of Ordinances (Article 26) to be approved by the Board of Commissioners.

The PRC recommends that another youth delegate be authorized and solicited. This would become the 14th member of the Council but like the previous be a non-voting position, to be held by an Orange County resident youth (13 to 18 years of age) who has an interest in parks and recreation activities in Orange County.

The addition of a second youth delegate member position to the PRC council would bring more valuable insight to decisions relating to parks and recreation, from one who participates in recreation activities and/or visits parks regularly with their family. It would also provide a colleague for the newly-created position.

Thank you for your consideration of this proposal. Please let us know if we may provide any additional information, or if there are any questions.

Copies: Parks and Recreation Council
Bonnie Hammersley, County Manager
Travis Myren, Deputy County Manager
Laura Jensen, Clerk to the BOCC
David Stancil, DEAPR Director

*c/o Orange County Department of Environment, Agriculture, Parks & Recreation
PO Box 8181
Hillsborough, NC 27278
Phone: (919) 245-2510
Fax: (919) 644-3351*

Changes to Code of Ordinances, Article 26, to Create a Second Non-Voting Youth Member for the Parks and Recreation Council.

Sec. 26-115. - Creation; name; number of members.

There is hereby created an Orange County Parks and Recreation Council composed of 12 residents of Orange County as voting members plus ~~one~~ two non-voting youth ~~delegate~~ delegates, to be known as the Orange County Parks and Recreation Council.

Amended: February 5, 1979
April 21, 2015
May 3, 2022
February 7, 2023

Sec. 26-117. - Appointment of the Council.

Each member of the Council shall be a county resident appointed by the county board of commissioners.

The county parks and recreation council shall be composed of seven members representing the seven townships in Orange County, plus one each from the cities of Chapel Hill, Carrboro, and Hillsborough with two members at-large and ~~one~~ two non-voting youth ~~delegate~~ delegates being between the ages 13 and 17.

Amended: February 5, 1979
June 4, 2002
April 21, 2015
May 3, 2022
February 7, 2023

Changes to Code of Ordinances, Article 26, to Create a Second Non-Voting Youth Member for the Parks and Recreation Council.

Sec. 26-115. - Creation; name; number of members.

There is hereby created an Orange County Parks and Recreation Council composed of 12 residents of Orange County as voting members plus two non-voting youth delegates, to be known as the Orange County Parks and Recreation Council.

Amended: February 5, 1979
April 21, 2015
May 3, 2022
February 7, 2023

Sec. 26-117. - Appointment of the Council.

Each member of the Council shall be a county resident appointed by the county board of commissioners.

The county parks and recreation council shall be composed of seven members representing the seven townships in Orange County, plus one each from the cities of Chapel Hill, Carrboro, and Hillsborough with two members at-large and two non-voting youth delegates being between the ages 13 and 17.

Amended: February 5, 1979
June 4, 2002
April 21, 2015
May 3, 2022
February 7, 2023

RESOLUTION OF AMENDMENT
A RESOLUTION AMENDING CHAPTER 26 OF THE ORANGE COUNTY CODE
OF ORDINANCES

Be It Resolved by the Board of Commissioners of Orange County, North Carolina:

WHEREAS, on the 3rd of May, 2022, the Board of County Commissioners adopted an amendment change to allow an additional non-voting youth member to the Orange County Parks and Recreation Council; and

WHEREAS, the Orange County Parks and Recreation Council, an advisory board to the Board of County Commissioners, has proposed an amendment to the Orange County Code of Ordinances to allow a second additional non-voting youth member; and

WHEREAS, the Parks and Recreation Council sees the value of having the perspective of a second youth member on the Council, as youth are a large part of the constituency and users of County recreation programs and facilities; and

WHEREAS, the value of having a second youth representative to collaboratively work with their colleague to help advise and provide unique feedback on County recreation activities and park facilities is desirable, along with promoting a diversity of age for the Council's review and deliberations, both of these factors making the case to amend Chapter 26 of the Orange County Code of Ordinances accordingly;

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners amends the Code of Ordinances, Orange County, North Carolina, Chapter 26, to add new language to subsections 26-115 and 26-117 as shown in the attached, to provide for the addition of a second non-voting youth member to the Parks and Recreation Council for the reasons stated above, with applications for such new member to be solicited by the Clerk to the Board's Office for future consideration and appointment.

This Amendment shall become effective on February 28, 2023.

Adopted by the Orange County Board of Commissioners this the 7th day of February, 2023.

By:

Attest:

Jamezetta Bedford, Chair
Orange County Board of Commissioners

Laura Jensen, Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No.** 8-g

SUBJECT: Adoption of Orange County's HOME-ARP Allocation Plan

DEPARTMENT: Housing

ATTACHMENT(S):

Attachment 1: HOME-ARP Allocation Plan
Attachment 2: HOME-ARP Allocation Plan
Resolution

INFORMATION CONTACT:

Corey Root, Housing Director, (919) 245-2490

PURPOSE: To consider adoption of a resolution authorizing the submission of the HOME-ARP Allocation Plan.

BACKGROUND: The American Rescue Plan Act of 2021 appropriated \$5 billion nationwide to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations. The funds were allocated by formula to jurisdictions through the U.S. Department of Housing and Urban Development (HUD) HOME Investment Partnership (HOME) Program. This funding is called "HOME-ARP". In September 2021, HUD awarded the Orange County HOME Consortium (which consists of the County – the "lead entity" for the Consortium – and the Towns of Carrboro, Chapel Hill, and Hillsborough) a total of \$1,371,401 in HOME-ARP funds.

Led by the Local Government Affordable Housing Collaborative (a group made up of one elected official from each jurisdiction that comprises the Consortium), the Orange County HOME Consortium was required to develop an Allocation Plan to identify priority housing and service needs in the community that may be supported with HOME-ARP funds, and to describe the process that will be used to distribute HOME-ARP funds. The Consortium's \$1.3 million in HOME-ARP may not be used for eligible housing projects or activities until an Allocation Plan is approved by HUD. The Allocation Plan determines how the HOME-ARP funds will be awarded to projects or activities and broadly describes which types of eligible uses the Consortium plans to prioritize. Once the Allocation Plan is approved, staff will follow the process outlined in the Plan.

As part of the development of the Plan, Orange County consulted with stakeholders that work with the "Qualifying Populations". County and Town staff actively engaged stakeholders by presenting at meetings, soliciting feedback through a survey, and incorporating feedback from the Towns' community engagement processes around ARPA funding.

The County held two public hearings, the first in Fall 2021 and the second in Fall 2022. Since then staff have drafted the HOME-ARP Allocation Plan based on the feedback received during the public hearings and public comment period, on the other community engagement and stakeholder consultation efforts (including a survey and presentations at community meetings),

and from the ARPA public participation processes being conducted by the Towns of Carrboro and Chapel Hill.

Staff incorporated public feedback into the Plan and the Collaborative approved the attached draft Plan. Staff are requesting approval by Town and County governing boards, and upon receiving approval will submit the Plan to HUD. HUD is responsible for final approval of the Plan, at which point, the Consortium may begin to use its HOME-ARP funds. To use the funds, the County will submit draw requests to HUD through its finance system on a reimbursement basis. Any HOME-ARP funds not disbursed by September 30, 2030 will revert back to HUD.

FINANCIAL IMPACT: There are no financial impacts anticipated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts applicable to this item.

RECOMMENDATION(S): The Manager recommends that the Board adopt and authorize the Chair to sign the attached Resolution authorizing submission of the HOME-ARP Allocation Plan.

Orange County (NC) HOME-ARP Allocation Plan

Participating Jurisdiction: Orange County, NC HOME Consortium

Date: February 3, 2022

Background

The American Rescue Plan Act of 2021 appropriated \$5 billion to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations. These funds were allocated by formula to jurisdictions that qualified for funding through the HOME Investment Partnership Program (HOME Program) from the U.S. Department of Housing and Urban Development (HUD). This special round of funding is called the "HOME-ARP" program. In September 2021, HUD awarded the Orange County, NC HOME Consortium (which consists of Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough) \$1,371,401 in HOME-ARP funds.

Eligible activities that may be funded with HOME-ARP include: (1) development and support of affordable housing; (2) tenant-based rental assistance; (3) provision of supportive services (such as housing counseling, homelessness prevention, child care, job training, legal services, case management, moving costs, rental applications, and rent assistance); and (4) acquisition and development of non-congregate shelter units.

Funds must primarily benefit individuals and households in the following qualifying populations:

- *Experiencing homelessness (as defined in 24 CFR 91.5 "Homeless" (1), (2), or (3))*
- *At risk of homelessness (as defined in 24 CFR 91.5 "At risk of homelessness")*
- *Fleeing domestic violence, dating violence, sexual assault, stalking, or human trafficking, (as defined in 24 CFR 5.2003)*
- *Other populations with high risk of housing instability (including highly cost-burdened low-income households, households who have moved two or more times in the last 60 days, and households living in a hotel/motel)*

Consultation

Before developing its plan, the Orange County, NC HOME Consortium must consult with the local Continuum of Care (CoC), homeless and domestic violence service providers, veterans' groups, public housing agencies (PHAs), public agencies that address the needs of the qualifying populations, and public or private organizations that address fair housing, civil rights, and the needs of persons with disabilities.

Summary of the consultation process

An electronic survey was widely distributed to agencies and organizations that work with people experiencing homelessness, people fleeing domestic violence, justice-involved individuals, veterans, people with low incomes, and other qualifying populations. Staff from the Orange County Department of Housing and Community Development also attended standing meetings of several relevant groups to present on HOME-ARP and solicit input on priority needs.

Organizations consulted and summary of feedback

Agency/Organization	Organization Type	Consultation	Feedback

<p>Orange County Housing Authority</p>	<p>Public Housing Authority</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Case management; Permanent supportive housing; Education on tenant-landlord relations; Rapid rehousing; Affordable housing in general</p> <p>Biggest gaps: Affordable units that accept rental assistance</p> <p>Highest funding priority: Services; Non-congregate shelter</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Ranked affordable housing development last because it is something local governments could facilitate by expediting the permitting process and allowing more development ● Need more rental housing in general to drive rents down, and need policies that will allow developers to build reasonably-priced rental housing ● Fund project-based voucher units, acquisition of rapid rehousing units
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<p>Orange County Partnership to End Homelessness Leadership Team</p>	<p>Homeless Service Provider</p>	<p>Meeting</p>	<p>Biggest gaps: 1 BR units priced within the guidelines for subsidies and where landlords are willing to take rental assistance; Rental assistance overall; Rental assistance for undocumented folks and folks who are ineligible for HCV due to conviction histories; More PeeWee Homes; Case management for people to obtain and maintain housing; Ensuring landlords continue to take vouchers; Policies to put more power in the hands of tenants</p> <p>Other feedback:</p> <ul style="list-style-type: none">● With Alliance as new LME/MCO for the County, need to figure out what their funds can cover in terms of housing and they will intersect with other local funding
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<p>Orange County Partnership to End Homelessness</p>	<p>Homeless Service Provider</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Single occupancy units; Help with housing search process, move-in, and maintaining tenancy; 24-hour bathroom and 7 day per week shower/laundry facilities in the south and north parts of the County</p> <p>Biggest gaps: More shelter; Low-barrier shelter for singles and families; More permanently affordable units</p> <p>Highest funding priority: Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Need affordable senior housing with indoor hallway and elevators, near grocery stores and health care services ● Community lacks Permanent Supportive Housing Vouchers and TCLI ● Need services for folks who toe the line of not being able to care for themselves and are required (<i>Olmstead</i>) to be given the option to live in the community
<p>Orange County Affordable Housing Coalition</p>	<p>Housing Service Provider</p>	<p>Meeting</p>	<p>Other feedback:</p> <ul style="list-style-type: none"> ● Incorporate the OC Forward plan

<p>Orange County Affordable Housing Advisory Board</p>	<p>Housing Advisory Board</p>	<p>Meeting</p>	<p>Greatest unmet housing/service needs: Physical and mental health services; Affordable housing supply; Rental assistance; Supports for people with disabilities experiencing domestic violence</p> <p>Biggest gaps: Rent and utility assistance; Affordable housing with access to transportation</p> <p>Highest funding priority: Rental assistance; Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none">● Prioritize rental assistance as it provides immediate help● Identify properties that could easily convert to non-congregate shelter (e.g., office building or floor) or work with hotels to temporarily house people● Non-congregate shelter should make space for youth transitioning out of the foster care system, and should be explicitly LGBTQ-friendly● Prioritize housing preservation as it saves community and is more cost effective than building● Build multi-unit dwellings/tiny homes with access to outdoors● Get regulations on the books to encourage and enforce affordable housing integration in future developments; planning regulations do not make integrated affordable housing a priority; more mixed-income housing● Encourage landlords to accept vouchers and expand voucher programs (broaden eligibility criteria)● Fully adopt Housing First model
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<p>Town of Chapel Hill Housing Advisory Board</p>	<p>Housing Advisory Board</p>	<p>Meeting</p>	<p>Greatest unmet housing/service needs: Permanent supportive housing units and service provision; Services and units for people with high barriers to finding and maintaining housing (such as criminal record, substance use, behavioral health); Project-based vouchers</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Create point structure for awarding HOME-ARP funds that incentivizes developers to partner with service providers ● If considering funds for development gap financing, be aware that if the funds require deeper income targeting, they may not actually fill the funding gap (e.g., an extra \$200k HOME-ARP may be less in the long run than the higher rents that could be gotten if units did not have to be targeted toward 30% AMI households)
<p>Town of Carrboro Affordable Housing Advisory Committee</p>	<p>Housing Advisory Board</p>	<p>Meeting</p>	<p>Other feedback:</p> <ul style="list-style-type: none"> ● Concerned with access to these funds; residents (particularly Black residents) consistently struggle to access housing funds and encounter barriers with local administrators ● Focus on engaging landlords, as one driver of homelessness is landlords not accepting vouchers

<p>Emergency Housing Assistance Partners</p>	<p>Homeless Service Provider Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Meeting</p>	<p>Greatest unmet housing/service needs: Long-term funding for security deposits/utility deposits/first month's rent; Affordable units; Hotel assistance for temporary stabilization; Permanent housing units/subsidies for people below 30% AMI; Permanent supportive housing; Landlords willing to accept vouchers</p>
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<p>Community Empowerment Fund</p>	<p>Homeless Service Provider Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Increased bed space and opportunities for transitional housing for people experiencing homelessness</p> <p>Biggest gaps: Housing inventory for those at and below 30% AMI (from the data we see at least 13% of all new units need to be geared for 30% AMI and below to meet the current need – need will only rise as more families are destabilized by evictions)</p> <p>Highest funding priority: Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Housing market is forcing out families that have been here for generations ● Need for 30% AMI housing cannot be overstated ● Rental assistance will keep families housed and, hopefully, prevent additional people from becoming homeless ● Money alone is not sufficient to support a transition from homelessness to housed – services are essential ● Funding CEF and similar organizations (IFC, EmPOWERment, etc.) ensures that needed services continue and that organizations can focus on work rather than on fundraising
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<p>Interfaith Council for Social Services</p>	<p>Homeless Service Provider</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Affordable housing</p> <p>Biggest gaps: Landlords unwilling to rent to the unsheltered due to stigma</p> <p>Highest funding priority: Development of affordable housing</p>
<p>PeeWee Homes</p>	<p>Housing Service Provider</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Web of support for aging in community</p> <p>Biggest gaps: Provision of Livable Design to support those aging and/or with disabilities</p> <p>Highest funding priority: Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Need more affordable housing across the income spectrum, and supports and services ● Jackson Center is an asset - could HOME-ARP funds buy land bank houses? ● Could HOME-ARP funds support construction of PeeWee Homes Hill Street homes, or building PeeWee Homes in rural areas?

<p>The Arc of the Triangle</p>	<p>Organization Serving People with Disabilities</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Extremely limited housing options (and long waitlists) for people with disabilities who cannot work; Lack of affordable housing options near transportation, stores, etc.</p> <p>Biggest gaps: Long-term supportive housing options; Affordability</p> <p>Highest funding priority: Non-congregate shelter; Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Research shows Housing First model has most success in keeping people housed and is more cost effective ● Expand rental assistance to cover people who do not currently qualify based on income but still cannot afford a typical rent ● Landlords should not be allowed to deny potential renters because they receive rental assistance ● Develop supportive housing throughout community to promote integration and building of natural supports ● Service needs include supports finding/moving into housing, transportation, help with chores/home repairs ● Emergency housing is not a permanent fix ● Individual rooms (non-congregate shelter) provides privacy and dignity to people experiencing homelessness
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<p>Orange County Criminal Justice Resource Department</p>	<p>Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Bridge housing; Affordable housing; Permanent supportive housing; Low-barrier shelter; DV shelter; Case management to locate housing, apply for housing, and set up utilities (obtaining and moving furniture as well)</p> <p>Biggest gaps: See OCPEH gaps analysis; Emergency shelter; Shelter options for people on the sex offender registry; Case managers to assist with housing searches and application process; Financial assistance with rental application fees</p> <p>Highest funding priority: Non-congregate shelter; Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Hotel rooms with supportive services and case management ● Affordable housing very difficult to locate – takes a lot of time and effort and some people do not have the capacity (and therefore remain houseless) ● Prioritize construction of single-person units ● Non-congregate shelter would be helpful for people with significant medical or mental health needs who cannot function in a congregate setting
<p>Local Reentry Council</p>	<p>Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Meeting</p>	<p>Greatest unmet housing/service needs: Short-term bridge housing with services</p>

<p>Triangle J Council of Governments</p>	<p>Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Displacement of manufactured home owners (especially on rented land); Affordable housing for aging population (could address through senior LIHTC development or home repair funds)</p> <p>Biggest gaps: Legal services for eviction prevention and mediation (plus rental assistance)</p> <p>Highest funding priority: Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Could create more affordable housing with a 4% tax credit project in partnership with one of the Towns; the County could assist with providing land or infrastructure funding ● Building affordable housing will only become more difficult as time progresses, due to lack of land and additional subsidy needed to serve extremely low-income households ● Prioritize creating senior-focused and/or supportive housing options as our population ages
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<p>Rogers-Eubanks Neighborhood Association</p>	<p>Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Home repairs</p> <p>Biggest gaps: Lack of housing inventory</p> <p>Highest funding priority: Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Workforce housing is a top priority, specifically homeownership assistance ● Need housing for Veterans ● Need county-wide mental health services
<p>Refugee Community Partnership</p>	<p>Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: DV housing: families with multiple kids cannot safely leave due to having children and no DV shelter in our county, and short-term solutions (e.g., hotel for 3 nights) are not enough – need longer-term housing solutions and childcare to be able to work</p> <p>Biggest gaps: No DV shelter; Lack of language access; Lack of affordable housing</p> <p>Highest funding priority: Development of affordable housing</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● More apartments with affordable rents (e.g., EmPOWERment's model) ● Rental assistance for DV survivors ● More units for larger families ● Improve language access

<p>Chapel of the Cross</p>	<p>Other Organization Addressing the Needs of Qualifying Populations</p>	<p>Survey</p>	<p>Greatest unmet housing/service needs: Access to affordable housing; Shelter beds</p> <p>Biggest gaps: Supportive services for people with behavioral health concerns to help stabilize housing; Need more focus on building affordable multifamily units and/or rental assistance</p> <p>Highest funding priority: Development of affordable housing; Rental assistance</p> <p>Other feedback:</p> <ul style="list-style-type: none"> ● Bring services to unhoused people where they are at ● Get more landlords to accept subsidies from tenants to help stabilize the rental market and make housing more affordable for low-wage workers ● Expanding rental assistance programs will help low-income working people obtain housing with access to public transportation ● Consider sliding scale rental subsidies with a minimum monthly amount for families with children under age 6 to help with child care or other costs ● Provide financial assistance for security deposits ● Fund financial counseling and services for immigrants/refugees ● Non-congregate shelter should focus on providing separate rooms for single mothers with small children who are in untenable situations ● Don't waste money building anything new; use funds to improve housing options we already have
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Public Participation

*The Orange County, NC HOME Consortium must provide for and encourage citizen participation in the development of the HOME-ARP allocation plan. Before submission of the plan, the Consortium must provide residents with reasonable notice and an opportunity to comment on the proposed HOME-ARP allocation plan of **no less than 15 calendar days**. The Consortium must follow its adopted requirements for “reasonable notice and an opportunity to comment” for plan amendments in its current citizen participation plan. In addition, the Consortium must hold **at least one public hearing** during the development of the HOME-ARP allocation plan and prior to submission.*

Public comment period: The draft Orange County HOME-ARP Allocation Plan was made available for public display and comment on the Orange County Housing and Community Development Department (OCHCD) website at <http://orangecountync.gov/2831/HOME-ARP> and available in hard copy upon request at the OCHCD office. The public comment period ran November 16 – December 1, 2021. Public notice of the public comment period was published in English in *The Herald Sun* on Friday, October 29, 2021 and in Spanish in *La Noticia* on Wednesday, November 3, 2021.

Public hearing: A first Public Hearing on the draft HOME-ARP Allocation Plan was held on November 16, 2021. Public notice of the hearing was published in English in *The Herald Sun* on Friday, October 29, 2021 and in Spanish in *La Noticia* on Wednesday, November 3, 2021. The public comment period ran November 16 – December 1, 2021.

The Orange County HOME Consortium intends to hold a second Public Hearing in March 2022 to get feedback on this draft allocation plan, specifically the funding timeline and process, before finalizing the plan to submit to HUD.

Description of efforts to broaden public participation

Information about Orange County’s HOME-ARP funding is being widely distributed, through traditional avenues such as public notices, as well as more tailored avenues including emails to stakeholders and residents, presentations at community meetings, and an online survey.

Summary of comments and recommendations received through public participation process

The Consortium must consider any comments or view of residents received in writing, or orally at a public hearing, when preparing the HOME-ARP allocation plan.

In addition to receiving survey feedback from stakeholder agencies and organizations, the Consortium also received feedback from individual residents of Orange County. This feedback is summarized below.

	Method of Consultation	Feedback
Residents	Survey	<p>Greatest unmet housing/service needs:</p> <ul style="list-style-type: none"> ● Affordable rental housing for households with just one adult; ● Families have trouble finding affordable housing in the area and often get denied because of an eviction or other background information. ● Communication with people applying for housing assistance <p>Biggest gaps: There is not enough affordable housing available in the area and sometimes the referral process is complicated.</p> <p>Highest funding priorities:</p> <ul style="list-style-type: none"> ● Non-congregate shelter ● Development of affordable housing ● Rental assistance <p>Other feedback:</p> <ul style="list-style-type: none"> ● Need more variety of affordable housing (apartments, townhomes, houses, condos, etc.) ● Chapel Hill has prioritized student housing development and many students can't even afford student housing (student housing has primarily focused on amenities, but should focus on quality units with adequate square footage, accessibility, etc.) ● Need case management for the people experiencing chronic homelessness ● Need for family non-congregate with dedicated transportation services ● Assistance especially with rental deposits ● Need more individual rooms for emergency shelter ● Improving referral processes and partnerships for service provision, funding nonprofit service providers ● Need lower-barrier shelters (e.g., family shelters not allowing men or men's shelters not allowing children) ● Can personally attest to need for financial assistance; rent for income-based housing is going up \$200 and I make minimum wage ● Need for food assistance as well as housing

Summary of comments or recommendations not accepted and reasons why

All comments or recommendations will be accepted and a response to each comment will be provided.

Needs Assessment and Gaps Analysis

The Orange County, NC HOME Consortium must evaluate the size and demographic composition of qualifying populations within its boundaries and assess the unmet needs of those populations. In addition, the Consortium must identify any gaps within its current shelter and housing inventory as well as the service delivery system. The Consortium should use current data, including Point-in-Time Count, Housing Inventory Count, or other data available through the Continuum of Care (CoC), and consultations with service providers to quantify the individuals and families in the qualifying populations and their need for additional housing, shelter, or services.

Homeless Needs Inventory and Gap Analysis Table

	Current Inventory			Homeless Population				Gaps Analysis	
	Family	Adults Only	Vets	Family Household (at least 1 child)	Adult Household (w/o child)	Vets	Victims of DV	Family	Adults Only
	# of Beds	# of Beds	# of Beds					# of Beds	# of Beds
Emergency Shelter	32	53	N/A						
Transitional Housing	0	65	0						
Permanent Supportive Housing	40	38	15						
Other Permanent Housing							5		
Sheltered Homeless				10	111	9	5		
Unsheltered Homeless				0	33	3			

Current Gaps									
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Sources: 2021 Orange County, NC Point-in-Time and Housing Inventory Counts; Orange County Shelter Referral List; HMIS Program Data

Housing Needs Inventory and Gap Analysis Table

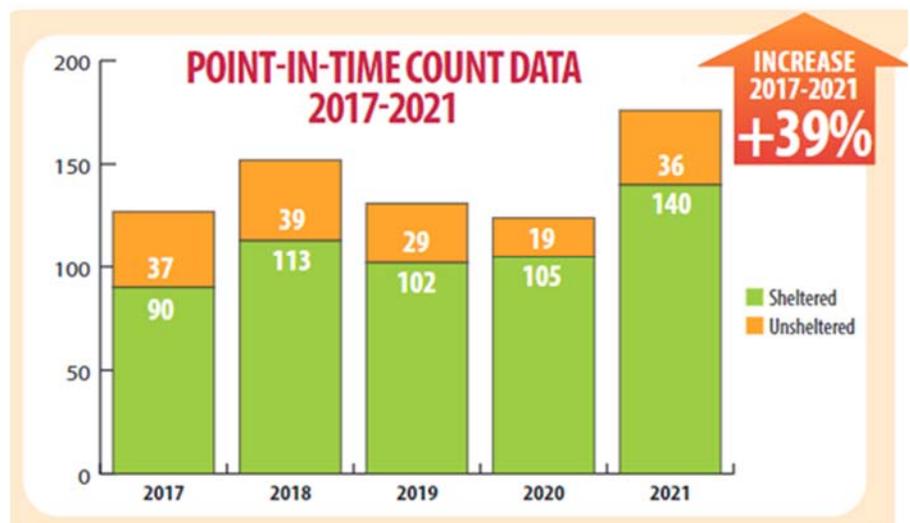
Non-Homeless			
	Current Inventory	Level of Need	Gap Analysis
	# of Units	# of Households	# of 0-30% AMI Units
Total Rental Units	19,990		
Rental Units Affordable to Households Earning 0-30% AMI (At-Risk of Homelessness)	1,870		
0-30% AMI Renter Households with At least One Severe Housing Problems (At-Risk of Homelessness)		3,560	
Current Gaps			1,690

Sources: Comprehensive Housing Affordability Strategy (CHAS) data, 2014-2018; Tables 18C, 14B, and 1

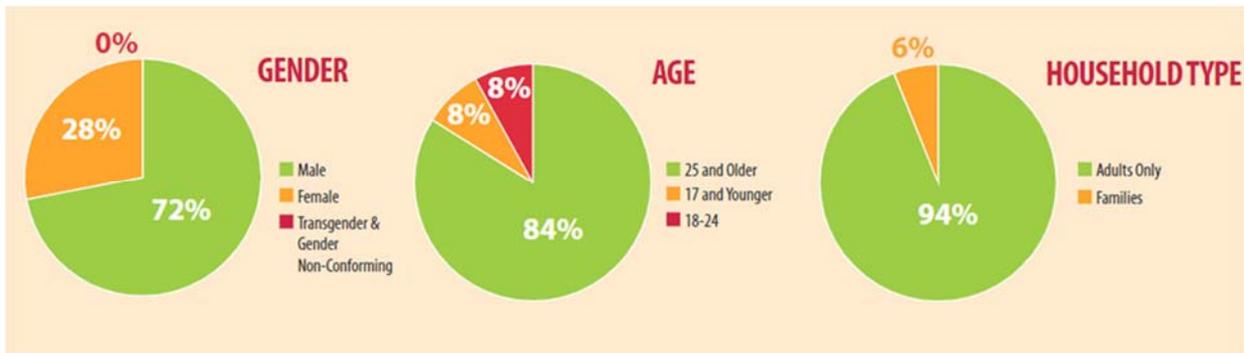
Size and demographic composition of qualifying populations in Orange County

The 2021 Point-in-Time (PIT) Count found 176 people (comprising 154 households) experiencing homelessness in Orange County on one night in January 2021 – 36 of these people were living unsheltered and 140 were sheltered. Looking at annual numbers, the street outreach team served about 110 people in 12 months per caseload logs and 278 people entered shelter or housing programs per FY20 HUD System Performance Measures. People experiencing homelessness are

disproportionately people of color; 67% of people experiencing homelessness in the 2021 Point-in-Time (PIT) Count were Black or African-American, whereas just 12% of people in Orange County overall are Black or African-American. The Latinx population is underrepresented, however – 9% of Orange County population overall identifies as Latinx compared with 5% of the homeless population.



PIT data also show that people experiencing homelessness are overwhelmingly in adult-only households (94%), and most are age 25 and older (84%) and male (72%).



Unmet housing and service needs of qualifying populations

Feedback from the online survey and community meetings revealed four major areas of unmet housing and service needs in Orange County: affordable housing supply, affordable housing access, supportive services, and shelter and bridge housing supply. Further detail on each of these four areas is below.

Affordable Housing Supply	Affordable Housing Access	Supportive Services	Shelter and Bridge Housing Supply
<ul style="list-style-type: none"> • Affordable housing in general • Permanent supportive housing • Single occupancy units • Units near transportation, stores, etc. • Housing for aging population • Housing for people with disabilities • Stability for manufactured home park residents 	<ul style="list-style-type: none"> • Rental assistance (particularly for people below 30% AMI) • Rapid rehousing • Project-based vouchers • Long-term funding for providing assistance with security deposits/utility deposits/first month's rent • Landlords willing to accept rental assistance 	<ul style="list-style-type: none"> • Case management • Housing navigation and tenancy support (including education on tenant-landlord relations) • Physical and mental health services • Supports for people with disabilities and domestic violence survivors • Support for aging in community • Home repairs • 24-hour bathroom and 7 day per week shower/laundry facilities in the south and north of County 	<ul style="list-style-type: none"> • Shelter beds in general • Low-barrier shelter • Domestic violence shelter • Hotel assistance for temporary stabilization • Bridge housing with services • Transitional housing

Current resources available to assist qualifying populations, including congregate and non-congregate shelter units, supportive services, tenant-based rental assistance, and affordable and permanent supportive rental housing

Orange County has several resources available to help people experiencing homelessness. The Housing Helpline is an in-person, phone, and email information and referral service for anyone in housing crisis that uses HUD coordinated entry practices to route people to the resources they need – including rent and utility assistance for people maintaining housing, homelessness diversion and eviction diversion for people at risk of homelessness, and emergency response (shelter and/or street outreach) and permanent housing referrals for people experiencing homelessness.

Orange County has two congregate emergency shelters that serve men, women, and families operated by the Inter-Faith Council for Social Service. Compass Center operates a non-congregate shelter program for people fleeing domestic violence. In January 2022, the County currently operates non-congregate shelter for overflow cold weather cots and a hotel program for people experiencing homelessness who are Covid positive.

The Orange County Street Outreach, Harm Reduction and Deflection (SOHRAD) program connects people living unsheltered with services and housing and helps to deflect law enforcement interactions. The Criminal Justice Resource Department (CJRD) administers the Local Reentry Council that provides case management and housing resources for people exiting jail and prison. CJRD also manages the Lantern Project, a deflection, diversion, and reentry program that connects people with histories of substance use who are justice involved with therapeutic supports as soon as possible, the Restoration Legal Counsel who provides *pro bono* legal assistance to individuals facing barriers due to a criminal record and/or driver's license suspension, and a Clinical Coordinator and Youth Behavioral Health Liaison who provide clinical services to people who are incarcerated. The Chapel Hill Police Crisis Unit assists people living unsheltered and others who have law enforcement contact. Orange County Outreach Court is a therapeutic court model that connects people with low-level charges with services – in exchange for engaging with service providers and housing plans, people have their court charges dismissed.

The UNC Center for Excellence in Community Mental Health HomeLink program serves people who are experiencing or at-risk of homelessness with mental health, occupational therapy, housing, and employment and training resources. The Community Empowerment Fund works one-on-one with people to achieve goals like savings plans and housing. Freedom House provides behavioral health services including detox and crisis treatment.

There are also many permanent housing programs in Orange County, including the Orange County Rapid Re-housing program, and Volunteers of America's Supportive Services for Veterans and their Families program. The Orange County Housing Authority partners with the Durham VA to provide HUD-VASH vouchers for veterans, and issues Housing Choice Vouchers (HCVs) and Emergency Housing Vouchers (EHVs) to people exiting homelessness. The Orange County Emergency Housing Assistance program (funded by the County and the Town of Chapel Hill, Town of Carrboro and Town of Hillsborough) provides security deposits and first month's rent for people exiting homelessness, in addition to ongoing rent and utility assistance payments for all people at or below 30% of Area Median Income . Compass

Center provides a housing program and rapid re-housing for people fleeing domestic violence. The Inter-Faith Council for Social Service operates a Permanent Supportive Housing program. The Orange County Homelessness Prevention and Housing Stability programs provides services and financial support for people at risk of homelessness. The Housing Access Coordinator works with landlords and property managers to make more units available for people exiting homelessness.

Affordable housing in Orange County is provided by organizations including Community Home Trust, CASA, EmPOWERment, the Center for Community Self-help, Habitat for Humanity, PeeWee Homes, and DHIC.

Gaps within the current shelter and housing inventory as well as the service delivery system

Feedback from the online survey and community meetings revealed four major areas of unmet housing and service needs in Orange County: affordable housing supply, affordable housing access, supportive services, and shelter and bridge housing supply. Further detail on each of these four areas is below.

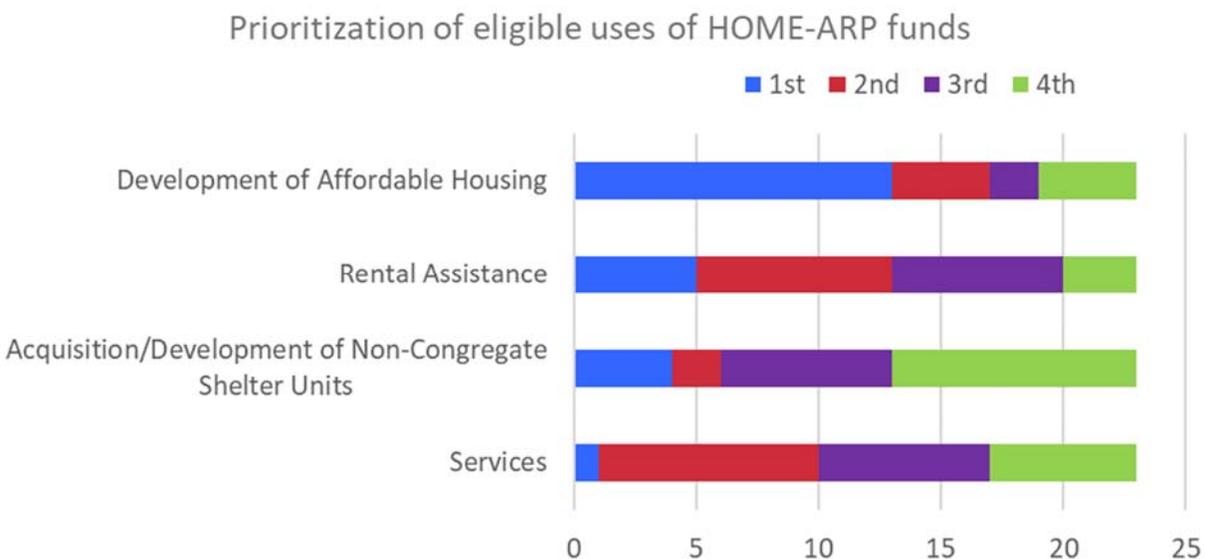
Affordable Housing Supply	Affordable Housing Access	Supportive Services	Shelter and Bridge Housing Supply
<ul style="list-style-type: none"> ● Affordable housing (particularly 30% AMI) ● Multifamily housing in general ● Permanent supportive housing ● Single occupancy units PeeWee Homes ● Units near transit, stores, etc. ● Housing with Livable Design to support aging population and/or people with disabilities 	<ul style="list-style-type: none"> ● Rental assistance (particularly for people who are undocumented or have conviction histories) ● Utility assistance ● Financial assistance with application fees ● Landlords willing to accept rental assistance ● Landlords willing to rent to people currently experiencing homelessness ● Policies to give tenants more power 	<ul style="list-style-type: none"> ● Housing navigation and tenancy support ● Language services ● Physical and mental health services ● Legal services for eviction prevention and mediation 	<ul style="list-style-type: none"> ● Shelter beds in general ● Low-barrier shelter ● Domestic violence shelter ● Shelter for people on sex offender registry

Characteristics of housing associated with instability and an increased risk of homelessness (if the Consortium will include such conditions in its definition of “other populations”)

Older housing units and manufactured housing are at great risk of redevelopment in Orange County. Residents in this housing and other naturally occurring affordable housing are at an increased risk of homelessness due to displacement.

Priority needs for qualifying populations

Feedback from the online survey and community meetings revealed a preference among respondents to prioritize development of affordable housing.



How the level of need and gaps in shelter and housing inventory and service delivery systems based on the data presented in the plan were determined

The Orange County Partnership to End Homelessness has created a homeless gaps analysis annually starting in 2017 (<https://www.ocpehnc.com/gaps-analysis>). Staff used this data in addition to the 2021 Point-in-Time and Housing Inventory County, as well as the current shelter referral list (people waiting to get into emergency shelter) and coordinated entry lists (people experiencing homelessness who are connected with service providers and in housing search) to determine data presented in this plan.

HOME-ARP Activities

Description of the method for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors and whether the Consortium will administer eligible activities directly

The Consortium will accept applications for HOME-ARP funding from developers and other housing and service providers beginning in December 2022. The Local Government Affordable Housing Collaborative, made up of one elected official from each of the four jurisdictions that make up the Consortium (Orange County, the Towns of Carrboro, Chapel Hill, and Hillsborough), is the group locally tasked with allocating the Consortium's HOME funds. Similar to the annual award process for the Consortium's regular HOME funds, the Collaborative will develop a scorecard with which to review HOME-ARP applications and then make funding recommendations to be approved by the governing boards of each jurisdiction.

Use of HOME-ARP Funding

The Orange County, NC HOME Consortium must indicate the amount of HOME-ARP funding that is planned for each eligible HOME-ARP activity type and demonstrate that any planned funding for nonprofit organization operating assistance, nonprofit capacity building, and administrative costs is within HOME-ARP limits.

	Funding Amount	Percent of Grant	Statutory Limit
Supportive Services	TBD		
Acquisition and Development of Non-Congregate Shelters	TBD		
Tenant-Based Rental Assistance	TBD		
Development of Affordable Rental Housing	\$1,165,691		
Nonprofit Operating	TBD		5%
Nonprofit Capacity Building	TBD		5%
Administration and Planning	\$205,710	15%	15%
Total HOME-ARP Allocation	\$1,371,401		

How shelter and housing inventory characteristics, service delivery system, and the needs identified in the gaps analysis provided a rationale for the plan to fund eligible activities

Funding of eligible activities will be determined via the application process, currently scheduled for spring 2023.

HOME-ARP Production Housing Goals

Estimate of the number of affordable rental housing units for qualifying populations that the Consortium will produce or support with its HOME-ARP allocation

We estimate five or six affordable housing units can be built with allocated HOME-ARP funds. This number is based on current market prices and other recent local affordable housing projects.

Specific affordable housing rental production goal that the Consortium hopes to achieve and how it will address the Consortium's priority needs

Funding of eligible activities will be determined via the application process, currently scheduled for spring 2023.

Preferences

Identify whether the Consortium intends to give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project

- ***Preferences cannot violate any applicable fair housing, civil rights, and nondiscrimination requirements, including but not limited to those requirements listed in 24 CFR 5.105(a)***
- ***The Consortium is not required to describe specific projects to which the preferences will apply***

Orange County plans to implement a qualifying population preference for those experiencing Homelessness. The Orange County Partnership to End Homelessness (OCPEH) collaborates with public and private agencies in Orange County to help people find a safe place to stay using Coordinated Entry (CE) – a single point of entry, homelessness diversion, and program referral system. Coordinated Entry helps service providers determine quickly, consistently, and effectively which resources will best help people in housing crisis. Coordinated Entry streamlines the processes for diversion, shelter referral, and housing program referrals. This process formalizes prioritization, prioritizing households with higher service needs over households with lower service needs. Coordinated Entry is guided, maintained, and updated by two Committees, the HOME Committee and CE Planning Committee, and one workgroup, the Data & Grants Workgroup, comprised of Coordinated Entry stakeholders and coordinated by the Orange County Partnership to End Homelessness (OCPEH).

(If a preference was identified) How the use of a preference or method of prioritization will address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or category of qualifying population, consistent with the Consortium’s needs assessment and gaps analysis

The use of this preference will allow more people experiencing homelessness to access affordable housing units. The Orange County Partnership to End Homelessness has created a homeless gaps analysis annually starting in 2017 (<https://www.ocpehnc.com/gaps-analysis>) and update this report annually with input from people experiencing homelessness, service providers, state and national level experts, and community feedback. Staff used this data in addition to the 2022 Point-in-Time and Housing Inventory Count, as well as the current shelter referral list (people waiting to get into emergency shelter) and coordinated entry lists (people experiencing homelessness who are connected with service providers and in housing search) to determine what unmet homeless service needs exist in Orange County. The community’s current prioritization reflects an emphasis on serving people with the

highest service need, as determined by the VI-SPDAT, then households fleeing DV, and then households with the longest time experiencing homelessness. There are currently about 170 households each month who are experiencing homelessness who are connected to a community service provider that is providing support to obtain housing. This preference will enable households with the highest barriers to obtaining housing with access to additional permanent housing options.

(If a preference was identified) How the Consortium will use HOME-ARP funds to address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the preference

The Orange County Partnership to End Homelessness considers all qualifying populations in its process of coordinated entry.

HOME-ARP Refinancing Guidelines

If the Orange County, NC HOME Consortium intends to use HOME-ARP funds to refinance existing debt secured by multifamily rental housing that is being refinanced with HOME-ARP funds, the Consortium must state its HOME-ARP refinancing guidelines in accordance with 24 CFR 92.206(b). The guidelines must describe the conditions under which the Consortium will refinance existing debt for a HOME-ARP rental project.

Minimum level of rehabilitation per unit or required ratio between rehabilitation to refinancing to demonstrate that rehabilitation of HOME-ARP rental housing is the primary eligible activity

The Consortium does not intend to use HOME-ARP funds to refinance existing debt.

Required review of management practices to demonstrate that disinvestment in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving qualified population for the minimum compliance period can be demonstrated

The Consortium does not intend to use HOME-ARP funds to refinance existing debt.

State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both

The Consortium does not intend to use HOME-ARP funds to refinance existing debt.

Required compliance period (whether it is the minimum 15 years or longer)

The Consortium does not intend to use HOME-ARP funds to refinance existing debt.

State that HOME-ARP funds cannot be used to refinance multifamily loans made or insured by any federal programs, including CDBG

The Consortium does not intend to use HOME-ARP funds to refinance existing debt. HOME-ARP funds cannot be used to refinance multifamily loans made or insured by any federal programs, including CDBG.

Other requirements in the guidelines, if applicable

N/A

RESOLUTION
AUTHORIZING THE SUBMISSION of the
HOME-ARP ALLOCATION PLAN
for ORANGE COUNTY, NORTH CAROLINA

BE IT RESOLVED, by the Orange County Board of Commissioners, as a member of the Orange County HOME Consortium, that the Commissioners approve the following activities for the HOME-ARP Program:

Development of Affordable Rental Housing - \$1,165,691

Program Administration - \$205,710

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of these plans, to act in connection with the HOME Program, and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This is the ___ day of _____, 2023

Seal

 Jamezetta Bedford, Chair
 Orange County Board of Commissioners

 NOW THEREFORE BE IT ORDAINED by the Orange County Board of Commissioners that this resolution is effective upon approval. Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was adopted this the ___ day of _____, 2023.

I, Laura Jensen, County Clerk for Orange County, North Carolina, DO THEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2023.

WITNESS my hand and seal of said County, the ___ day of _____, 2023.

 Laura Jensen, County Clerk

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No.** 8-h

SUBJECT: Two-Year Extension of the Lease for Suite 101 in the Europa Center

DEPARTMENT: Asset Management Services
(AMS)

ATTACHMENT(S):

Two-Year Lease Extension

INFORMATION CONTACT:

Steven Arndt, AMS Director, 919-245-2628

Alan Dorman, AMS Assistant Director,
919-245-2627

PURPOSE: To approve a two-year lease extension for Suite 101 at the Europa Center and authorize the Manager to sign the extension upon final review by the County Attorney.

BACKGROUND: The original lease for Suite 101 in the Europa Center began in March 2020 and ends in February 2023. The suite is used by the Skills Development Center, Guardian Ad Litem, and Durham Tech until the facility at 203 Greensboro in Carrboro is completed. As 203 Greensboro is not scheduled to be completed until July 2024, a two-year extension of Suite 101 lease is proposed.

The cost of the extension for the remainder of this fiscal year will be \$81,195. However, it should be noted that the FY 2022-23 budget included funds to cover this extension. The projected costs for FY 2023-24 and FY 2024-25 will be \$246,021 and \$167,261, respectively, with the lease ending in February 2025. The Department of Social Services can be reimbursed through the State for 20% of the rental expenses.

FINANCIAL IMPACT: The additional cost for the current fiscal year will be \$81,195. The FY 2022-23 budget included funds to cover the lease extension. The costs for FY 2023-24 and FY 2024-25 would be \$246,021 and \$167,261, respectively, and will be included in the Asset Management Services Department's annual budget requests.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the two-year lease extension for Suite 101 at the Europa Center and authorize the Manager to sign the extension upon final review by the County Attorney.

1st LEASE MODIFICATION AGREEMENT
AND
EXERCISE OF OPTION

This **1st Lease Modification Agreement and Exercise of Option** made and entered into as of _____, 2022, by and between **EUROPA CENTER, LLC**, herein represented by its duly authorized agent, **AVISON YOUNG – NC, LLC**, 100 Europa Dr., Suite 190, Chapel Hill, NC 27517, hereinafter, "Landlord" and **ORANGE COUNTY**, a NC political subdivision, hereinafter, "Tenant".

Whereas Tenant and Landlord entered into that certain Lease (the "Lease") dated March 1st, 2020 for Suite 101 in the Europa Center office building, and

Whereas Tenant wishes to extend its occupancy in the Leased Premises under the terms and conditions as stated in the Lease, and

Whereas Tenant has provided Landlord with adequate notice in order to exercise its Option to Renew (the "Option") as provided in Section 3 (b) of the Lease, and

Whereas Tenant acknowledges that the Option provides for the exercise of Two (2) One (1) year terms and desires to exercise both One (1) year terms simultaneously, and

Therefore, the parties hereto do mutually agree and covenant as follows:

1. The Tenant hereby exercises its Option for both One (1) year terms to expire February 28, 2025.
2. The Base Rent due under the Lease shall be payable as shown in Section 4 (a) of the Lease and repeated as follows:

Option Term*	# of Months	Start Date	End Date	SF	PSF Rate	\$/Month	Total \$
1	12.00	03/01/23	02/29/24	10,615	\$22.95	\$20,298.77	\$243,585.24
1	12.00	03/01/24	02/28/25	10,615	\$23.64	\$20,907.73	\$250,892.80

3. All other terms and conditions of said Lease to the extent not expressly modified hereby shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Landlord and Tenant have duly executed this 1st Lease Modification Agreement and Exercise of Option as of the day and year first above written.

Landlord:
EUROPA CENTER, LLC herein represented by its duly authorized agent, **AVISON YOUNG – NC, LLC**, 100 Europa Dr., Suite 190, Chapel Hill, NC 27517

Attest:

By: _____ (SEAL)

John P. Graham, Principal

Tenant:
ORANGE COUNTY, a NC political subdivision

Attest:

By: _____ (SEAL)

Bonnie B. Hammersley, County Manager

THE EUROPA CENTER Lease

Landlord
Initials

Tenant
Initials

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 7, 2023

**Action Agenda
Item No. 8-i**

SUBJECT: Proposed Extension to Medline Industries, LP Incentive Performance Agreement Concerning the Company's Employment & Investment Target Dates

DEPARTMENT: Economic Development,
Manager's Office, Attorney's
Office

ATTACHMENT(S):

- 1) October 2019 Signed Performance Agreement between Orange County & Medline Industries
- 2) Proposed Contract Amendment to the Original Performance Agreement

INFORMATION CONTACT:

Steve Brantley, Director, Economic Development, (919) 245-2326

PURPOSE: To approve and authorize the Chair to sign a contract amendment (Attachment 2) for Medline Industries, LP, formally Medline Industries, Inc., authorizing an extension for the company's contractual requirement to achieve overall employment hiring and investment goals over the first 5 years, as authorized in Section 6. B. (Delay of Inducement Package Initiation) in the October 2019 Performance Agreement (Attachment 1).

BACKGROUND: On September 12, 2019, North Carolina Governor Roy Cooper, Orange County and the City of Mebane jointly announced a decision by Medline Industries to build a 1.2 million square-foot LEED certified distribution center in Mebane, Orange County. Medline delivers medical devices and supplies to hospitals, independent physician practices, critical care units, surgical centers, home healthcare and EMS providers. Medline manufactures and distributes more than 550,000 products to more than 90 countries.

Previously, during a special meeting on September 10, 2019, the Orange County Board of County Commissioners held a public hearing and approved a Performance Agreement with Medline Industries. That Agreement requires the company to (1) add 250 new employee positions, and (2) complete a \$65.3 million investment by the end of the first five years. These two targets are to be achieved between an assumed commencement date of no later than July 31, 2020, and by or before the January 31, 2026 termination date. These numbers were anticipated to be achieved by year 5 of the investment period, but according to the Orange County Tax Office, the 2022 Real Property and Business Property Investment exceeds \$95 million. Additionally, Medline's October 2022 employment exceeded the 250 employee goal.

Medline experienced an unexpected delay in receipt of its certificate of occupancy not under the company's direct control, resulting in a delay of the commencement date. This unexpected delay exceeded 12 months in duration and caused the company's revised investment and job creation schedule to face an unrealistic schedule in relation to its 2019 agreement with the County.

In accordance with the Performance Agreement's Section 6. Remedy; B. Delay of Inducement Package Initiation, Medline submitted a request to the County on November 19, 2020, within the timeframe outlined in the Performance Agreement, requesting an extension. A Contract Amendment is necessary to formalize the new December 31, 2021 deadline for the commencement date and January 31, 2027 agreement end date.

FINANCIAL IMPACT: There is no financial impact to the County associated with extending the start date of the 5-year incentive contract with Medline Industries, since the County's Performance Agreement was previously approved by the Board on September 10, 2019 following a public hearing.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board receive and review the County's original Performance Agreement with Medline Industries, LP, and approve and authorize the Chair to sign the contract amendment (Attachment 2). This action will approve the extension request made by Medline Industries and allowed by Section "6 B" (Delay of Inducement Package Initiation) in the Performance Agreement, making the new commencement deadline December 31, 2021 and termination date January 31, 2027.

**STATE OF NORTH CAROLINA
ORANGE COUNTY**

**PERFORMANCE AGREEMENT BETWEEN ORANGE COUNTY, NC
AND
MEDLINE INDUSTRIES, INC.**

This Agreement made and entered into this the 4 day of October, 2019 by and between Orange County, a body politic existing under the laws of the State of North Carolina ("County") and Medline Industries, Inc., an Illinois corporation authorized to do business in North Carolina, with facilities to be located in Mebane, North Carolina ("Company"), for the purpose of incentivizing Company's investment in Orange County and Mebane.

Company is an Illinois Corporation situated and doing business in Northfield, Illinois. Company is the largest privately held manufacturer and distributor of medical supply products in the United States. Company's Mebane Facility shall distribute medical supplies throughout the eastern United States and central North Carolina. Company represents it is duly authorized to conduct business in North Carolina. It is understood that the levels of performance required by this Agreement are to be met by this group (Company and Medline Industries, Inc.) as a whole at its facility in Orange County (Mebane). Accordingly, the term "Company" as used in this Agreement refers to the entire group at such facility.

WITNESSETH

THAT WHEREAS, the County has offered to the Company an inducement package as hereinafter set forth; and

WHEREAS, the State of North Carolina and the Town of Mebane, North Carolina have offered separate inducement packages to the Company; and

WHEREAS, but for the offer of an inducement package the Company would not be locating its manufacturing facility within Orange County; and

WHEREAS, the Company has agreed to meet and continue meeting the minimum investment and employment requirements as hereinafter set forth;

NOW, THEREFORE, the parties hereto in consideration of these mutual covenants and agreements passing from each to the other do hereby agree as follows:

1. **DEFINITIONS.** As used in this Agreement the terms below will have the following meanings:
 - A. "Affiliate." A company that the Company controls, controls the Company, or is under common control with the Company.

- B. "Commencement Date. The date in which the Company begins actual operations at the Subject Property, after having obtained applicable governmental approvals, certificates of zoning compliance, and certificates of occupancy. The Commencement Date is anticipated to be no later than July 31, 2020.
- C. "Company." Medline Industries, Inc. includes its affiliates, successors, and assigns.
- D. "Eligible Property." Includes (a) the Subject Property (as defined in Exhibit B, Legal Description of Real Property), other real property in the County, and all improvements the Company or an Affiliate of the Company constructs or installs, or causes to be constructed or installed, at the Subject Property or such other real property, including all buildings, building systems, and building improvements, and (b) all personal property (as defined in Section 1.I. below, Personal Property) the Company or an Affiliate of the Company purchases or leases and installs, at or relocates to, the Facility or such other real property.
- E. "Grant." An economic incentive grant to the County pursuant to Section 3 of this Agreement.
- F. "Minimum Taxable Investment." The aggregate investment amount in property and infrastructure the Company intends to make and that Company and County anticipate will result in a tax valuation of at least \$65,300,000.00.
- G. "Orange County Facility" "Mebane Facility," or "Facility." The Company constructed and/or owned primary and secondary structures, utilities, and operations and service areas situated on the Subject Property in Mebane, Orange County, North Carolina in and on which Company conducts its business, manufacturing, and/or operations.
- H. "Person." Any individual, partnership, trust, estate, association, limited liability company, corporation, custodian, nominee, governmental instrumentality or agency, body politic or any other entity in its own or any representative capacity.
- I. "Personal Property." All personal property the Company or an Affiliate owns or leases located at the Facility, including all (a) machinery and equipment, (b) furniture, furnishings, and fixtures, (c) property that is capitalized for federal or state income tax purposes, (d) all additions to any of the foregoing, and all replacements of any of the foregoing in excess of \$100,000.
- J. "Qualifying Expenditure." All expenditures the Company, an Affiliate, or lessor to the Company or an Affiliate makes for Eligible Property which is subject to Tax in the County and is not subject to an exemption from Tax that the Company uses.
- K. "State." The State of North Carolina.
- L. "Subject Property." The property on which Company constructs and/or operates the Orange County Facility.

- M. "Tax" or "Taxes." *Ad valorem* property tax levied on real and personal property located in the County pursuant to Article 25, Chapter 105 of the North Carolina General Statutes or any successor statute relating to *ad valorem* property tax the County levies on property.
- N. "Term" or "Full Term." The duration of this Agreement meaning October 4th, 2019 through and including January 31, 2026.

2. INDUSTRIAL INVESTMENT AND EMPLOYMENT AGREEMENT

A. INVESTMENT

1. The Company anticipates it shall directly invest a Minimum Taxable Investment of sixty five million three hundred thousand dollars (\$65,300,000.00), in accordance with the investment plan attached as Exhibit A, on or before January 31, 2024. If the Company does not make 80% of the Minimum Taxable Investment on or before January 31, 2021 (and as may be extended below), the amount of the Grants will be adjusted as provided in Subsection 2.A.3.
2. The Company shall maintain the Minimum Taxable Investment for a period of at least five years through and including January 31, 2026.
3. If total increase of taxable investment falls below the Minimum Taxable Investment levels, due to failure to meet the investment goals set forth in Exhibit A or removal of equipment, as assessed by the Orange County Tax Assessor, the amount of the following annual installment will be reduced by a pro-rata percentage of the shortfall. The baseline for measuring whether the investment goals have been met will begin with the date of performance agreement execution shall be adjusted (1) upward, if there is an increase in the assessment of the Company's real property and (2) downward, to reflect the natural decline in the value of the Company's personal property (existing in 2020 and acquired thereafter in the course of the new investment) as measured by the depreciation of such property in accordance with generally accepted accounting principles.
4. Should Company dispute the valuation of its property by the Orange County Tax Assessor, Company may register an informal complaint with the Tax Assessor requesting a re-evaluation of Company's property and resulting tax and the Tax Assessor shall work with Company to conduct such re-evaluation. Should Company dispute the results of any such re-evaluation the Company may appeal the resulting valuation under the same process and subject to the same requirements as any other tax appeal in Orange County.

B. EMPLOYMENT

1. On or before January 31, 2026, at least 250 persons will be employed in full-time positions at the Mebane facility ("Jobs Minimum"). The number of full-time positions shall be evidenced by one or more Quarterly Tax and Wage Reports (Form NCUI 101) filed with the North Carolina Department of Commerce's "NC Works" employment career center. If 80% of the Jobs Minimum is not achieved on or before January 31, 2026 (or as extended as provided below), the amount of the Grants will be adjusted as provided in Section 6.

2. During the first year of operation after commencement of this Agreement, Company and County agree Company shall hire 30 full time employees at its Mebane Facility. During the second year of operation the Company shall hire an additional 75 full time employees at its Mebane Facility for a total of 105 full time employees at its Mebane Facility. During the third year of operation the Company shall hire at a minimum an additional 75 full time employees for a total of 180 full time employees at its Mebane Facility. During the fourth year of operation the Company shall hire an additional 50 full time employees for a total of 230 full time employees at its Mebane Facility. During the fifth year an additional 20 full time employees shall be hired for a final and ongoing 250 full time employees at its Mebane Facility. At the expiration of this Agreement, the Company shall employ, at its Mebane facility in Orange County, at least the equivalent of 250 full time employees in accordance with Exhibit A.
3. Employees counted toward this total shall include only new employees of the Company employed and located at Company's Mebane Facility in Orange County, provided such employees are employed in Orange County on a full time basis. Employees of the Company will be eligible to participate in Company sponsored health insurance and retirement programs. For purposes of this section "250 full time equivalent employees" shall be defined as 250 actively employed individuals and shall not include vacant positions for which the Company is actively or otherwise recruiting. It is understood that vacancies occur and that when such occur the Company will immediately, or as soon as is reasonably possible thereafter, fill said vacancies. The average wage of the 250 new full time equivalent employees shall be, as of the last day of this Agreement, at the annual rate of \$35,468.

C. DEVELOPMENT GRANT PARTICIPATION: Where applicable, the Company agrees to partner, through the commitment to create new jobs, with Orange County and other applicable agencies to apply for development grants that will improve and/or add water, sewer, road or other necessary infrastructure in order to facilitate the successful completion of this project. The Company agrees to meet with program representatives, and to participate in the grant request process as necessary to secure the required funding.

D. GUARANTEED MINIMUM LEVEL OF PERFORMANCE: The Company guarantees that its minimum level of performance pursuant to this Agreement shall be as set out in this Section 2. Company agrees that failure to meet the minimum level of new employment as reflected in Section 2.B. shall entitle the County to reductions in inducement installments paid to the Company in an amount of four hundred fifty dollars (\$450.00) per employee not hired as reflected in Section 2.B. and Exhibit A. Company further agrees that failure to meet the minimum level of direct investment as reflected in Section 2.A. and Exhibit A shall entitle County to pro rata reductions in inducement installments paid to the Company as set out in Section 3.

E. STATUTORY COMPLIANCE: The Company understands that the County's participation is contingent upon authority found in North Carolina General Statute 158-7.1 and other relevant North Carolina General Statutes and that should such statutory authority be withdrawn by the North Carolina General Assembly County may terminate this Agreement without penalty to County and without further compliance with this Agreement.

3. INDUCEMENT PACKAGE

A. COUNTY INDUCEMENT GRANT: The County, upon execution of this Agreement, shall provide to the Company an inducement to offset facility development, expansion, and acquisition costs in an amount not to exceed One Million Eight Hundred Forty Thousand Nine Hundred Sixty Seven Dollars (\$1,840,967.00). This inducement shall be payable in five installments over a five year period, calculated as a performance grant equal to seventy-five percent (75.0%) of the actual property tax valuation for real and personal property taxes due in each year of the 5-year grant period. The first installment shall occur during January of the 2021 calendar year upon receipt of proof, as described in Section 5 of this Agreement, that the minimum employment and investment numbers referenced in Section 2 of this Agreement have been met and that all local property taxes on the real and business personal property owned by the Company and located within Orange County have been paid. Subsequent annual installments will occur during the month of January for the term of this Agreement with the final installment occurring in January 2026. No installment shall be required to be paid until such time as County receives proof of the payment of all property taxes and verification of employment and investment levels has been submitted to the County.

B. TOTAL COUNTY COMMITMENT: **The total County commitment for the Inducement Grant outlined in Section 3.A. above shall not exceed One Million Eight Hundred Forty Thousand Nine Hundred Sixty Seven Dollars (\$1,840,967.00).**

4. EXPANSION OPPORTUNITY

Participation in this Agreement shall not exclude the Company from consideration for additional inducements from the County either during or upon completion of this Agreement. Future projects shall be considered on a case-by-case basis and induced at the discretion of the County based on new taxable investment and job creation in excess of the minimum levels outlined in Section 2 above. Any such agreement shall require a separate "Performance Agreement" which shall conform to all relevant North Carolina Statutes and/or Orange County Ordinances, Policies or Resolutions, shall be in writing, and shall be mutually agreed upon by the Parties.

5. PROOF AND CERTIFICATION

The officials of Parties to this Agreement shall furnish the necessary reports and certificates to verify that each Party's respective goals are met. Once the Company maintains its investment and employment goals for the term of this Agreement it will no longer need to furnish these reports.

Acceptable forms of proof for taxable investment shall be the records of the County Tax Administrator. Acceptable forms of proof of payment of taxes shall be in the form of cancelled checks and receipts of payment from the County Tax Administrator. Acceptable forms of proof for employment numbers shall be in the form of a notarized statement from a North Carolina licensed Certified Public Accountant and shall be verified by the North Carolina Employment Security Commission.

6. REMEDY

A. INDUCEMENT PACKAGE: If the County does not meet and maintain the terms set forth in the inducement package, the Company has the option to the rights set forth in Section 11.A. of this Agreement upon thirty (30) days written notice to the County.

B. DELAY OF INDUCEMENT PACKAGE INITIATION: If the Company does not meet employment and investment goals that are to be met pursuant to this Agreement by December 31, 2020, the onset of this Agreement may be delayed one (1) year, at the option of the Company. Written notification of a request to delay onset must be received by the County no later than December 31, 2020. In that event this Agreement shall initiate no later than December 31, 2021 and shall expire no later than January 31, 2026.

C. INVESTMENT AND EMPLOYMENT PACKAGE: If the Company does not meet and maintain either the investment or employment goals within the annual timetable set forth in this Agreement, and does not opt to delay the onset of this Agreement as described above, then the county will reduce the annual installment payment as set forth in Section 2.D. of this Agreement until such time as the Company once again meets both the investment and employment goals. Reduction shall be computed, exclusively by the County, based on the percentage of the goal not met. In order to qualify for the full reimbursement, including recovery of any prior reductions, both investment and employment must meet or exceed the minimum standards outlined above prior to the natural termination of this Agreement.

7. SEVERABILITY

If any term or provision of this Agreement is held to be illegal, invalid, or unenforceable, the legality, validity, or enforceability of the remaining terms, or provisions of this Agreement shall not be affected thereby; and in lieu of such illegal, invalid or unenforceable term or provision, there shall be added by mutually agreed upon written amendment to this Agreement, a legal, valid, or enforceable term or provision, as similar as possible to the term or provision declared illegal, invalid, or unenforceable.

8. COMPLIANCE WITH THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT OF NORTH CAROLINA GENERAL STATUTES

All appropriations and expenditures pursuant to this Agreement shall be subject to the provisions of the Local Government Budget and Fiscal Control Act of the North Carolina General Statutes for cities and counties and shall be listed in the annual report submitted to the Local Government Commission by the County.

9. GOVERNING LAWS & FORUM

This Agreement shall be governed and construed by the Laws of the State of North Carolina. Any action brought to enforce or contest any term or provision of this Agreement shall be brought in the North Carolina General Court of Justice sitting in Orange County, North Carolina. The Parties hereto stipulate to the jurisdiction of said court.

10. INDEMNIFICATION

The Company hereby agrees to indemnify, protect and save the County and its officers, directors, and employees harmless from all liability, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, up to the amount of the Inducement Grant including reasonable attorneys' fees, arising out of, connected with, or resulting directly or indirectly from the business, construction, maintenance, or operations of the Company or the Company's Mebane Facility or the transactions contemplated by or relating to this Agreement, including without limitation, the possession, condition, construction or use thereof, insofar as such matters relate to events subject to the control of the Company and not the County. To the extent authorized by North Carolina law the County hereby agrees to indemnify, protect and save the Company and its officers, directors, and employees harmless from all liability, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, including reasonable attorneys' fees, arising out of, connected with, or resulting directly or indirectly from the performance of this Agreement attributable to the negligence or misconduct of the County, its officers or employees. The indemnification arising under this Article shall survive the Agreement's termination.

11. TERMINATION

A. COMPANY: Upon Company's meeting its Employment and Investment obligations as set out in Section 2 above and upon Company's certification to such and certification of the payment of all real and personal property taxes, as set out in Section 5 above, then upon the occurrence of any of the following events, the Company shall have the option of terminating this Agreement: Failure of the County, to provide the initial inducement installment as provided in Section 3 of this Agreement; or, under the same circumstances, failure of the County to make future inducement installments, as provided for in Section 3 of this Agreement. Should the Company exercise its option to terminate this Agreement, pursuant to this Section for failure by the County, the Company shall be entitled to retain all funds paid to or for the benefit of the Company pursuant to this Agreement. Should the Company terminate this Agreement of its unilateral choice, regardless of any of the above incidences of default, the Company shall repay to the County all funds paid to or for the benefit of the Company pursuant to this Agreement. Thereafter, the County shall have no further obligation to make inducement installments annually or otherwise. Any such termination of this Agreement by the Company shall be in writing and shall meet notice requirements as set out herein.

B. COUNTY: The County shall have the option of terminating this Agreement upon any Abandonment of Operations by the Company, without penalty to the County, which option shall be executed by giving written notice to the Company. Abandonment of Operations shall be defined as a period in excess of four (4) weeks during which the Company's level of Full Time Equivalent Employees or Direct Investment goes below twenty percent (20%) of the guaranteed minimum levels of performance commitments for either Full Time Equivalent Employees or Direct Investment as reflected in Section 2 above. Notwithstanding the foregoing, if the aforesaid decline in the number of full time equivalent employees or the Company's failure to make the required direct investments is attributable to a substantial overall national economic decline (as such may be recognized by the United States Bureau of Labor Statistics), this shall not be deemed an abandonment of operations entitling the County to terminate this Agreement, and the Company shall not be deemed in default. In such event, the Company's and the County's obligations shall be suspended for one year and resume thereafter. If after one

year the aforesaid substantial decline continues the County may declare an Abandonment of Operations and proceed as set forth herein.

C. NATURAL: In any event, the above terms notwithstanding, this Agreement shall terminate upon the 31st day of January of the year in which the final financial inducement installment is made.

12. LIMITATION OF COUNTY'S OBLIGATION

NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED OR INTERPRETED AS CREATING A PLEDGE OF THE FAITH AND CREDIT OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL DEBT LIMITATION. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED OR INTERPRETED AS DELEGATING GOVERNMENTAL POWERS NOR AS A DONATION OR A LENDING OF THE CREDIT OF THE COUNTY WITHIN THE MEANING OF THE STATE CONSTITUTION. THIS AGREEMENT SHALL NOT DIRECTLY OR INDIRECTLY OR CONTINGENTLY OBLIGATE THE COUNTY TO MAKE ANY PAYMENTS BEYOND THOSE APPROPRIATED IN THE COUNTY'S SOLE DISCRETION FOR ANY FISCAL YEAR IN WHICH THIS AGREEMENT SHALL BE IN EFFECT. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED TO PLEDGE OR TO CREATE A LIEN ON ANY CLASS OR SOURCE OF THE COUNTY'S MONEYS, NOR SHALL ANY PROVISION OF THE AGREEMENT RESTRICT TO ANY EXTENT PROHIBITED BY LAW, ANY ACTION OR RIGHT OF ACTION ON THE PART OF ANY FUTURE COUNTY GOVERNING BODY. TO THE EXTENT OF ANY CONFLICT BETWEEN THIS ARTICLE AND ANY OTHER PROVISION OF THIS AGREEMENT, THIS ARTICLE SHALL CONTROL.

13. LIABILITY OF PUBLIC OFFICERS

No officer, agent or employee of the County or the Company shall be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute such documents in their official capacities only, and not in their individual capacities. This Section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

14. MISCELLANEOUS

A. ENTIRE AGREEMENT: This Agreement, including all exhibits attached, constitutes the entire contract between the parties, and this Agreement shall not be amended except in writing signed by the Parties.

B. BINDING EFFECT: Subject to the specific provisions of this Agreement, this Agreement shall be binding upon and inure to the benefit of and be enforceable by the Parties and their respective successors and assigns.

C. TIME: Time is of the essence in this Agreement and each and all of its provisions.

D. CONSTRUCTION: Nothing in this Agreement shall be construed to the effect that the County has any right to influence the Company's business decisions or to receive business information from the Company (except as expressly provided in Section 2B and Section 5 hereof).

15. NOTICES

Any notices pursuant to and/or required by this Agreement shall be in writing and shall be delivered via United States Mail, certified, return receipt requested:

If to Orange County;

County Manager

200 S. Cameron Street
Hillsborough, NC 27278

If to Medline Industries, Inc.:

Director Tax
Tax Department
Three Lakes Drive
Northfield, IL 60093

Any addressee may designate additional or different addresses for communications by notice given under this Section to the other Party.

[SIGNATURE PAGE TO FOLLOW]

AGREEMENT REVIEWED AND ACCEPTED BY:

By Medline Industries, Inc.

Dmitry Dukhan 10/4/19
Date

Dmitry Dukhan
Vice President of Real Estate
Medline Industries, Inc.

RTA K 10/4/19
Attest: Date

Title: Director, Tax Compliance & Audit

By Orange County.

Penny Rich 9/10/19
Date

Penny Rich
Chair
Orange County Commissioners

Donna Baker 9/10/19
Attest: Date

Donna Baker
Clerk to the Board
Orange County Commissioners

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]
Chief Financial Officer

Approved as to form and legal sufficiency.

[Signature]
Office of the County Attorney

**EXHIBIT A – Proposed Orange County Incentive
Project Summary Form for State of North Carolina Incentive Review**

PROJECT SUMMARY FORM

Medline Industries, Inc.

Key Dates: Enter the date that the Company anticipates:

a. Making the decision whether to locate the Project in NC	<u>5</u>	<u>2019</u>
b. Making the initial capital investment related to the Project	<u>7</u>	<u>2019</u>
c. Starting construction, expansion, or renovation/upfit of the Project facility	<u>9</u>	<u>2019</u>
d. Hiring the first job related to the Project	<u>7</u>	<u>2020</u>
e. Commencing operations at the Project facility	<u>10</u>	<u>2020</u>

New Jobs By Year

2020	2021	2022	2023	2024	3-Year TOTAL	5-Year TOTAL
30	75	75	50	20	180	250

Average Wages	
Avg. Annual Wage of ALL 250 New Jobs	Minimum Avg. Annual Wage of Jobs
\$35,468	\$35,468

New Investment By Year

	2019	2020	2021	2022	2023	3-Year TOTAL	5-Year TOTAL
Real Property	\$25,000,000	\$30,000,000	\$0	\$0	\$0	\$55,000,000	\$55,000,000
Tangible Personal Property	\$3,000,000	\$7,000,000	\$100,000	\$100,000	\$100,000	\$10,100,000	\$10,300,000
Total Investment	\$28,000,000	\$37,000,000	\$100,000	\$100,000	\$100,000	\$65,100,000	\$65,300,000

**EXHIBIT B – Proposed Orange County Incentive
Legal Description of Real Property**

Owner	Property Identification Number (PIN)	Acreage
Collins, Donna G Collins Donna G Trustee	9834657934	34.37
Rohl Irell Trustee Etal Rohl, Robert D	9834756858	62.51
Whitfield, James H	9834853573	14.09
Allison, Gary L	9834856553	14.08
SL Efland Heirs LLC	9834868296	28
Brown, Martha S	9834955748	19.74

NORTH CAROLINA**CONTRACT AMENDMENT****ORANGE COUNTY**

THIS CONTRACT AMENDMENT (“Amendment”) is made and entered into this ___ day of _____, 20__ by and between **ORANGE COUNTY** (hereinafter referred to as “**County**”) and **MEDLINE INDUSTRIES, LP and MRE Propco LP** (formerly Medline Industries, Inc.) (hereinafter referred to as “**Provider**”).

WITNESSETH:

THAT WHEREAS, the County and Provider entered into a contract dated October 4, 2019, (hereinafter the “Original Agreement”), for the provision of services for incentivizing the Company’s investment in Orange County; and

WHEREAS, the County and Provider desire to amend the Original Agreement while keeping in effect all terms and conditions of the Original Agreement not inconsistent with the terms and conditions set forth below.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements made herein, the parties agree to amend the Original Agreement as shown below.

1. Pursuant to the terms of Section 6B the Commencement Date, as defined in Section 1D is amended to December 31, 2021 and the expiration date is amended to January 31, 2027. Other dates in the Original Agreement tied to rights and obligations of the parties are extended by one calendar year from the date reflected in the Original Agreement.
2. Except for the changes made herein, the Original Agreement shall remain in full force and effect to the extent it is not inconsistent with this Amendment. In the event there is a conflict between the terms of the Original Agreement and the terms of this Amendment, this Amendment shall control.

IN TESTIMONY WHEREOF, this Amendment has been executed by the parties hereto, as of the date first above written.

ORANGE COUNTY**PROVIDER**

Chair
Orange County Board of Commissioners

Kate Slattery
Vice President of Real Estate
MEDLINE INDUSTRIES, LP
MRE Propco, LP

BOCC Meeting Follow-up Actions

Meeting Date	Commissioner/ Sponsor	Description	Target Date	Department	Department Director Assigned	Status	Date Completed
1/17/2023	BOCC	Pursue opportunities to bring back a future UDO text amendment to refine parking provisions related to principal and accessory dwelling units	12/2023	Planning & Inspections	Cy Stober	Staff to pursue opportunities to bring back refinement to parking provisions, potentially in conjunction with other UDO amendments	
1/17/2023	BOCC	Investigate and pursue more options to market the Community Climate Action Grant Program and the availability of funds for climate-related projects	7/2023	Asset Management Services	Steve Arndt	Staff to pursue additional ways to market the Program, prompt greater interest in the program and broaden the pool of applications submitted	

DRAFT

Date Prepared: 01/18/23

Date Revised: 01/26/23

1/17/2023	BOCC	Provide any available data to the Board on the environmental impacts/benefits of the Community Climate Action Grant Program projects, and pursue the collection of additional data	7/2023	Asset Management Services	Steve Arndt	Data to be provided and additional data collection to be pursued	
1/17/2023	BOCC	Share the Community Climate Action Grant Program application from Chapel Hill Carrboro City Schools (CHCCS) with Orange County Schools (OCS) with the possibility that OCS could submit a similar application in the future	3/2023	Asset Management Services	Steve Arndt	CHCCS application to be shared with OCS	
1/17/2023	BOCC	Conform the Orange County 2023 Priority Legislative Issues document based on Board approval with updates provided by Commissioner Fowler	2/2023	County Manager	Bonnie Hammersley	DONE - Document conformed in preparation for February 27, 2023 Legislative Breakfast	1/26/23

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report January 20, 2023						
Tax Year 2022	Amount Charged in FY 22-23	Amount Collected	Accounts Receivable	Amount Budgeted in FY 22-23	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 172,417,590.00	\$ 167,883,857.58	5,999,418.62	172,417,590.00	\$ 4,533,732.42	97.37%
Real and Personal Prior Year Taxes	\$ 3,454,470.67	\$ 867,921.72	2,208,009.35	\$ 1,161,702.00	\$ 293,780.28	74.71%
Total	\$ 175,872,060.67	\$ 168,751,779.30	\$ 8,207,427.97	\$ 173,579,292.00	\$ 4,827,512.70	97.22%
Registered Motor Vehicle Taxes		\$6,664,685.59	\$5,446.37	\$ 11,451,880.00	\$ 4,787,194.41	58.20%
Tax Year 2021	Amount Charged in FY 21-22	Amount Collected	Accounts Receivable	Amount Budgeted in FY 21-22	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 165,001,124.00	\$ 161,218,778.72	7,037,857.04	\$ 165,001,124.00	\$ 3,782,345.28	97.71%
Real and Personal Prior Year Taxes	\$ 3,676,980.95	\$ 712,597.66	2,532,806.92	\$ 1,155,000.00	\$ 442,402.34	61.70%
Total	\$ 168,678,104.95	\$ 161,931,376.38	\$ 9,570,663.96	\$ 166,156,124.00	\$ 4,224,747.62	97.46%
Registered Motor Vehicle Taxes		\$6,131,679.93	\$6,598.08	\$ 10,770,627.00	\$ 4,638,947.07	56.93%
2022 Current Year Overall Collection Percentage - Real & Personal			96.55%			
2022 Current Year Overall Collection Percentage - with Registered Motor Vehicles			96.67%			
2021 Current Year Overall Collection Percentage - Real & Personal			95.82%			
2021 Current Year Overall Collection Percentage - with Registered Motor Vehicles			95.96%			

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-
Fiscal Year 2022-2023

Effective Date of Report: DECEMBER 31, 2022

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	56	47	34	21	14	24							
Bank attachments	12	2	8	25	11	6							
Certifications	-	-	-	-	-	-							
Rent attachments	-	-	-	-	-	-							
Housing/Escheats/Monies	8	21	25	34	9	28							
Levies	-	-	-	-	-	-							
Foreclosures initiated	2	8	7	5	-	-							
NC Debt Setoff collections	\$894.11	\$ 3,922.51	\$ 2,159.83	\$ 2,060.80	\$ 2,353.65	\$ 804.99							

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2022-23. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Dodson, Zachary G	3190419	2021	3,090	0	(27.24)		(27.24)	Double billed (clerical error)	Personal	Approve	1/18/2023	Also assessed on 946019 for 2021
Dodson, Zachary G	3190419	2022	2,990	0	(27.02)		(27.02)	Double billed (clerical error)	Personal	Approve	1/18/2023	Also assessed on 946019 for 2022
Ryan, Michael	69884949	2022	7,860	7,860	(56.18)	(\$30.00)	(86.18)	*Situs error (illegal tax)	RMV-VTS	Approve	1/18/2023	
Spitzer-Tremblay, Kathleen	62640656	2022	30,595	27,536	(28.48)		(28.48)	High mileage (appraisal appeal)	RMV-VTS	Approve	1/18/2023	
Wells, Cecilia	70123901	2022	1,050	1,050	(7.22)	(\$30.00)	(37.22)	*Situs error (illegal tax)	RMV-VTS	Approve	1/18/2023	
							\$ (206.14)	Total				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												