



**Orange County  
Board of Commissioners**

**Agenda**

**Business Meeting**

February 21, 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. Black History Month Proclamation  
b. OWASA Annual Update Presentation



## **5. Public Hearings**

- a. Unified Development Ordinance (UDO) Text Amendment – Neighborhood Information Meetings

## **6. Regular Agenda**

- a. End of Food and Nutrition Pandemic Emergency Allocations and Unwinding of the Public Health Emergency Declaration and Approval of Budget Amendment #6-A
- b. Approval of Police and Mental Health Collaborations for Diversion Programs Grant Staff Positions and Budget Amendment #6-B
- c. BOCC Boards and Commissions Assignments

## **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. Approval of the Purchase of Land Records Computer Assisted Mass Appraisal (CAMA) Software
  - c. Fiscal Year 2022-23 Budget Amendment #6
  - d. Durham & Orange Transit Plan Governance Study – Interlocal Agreement Between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and Research Triangle Regional Public Transportation Authority
  - e. North Carolina Local Government Commission Contract Amendment #2
  - f. Proposed Revisions to the Wild and Dangerous Animal Provisions in the Orange County Unified Animal Control Ordinance
  - g. Amendment to the Code of Ordinances – Emergency Proclamations

## **9. County Manager's Report**

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

## **11. \*Appointments**

## **12. Information Items**

- February 7, 2023 BOCC Meeting Follow-up Actions List
- Memorandum – Annual Report of the Community Child Protection Team (CCPT)
- Memorandum – Perry Hills Mini-Park - Project Progress Update
- Memorandum – Financial Report - Second Quarter FY 2022-23

## **13. Closed Session**

## **14. Adjournment**



*Note: Access the agenda through the County's web site, [www.orangecountync.gov](http://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](http://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 21, 2023

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

**SUBJECT:** Black History Month Proclamation

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**DEPARTMENT:** County Manager – Office of  
Equity and Inclusion

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**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Shameka Y. Fairbanks, (919) 245-2317

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**PURPOSE:** To approve a proclamation declaring February 2023 as Black History Month.

**BACKGROUND:** Carter G. Woodson and three others started Black History Month, proclaimed by every president since 1976. These Black Americans formed the Association for the Study of Negro Life and History (ASNLH), which started the idea of Black History Month in 1915, at the celebration of the fiftieth anniversary of emancipation in Washington, DC. The ASNLH, an organization whose mission was to research and promote the achievements of Black Americans and other people of African descent. The first celebration was during the week in February that encompassed Abraham Lincoln and Frederick Douglass's birthdays. In 1976, President Gerald Ford expanded the celebration to the month of February. President Ford urged Americans to "seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history." The month of February was selected to commemorate the birthdays of Lincoln and Douglass and to recognize the history of Black Americans and the historical significance they represent in the history of the United States.

This year's Black History Month theme is: From The Ground Up: Rooted In Place, Land, and Body.

County activities commemorating Black History Month include:

- **Thursday, February 2<sup>nd</sup>**, 9:00 a.m.-1:00 p.m., Diversity & Equity strategy session  
Description: As efforts begin to shape equity in the community, a strong foundation is needed. An opportunity for a candid discussion during this strategy session to build the internal infrastructure of the equity committee.  
Location: **Solid Waste Management** office (1207 Eubanks Road, Chapel Hill, NC 27516)  
\*\*Internal Orange County Staff only.
- **Friday, February 3<sup>rd</sup>**, 6:00 p.m.-9:00 p.m., Community Canvas  
Description: A family affair as Black History Month kicked off! All visitors were welcome to come join and contribute to the community canvas. A local artist helped guide everyone

and paint a masterpiece focusing on this month's theme: *From the Ground Up: Rooted in place, land, and body.*

Location: Orange County Arts Commission, Eno River Mill, 437 Dimmocks Mill Rd. Suite 17, Hillsborough, NC 27278

- **Tuesday, February 7<sup>th</sup>**, 12:00 p.m.-1:30 p.m., Read it and Reap  
Description: A facilitator assisted as attendees delved into a book discussion of a powerful story of a father's past and a son's future, *Between the World and Me* by Ta-Nehisi Coates. Coates wrote about race as he referenced his passion and hopes for change in society.  
Location: Orange County Public Library, 137 W. Margaret Ln., Hillsborough, NC 27278
- **Wednesday, February 15<sup>th</sup>**, 6:00 p.m.-8:00 p.m., Movie night  
Description: *My Name is Pauli Murray* reintroduces the iconic trailblazer who has been overlooked in many elements of history. A documentary on the impact of this lawyer, activist, poet, and priest who helped to transform the world.  
Location: Seymour Center Theater, 2551 Homestead Rd. Chapel Hill, NC 27516
- **Tuesday, February 21<sup>st</sup>, 10:30-12:00 p.m.** Orange County Emergency Services (or Orange County EMS) and UNC Hospital is offering a hands only CPR class. Learn how to live heart healthy and some important CPR techniques.  
Location: Rogers Road Community Center, 101 Edgar St. Chapel Hill, NC 27516
- **Thursday, February 23<sup>rd</sup>, Black History Tour, from 11:00 a.m. - 1:00 p.m. for the Roots & Soul: Walking with Pauli Murray tour provided by Whistle Stop Tours in Durham, NC.** The Office of Equity & Inclusion is offering a co-learning experience to Orange County employees. This will be an opportunity to participate in a 90-minute traveling performance through the West End neighborhood, inspired by local history and the Rev. Dr. Pauli Murray's ancestors. There will be an opportunity to witness the Fitzgerald Family's determination for emancipation as remembered through the memories and writing of the Rev. Dr. Pauli Murray. Together, attendees will unpack personal memories and embody collective responsibility with one another. Bring your curiosities; move and create with others!

This tour is a collaboration between Whistle Stop Tours and the Pauli Murray Center for History and Social Justice and is offered by the Orange County Office of Equity & Inclusion. This opportunity is open only to Orange County employees. Slots are limited, so RSVP at <https://form.jotform.com/230095861980159>. Please feel free to reach out to [equity@orangecountync.gov](mailto:equity@orangecountync.gov) should there be any questions or for assistance getting registered.

- **Sunday, February 26<sup>th</sup>**, 3:00-5:00 p.m., Pauli Murray Awards,  
Description: The 33rd Annual Pauli Murray Awards aims to recognize local Orange County residents who exude many of the qualities that the late Rev. Dr. Pauli Murray dedicated her life advocating for, such as human rights, equality and leadership. Everyone is invited for some refreshments and live music.  
Location: Whitted Building, 300 W Tryon St, Hillsborough, NC 27278
- **Monday, February 27<sup>th</sup>, 10:00 a.m.-1:00 p.m.** Orange County Emergency Services (or Orange County EMS) and UNC Hospital is offering a hands only CPR class. Learn how to live heart healthy and some important CPR techniques.

Location: Cedar Grove Community Center, 5800 NC HWY, NC-86, Hillsborough, NC 27278

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the proclamation and authorize the Chair to sign the Proclamation on behalf of the Board.

# ORANGE COUNTY BOARD OF COMMISSIONERS

## BLACK HISTORY MONTH PROCLAMATION

**WHEREAS**, it is essential to sustain a harmonious and inclusive society, Orange County discourage practices and actions deemed detrimental to the peace, welfare, and progress of our community; and

**WHEREAS**, Orange County is home to Black Americans who descend from formerly enslaved peoples who were victims of the Trans-Atlantic slave trade, captured and transported from the continent of Africa to the Americas where they were sold as property and endured brutal treatment while being forced to build and develop new lands which includes a country that they would have to fight to belong to; surviving more than 400 years of subjugation and oppression, all the while becoming a new and unique group whose lineage predates the founding of the United States of America; participants in every war fought to defend and protect this nation, even from itself, Black Americans hold a special place in the foundation of our country and continue to be the standard bearers of freedom and democracy despite the ever present residue and persistent ramifications associated with America's original sin of slavery; Black Americans worked and fought to improve their lives while facing down overt and systemic racism as well as racial violence and terror; Black Americans have, and continue to contribute to the nation's, and our community's social, economic, political, spiritual, and mental prosperity; and

**WHEREAS**, Black Americans represent a diverse group of respected residents of this country and the Orange County community; and their contributions of humanitarian knowledge, technological and societal innovations are vital components of the cultural fabric of our County, nation and world; and

**WHEREAS**, Black American experiences and unrelenting resilience inspire people in Orange County and around the world, we recognize a collective struggle for equality and inclusiveness now and into the future until our shared humanity is acknowledged and celebrated; and

**WHEREAS**, every American recognizes the need for protest and the defying of cultural norms, practices, laws and systems that are unjust, oppressive, and exclusionary; we declare this year's Black History Month theme of "From the Ground Up: Rooted in Place, Land, and Body";

**NOW, THEREFORE**, we, the Board of County Commissioners of Orange County, do proclaim February 2023 as "**BLACK HISTORY MONTH**" and encourage our residents to honor this distinctive month by becoming more enlightened as to the true history of Black Americans in this Country and in our community.

***THIS THE 21<sup>st</sup> DAY OF FEBRUARY 2023.***

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Jamezetta Bedford, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** OWASA Annual Update Presentation

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**DEPARTMENT:** Board of County Commissioners

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**ATTACHMENT(S):**

OWASA Quarterly Report

**INFORMATION CONTACT:**

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

Andrea Orbich, Orange Water and Sewer Authority, 919-537-4217

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**PURPOSE:** To receive a presentation and information from the Orange Water and Sewer Authority (OWASA) on recent activities.

**BACKGROUND:** At the beginning of each calendar year, OWASA representatives appear before the Board of Commissioners to make a presentation on recent OWASA activities. OWASA Board Chair Bruce Boehm and Jody Eimers and Ray DuBose, Orange County appointees to the OWASA Board, will present the annual update.

**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 that the Board receive the presentation and information and provide any feedback as necessary.



## Orange Water and Sewer Authority

OWASA is Carrboro-Chapel Hill's not-for-profit public service agency delivering high quality water, wastewater, and reclaimed water services.

January 26, 2023

Mayor Pam Hemminger  
Town of Chapel Hill  
405 Martin Luther King Jr.  
Blvd Chapel Hill, NC 27514

Mayor Damon Seils  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Chair Jamezetta Bedford  
Orange County Board of  
Commissioners  
Post Office Box 8181  
Hillsborough, NC 27278

Dear Mayor Hemminger, Mayor Seils, and Chair Bedford:

We are pleased to submit this report on our services, projects, and initiatives since October 2022. This report includes information on the following items:

1. PFAS Monitoring
2. Lead and Copper Rule
3. Annual Water Treatment Change
4. Affordability Program
5. Diversity and Inclusion
6. OWASA Board Updates
7. Cane Creek Reservoir Solar Array
8. Western Intake Partnership
9. AVID Tours
10. Key Infrastructure Investments

### **PFAS Monitoring:**

OWASA is continuing to make progress on the expansion of our ongoing PFAS Monitoring Program after the Environmental Protection Agency (EPA) announced updated health advisory levels on June 15, 2022, for four compounds in drinking water that are part of a group of compounds called PFAS. The Health Advisory Levels are not regulatory but are the lowest level a health effect can be measured over a lifetime of exposure, particularly among the most vulnerable members of our community.

We expect the EPA to announce new regulations on PFAS in drinking water soon; the initial schedule was for these to be released before the end of calendar year 2022. These regulations will be what OWASA, and other water providers, will be required to meet moving forward. We have expanded our ongoing PFAS monitoring to include University Lake (which was involved in the initial testing several years ago but showed lower levels than Cane Creek



Reservoir), feeder creeks flowing into Cane Creek Reservoir, and the biosolids produced at the Mason Farm Wastewater Treatment Plant.

We have engaged a consultant to assist our work in this area. We are also evaluating our treatment process and modifications that can be made in the short and long term to reduce PFAS levels in our finished drinking water.

We continue to post regular PFAS monitoring results [to our website](#) and are evaluating how to incorporate these new test sites as well as the coming regulations into that results dashboard.

The OWASA Board of Directors received an update on PFAS at a meeting on November 10, 2022. You can see the agenda for that meeting [here](#) and the meeting video [here](#).

### **Lead and Copper Rule:**

OWASA's Team and consultant are continuing work toward meeting regulations of the revised Lead and Copper Rule. The compliance date for the new rule is October 2024. OWASA has always been in full compliance with the EPA's Lead and Copper Rule. Results from our most-recent lead and copper regulatory sampling are available in our Annual Water Quality Report Card covering the 2021 calendar year. The report card is available in [English](#) and [Spanish](#) on our website.

OWASA has completed an initial lead service line inventory, but we are working to add onto the information that we currently have available from historical records and internal data. We will be publicizing information about this inventory with our community as these efforts progress.

We continue offering free lead and copper testing to customers and are trying to leverage these requests to receive verifiable information from customers on the material that makes up their service line (which connects their home plumbing to the OWASA meter).

OWASA will continue working with regional utility partners to collaborate on efficient and effective methods so that we all can work in the best interest of our customers. OWASA will be in contact with customers as further updates are available.

Members of the OWASA Team also continue working with officials at UNC – Chapel Hill as the university is investigating the cause of some lead detections at different fountains and fixtures on campus. OWASA is assisting with technical information and guidance to UNC, as well as [publishing information on our website](#) for the community in general as we have no indication there is a threat of lead being present in drinking water across the community.

### **Annual Water Treatment Change:**

In support of our commitment to provide high-quality drinking water, OWASA will temporarily alter its drinking water treatment process beginning at 12 a.m. Wednesday, March 1, 2023, and continuing through the month of March. Water will remain safe to drink during this time, but customers might notice a change in taste or odor of drinking water.

OWASA uses a combination of chlorine and ammonia, known as chloramines, to disinfect drinking water throughout the majority of the year. Each March, however, we only use chlorine for the disinfection process. This change is only for the month of March and has no impact on the safety of the drinking water.

The change in treatment process is recommended by the North Carolina Department of Environmental Quality and is standard practice among water providers, including neighboring utilities.

We will be sharing this information widely with customers ahead of the change.

### **Affordability Program:**

Affordability and service equity is a key focus area for OWASA. In our Strategic Plan approved by the OWASA Board of Directors in the fall of 2022, we identified increasing the adequacy and accessibility of our customer assistance funding through the Care to Share program.

We have submitted two funding applications to the state's Division of Water Infrastructure to identify, extend, and connect water and sewer services to low-income households within our service area. This effort was also made a priority in our recently adopted Strategic Plan.

Last summer, the OWASA Board voted to eliminate the \$45 account delinquency fee that was previously charged to customers when their service was disconnected for non-payment.

Town Councils in Carrboro and Chapel Hill have voted to dedicate a portion of ARPA funding to cover past-due debts of municipal residents on their OWASA bills that were accrued while the Orange County State of Emergency was in place for the COVID-19 pandemic. We are grateful for this funding.

The OWASA Board is scheduled to receive an update of our Affordability Program in February.

### **Diversity and Inclusion:**

Promoting diversity and inclusion is a top priority for OWASA, which has had an active Diversity and Inclusion Program since 2016. Diversity and Inclusion was also identified as an OWASA value in the Strategic Plan adopted in the fall of 2022.

We anticipate recruitment to begin in early 2023 for a Diversity and Inclusion Specialist. This will be the first position at OWASA focused solely on Diversity and Inclusion.

Internal diversity working groups are continuing their evaluation of OWASA's Diversity and Inclusion Program and how to continue to grow these efforts in the future.

### **OWASA Board Updates:**

The OWASA Board of Directors is currently one member short of a full Board after Chapel Hill-appointee David Gorelick resigned at the end of 2022. Dr. Gorelick recently accepted a Policy Fellowship with the United States State Department and has moved from the area.

In addition to the now-vacant seat, upcoming appointments this spring will be requested by Orange County and Chapel Hill. A letter was sent in January to the local governments with information to assist with recruiting and selecting members to the OWASA Board.

We appreciate your interest and action in appointing Board members as we continue critical work in the months ahead. OWASA embraces diversity and inclusion in everything we do, and we would like to encourage all interested candidates to apply for Board appointments. The only true qualification needed is a genuine commitment to serve the community.

### **Cane Creek Reservoir Solar Array:**

We are excited to announce that our fourth and largest solar array is officially online and producing clean energy.

This solar array was installed thanks in part to funding from the Orange County Community Climate Action Grant Program. We are very grateful for that support.

The latest solar array was installed at Cane Creek Reservoir and will offset over a quarter of the electricity used to pump source water to the Jones Ferry Road Water Treatment Plant to be treated and distributed to the community.

An event was held on January 24 celebrating the installation of the latest solar array in conjunction with public and private partners. At this event, we were also pleased to announce that we have met the energy management goal previously set by the OWASA Board of Directors to reduce our purchased electricity by a total of 35% from the 2010 baseline by the end of calendar year 2022.

### **Western Intake Partnership:**

OWASA and local utilities making up the Western Intake Partnership (WIP), which consists of the City of Durham, the Town of Pittsboro, and Chatham County, hosted an Open House in Chatham County on January 10 to provide an opportunity for the public to learn more and ask questions about the proposed intake and water treatment facility expected to be located on the western side of Jordan Lake.

Roughly 50 people attended the open house and expressed an interest in the regional utilities continuing their collaborative work on this issue.

This partnership is in the early stages, and OWASA will continue providing updates to the community as it progresses.

OWASA's involvement with the WIP to this point includes investing in planning, permitting, and design projects to access water from Jordan Lake. As part of this limited partnership, the Jordan Lake water treatment facility and other project components may be built on OWASA-owned property in Chatham County.

### **AVID Tours:**

OWASA was grateful to be able to host a series of tours late last fall for seventh-grade students across Chapel Hill – Carrboro City Schools (CHCCS) who are part of the AVID program. AVID is a nationwide program standing for Advancement Via Individual Determination and supports students by preparing them for continuing their education after high school. Many of these students are potentially first-generation college students or have been under-represented in collegiate prep courses in the past.

As part of this program, these students were able to tour the Jones Ferry Road Water Treatment Plant and hear from all facets of OWASA's operations. There was also a career panel with each session to show the potential areas they could focus on and find a productive career they are passionate about.

CHCCS communications personnel followed along for one of the tours and wrote an article for [the district website](#).

### **Key Infrastructure Investments:**

Several large projects investing in the community's water and wastewater infrastructure are either recently completed, underway, or soon to begin.

OWASA's contractor is nearing completion of the second phase of the West Cameron Avenue water line replacement project. The initial phase of the project was completed in August 2020 in the intersection of West Cameron Avenue and Columbia Street. Phase 2 is replacing water lines roughly from Pittsboro Street to Merritt Mill Road. The OWASA Team has been coordinating with partners at the Town of Chapel Hill and UNC throughout this project and will continue to do so. New water line installation has been completed and contractors are finishing tie ins to connect customers to the newly installed line. Repaving and restoration work will take place before the project is completed, which is expected by spring 2023.

A maintenance project will soon begin on the Reclaimed Water System that serves UNC – Chapel Hill and St. Thomas More in Chapel Hill. This project has been coordinated to take place while demand for reclaimed water is lower than other times of the year. The project is expected to be completed by May 2023.

Throughout the service area, OWASA construction crews are making progress on several smaller water line replacement projects in neighborhoods and OWASA contractors are working on rehabilitating sewers.

You can track the status of OWASA's capital projects through a dynamic map [on the OWASA website](#).

We would be happy to provide more detailed information on the items above or other topics of interest as desired. Please feel free to contact our Executive Director, Todd Taylor ([ttaylor@owasa.org](mailto:ttaylor@owasa.org) or 919-537-4216), or me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce Boehm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bruce Boehm, Chair  
OWASA Board of Directors

cc: Mr. Richard White, III, Carrboro Town Manager  
Ms. Bonnie Hammersley, Orange County Manager  
Mr. Chris Blue, Interim Chapel Hill Town Manager  
OWASA Board of Directors  
Todd Taylor, OWASA Executive Director

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** February 21, 2023

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

**SUBJECT:** Unified Development Ordinance (UDO) Text Amendment – Neighborhood Information Meetings

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

1. Statement of Approval and Consistency
2. Planning Board Recommended UDO Text Amendment
3. Planning Director Recommended UDO Text Amendment
4. Planning Board Signed Statement of Consistency and Excerpt of Draft December 7, 2022 Minutes

**INFORMATION CONTACT:**

Tyler Sliger, Planner II, (919) 245-2586  
Perdita Holtz, Deputy Director, Long-Range Planning & Administration, (919) 245-2578  
Cy Stober, Director, (919) 245-2592

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**PURPOSE:** To hold a public hearing, receive the Planning Board and staff recommendations and public comment, close the public hearing, and consider action on staff-initiated amendments to the Unified Development Ordinance (UDO) regarding proposed revisions to the current requirements for Neighborhood Information Meetings.

**BACKGROUND:** Neighborhood Information Meetings (NIMs) are a common requirement of Planning Departments throughout the state and country. NIMs are an opportunity for an “...applicant to initiate a conversation with the community members most directly affected by the proposed [action]...” (City of Raleigh). These meetings are a separate and distinct opportunity from the statutory obligations of a community to provide an applicant due process for a rezoning, major subdivision, special use permit, or similar action, as provided for by the Planning Board meeting and public hearing before either the Board of Adjustment (BOA) or the Board of County Commissioners (BOCC). NIMs are informal meetings with the community most affected by a proposed land use change. With the exception of publication of the meeting notice in a local paper of record, public notification requirements for an informal NIM are similar to that for the formal Planning Board meeting and BOA and BOCC public hearings.

Orange County’s requirement for a NIM for a special use permit (Section 2.7), conditional zoning (Section 2.9), and subdivisions (Section 2.14 & 2.15) are consistent with the requirements of North Carolina peer counties, including Chatham, Durham, and Mecklenburg. Orange County is inconsistent with these counties by having staff administer the public notification and host these informal meetings rather than the applicant. This practice has created confusion for the public regarding the respective roles of the applicant and staff at the NIM to request and represent a land use change; and to disclose the facts and the consistency of the application with Orange County’s adopted ordinances and plans. Planning staff’s role in the latter is detailed in both local and statutory language on the proceedings of the Planning Board, BOA, and BOCC in making land use determinations. Having staff present at a NIM can confuse this role, and places Planning staff in a central role at a meeting that should be a constructive discussion between the applicant and the affected community as to how a proposed project could be modified to respond to concerns before

it is presented to an appointed or elected body of Orange County. Having staff administer all aspects of these meetings also places an additional task for an informal meeting upon staff that is, appropriately, the applicant's responsibility.

The Planning Director is recommending amendment of the UDO Article 2, Sections 7, 9, 14, and 15 to:

1. Place the responsibility of scheduling a NIM upon the applicant;
2. Place the responsibility of property owner notification upon the applicant;
3. Establish a uniform property posting date of public notification sign of no less than 14 days prior to the NIM; and
4. Require the applicant to provide the Planning Department a recording and written report of the NIM at least 14 days prior to either the public meeting, public hearing, or administrative action, dependent upon the nature of the application.

The Director's recommendation differs from that of the Planning Board (see below). The UDO text amendments reflecting this recommendation are found in Attachment 3.

Joint Planning Area (JPA) Review: In accordance with the Joint Planning Agreement with the Towns of Chapel Hill and Carrboro, the amendment package was sent to the Town planning staffs on August 30, 2022. To date, Orange County staff has not received any comments from the Towns.

Planning Board Recommendation: At its December 7, 2022 meeting, the Board voted **unanimously** (9-0) to recommend **approval** of the Statement of Consistency presented by staff, and **approval with specified changes** of the UDO amendment package, with the following modification:

1. That a planning staff member attend NIM meetings, not to run them but to be there to clarify or answer questions.

The Planning Board is empowered to make a recommendation with specified changes by Section 2.8.8(B) of the Orange County UDO. Attachment 2 contains the version of the amendments recommended by the Planning Board. And excerpt of the draft meeting minutes and the signed Statement of Consistency from this meeting are included in Attachment 4 and meeting materials are available at:

<https://www.orangecountync.gov/AgendaCenter/ViewFile/Agenda/12072022-1685>

Prior to making its recommendation, the Planning Board had reviewed the materials in an "Ordinance Review Committee" meeting on October 5, 2022. Materials for this meeting are also available at: <https://orangecountync.gov/AgendaCenter/ViewFile/Agenda/10052022-1647>

The Planning Director's recommendation differs from the Planning Board's recommended approval with specified changes, and reflects of the original draft of the proposed text amendment presented by the Planning Department. Having staff present at a NIM is counterproductive to the purpose of the meeting enabling an informal discussion between an applicant and the affected community; resolving the confusion regarding Planning staff's presence at the informal NIM and their administrative and professional role at a Planning Board meeting and/or BOA or BOCC public hearing; and to the dedication of county resources in supporting a NIM, which is, appropriately, an applicant responsibility.

Planning Director's Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Approval and Consistency indicating the text amendments are reasonable and in the public interest, as contained in Attachment 1.
2. Amendments to the Unified Development Ordinance (UDO), as contained in Attachment 3.

**FINANCIAL IMPACT:** The proposed text amendments will remove the financial responsibilities of mailing notification letters to neighboring property owners within 1,000 feet of a subject property and hosting the meeting from Orange County. Should the Planning Director's recommendation be approved, the expenses for staff to attend the NIMs will also be relieved from Orange County.

**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.

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

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

1. Conduct the public hearing and receive the Planning Board and staff recommendations and public comments;
2. Close the public hearing; and
3. **Vote to Approve** the Statement of Approval and Consistency (Attachment 1) and Planning Board-recommended UDO Amendments (Attachment 2).

**OR**

**Vote to Approve** the Statement of Approval and Consistency (Attachment 1) and Planning Director-recommended UDO Amendments (Attachment 3).

**OR**

**Vote to Deny** the UDO Amendments along with either the Statement of Approval and Consistency (Attachment 1) or a stated rationale of inconsistency with the County's adopted plans.

**STATEMENT OF APPROVAL AND CONSISTENCY OF  
A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT WITH  
ADOPTED ORANGE COUNTY PLANS**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to revise its requirements for Neighborhood Information Meetings.

The Orange County Board of Commissioners hereby recommends approval of the proposed text amendment and issues this Statement of Consistency pursuant to NC GS § 160D-605 (a) *Governing Board Statement*. The Board of County Commissioners finds:

1. The requirements of UDO Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* have been met;
2. The amendment is consistent with the adopted 2030 Orange County Comprehensive Plan, as prescribed by UDO Section 1.1.5 *Statement of Intent – Amendments* and Section 1.1.7 *Conformance with Adopted Plans*;

The amendment is consistent with the applicable plan because it cultivates direct communication between the applicant and the affected public, requires four additional days for public notification, and requires a written report and record of the meeting allowing for verification of the meeting's proceedings by staff and the public, supporting the following:

- a. **Comprehensive Plan Land Use Goal 6:** A land use planning process that is transparent, fair, open, efficient, and responsive.
  - b. **Comprehensive Objective LU-6.1:** Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.
3. The amendment is reasonable and in the public interest because it encourages communication between the applicant and the public while allowing County staff to maintain neutrality.

The Board of County Commissioners hereby adopts this Statement of Approval and Consistency and the findings expressed herein.

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Jamezetta Bedford, Chair

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Date

## Attachment 2

Ordinance # ORD-2023-010

**AN ORDINANCE AMENDING THE  
UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

**Whereas**, Orange County has initiated amendments to its Unified Development Ordinance (UDO) to modify existing regulations governing Neighborhood Information Meetings, and

**Whereas**, this amendment seeks to place the responsibility of scheduling a NIM upon the applicant; place the responsibility property owner notification upon the applicant; establish a uniform property posting date of public notification sign of no less than 14 days prior to the NIM; and require the applicant to provide the Planning Department a recording and written report of the NIM at least 14 days prior to either the public meeting, public hearing, or administrative action, dependent upon the nature of the application; and

**Whereas**, staff has determined a need to provide more opportunity with respect to Efficiency Apartment standards, and

**Whereas**, the Orange County Planning Board has recommended approval of the proposed text amendments, and

**Whereas**, the County has held the required public hearing and has found the proposed text amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

**Be it ordained** by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

**Be it further ordained** that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

I, Laura Jensen, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a

meeting held on \_\_\_\_\_, 2023 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SEAL

\_\_\_\_\_

Clerk to the Board of Commissioners

The following pages contain Unified Development Ordinance (UDO) amendments to our Neighborhood Information Meeting (NIM) standards. These revisions are geared to help residents get a better understanding of projects that require a NIM.

Within this amendment package:

- Red Underlined Text: Denotes new, proposed text that staff is suggesting be added to the UDO.
- ~~Red Strikethrough Text~~: Denotes existing text that staff is proposing to delete.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at:

<http://www.orangecountync.gov/DocumentCenter/View/8305/Unified-Development-Ordinance-PDF>

## SECTION 2.7: SPECIAL USE PERMITS

### 2.7.5 Neighborhood Information Meeting

- (A) Before an Evidentiary Hearing may be held for a Special Use the applicant is required to schedule a minimum of one ~~neighborhood information meeting~~ Neighborhood Information Meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.
- (B) The applicant shall ~~obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail notices of the meeting date and time~~ send notice of the meeting via first class mail to each property owner within one thousand feet of the property for which a Special Use has been requested. The applicant shall use Orange County Land Records data to determine which parcels are within the one thousand foot notification boundary and the mailing address of the property owners.
- (C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.
- (D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of ~~40-14~~ days prior to the date of the meeting.
- (E) The meeting shall be held a minimum of 45 days prior to the date of the Evidentiary Hearing.
- ~~(F)~~ The Orange County Planning Department shall have a representative attend and observe the meeting.
- ~~(G)~~ The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before an Board of Adjustment meeting is held.
- ~~(1)~~ The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; and a summary of issues discussed at the meeting.
- ~~(F)(H)~~ Neighborhood information meetings-Neighborhood Information Meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

## SECTION 2.9: CONDITIONAL DISTRICTS

### 2.9.1 Conditional Districts

#### (D) Neighborhood Information Meeting

- (1) Before a Public Hearing may be held on an accepted application for a Conditional District, the applicant is required to schedule, ~~with the assistance of the Planning Department,~~ a minimum of one ~~neighborhood information meeting~~ Neighborhood Information Meeting (NIM). The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development project.
- (2) ~~The applicant shall obtain property owner mailing address information from the Orange County Planning Department and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a Conditional District has been requested. The applicant shall send notice of the meeting via first class mail to each property owner within one thousand feet of the property for which a Conditional District has been requested. The applicant shall use Orange County Land Records data to determine which parcels are within the one thousand foot notification boundary and the mailing address of the property owners.~~
- (3) The notices shall be mailed a minimum of 14 days prior to the date of the proposed Neighborhood Information Meeting.
- (4) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of ~~40~~ 14 days prior to the date of the meeting.
- (5) ~~The Orange County Planning Department shall have a representative attend and observe the meeting.~~
- (6) ~~The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before a Planning Board meeting is held.~~
  - (a) ~~The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.~~
- ~~(6)~~(7) The meeting shall be held a minimum of 14 days prior to the date of the Planning Board meeting where the application is scheduled for review.

## SECTION 2.14: MINOR SUBDIVISIONS

### 2.14.4 Concept Plan

- (B) **Neighborhood Information Meeting for Minor Subdivisions utilizing the Flexible Development Option**
- (1) A minor subdivision application using the Flexible Development Option shall require a Neighborhood Information Meeting (NIM) if it proposes more than five lots, excluding open space.
  - (2) ~~Upon acceptance~~As a component of a Concept Plan application, the ~~Planning Director~~ applicant shall schedule a Neighborhood Information Meeting (NIM) and shall obtain property owner mailing address information from Orange County Land Records data and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.
  - (3) Notices of the NIM shall be mailed by first class mail at least ~~ten~~ 14 days prior to the date of the meeting.
  - (4) The ~~Planning Director~~ applicant shall place a sign on the affected property indicating the total number of lots proposed, the date, time, and location of the NIM; and the Planning Department telephone number. The sign shall be posted on the affected property at least ~~seven~~ 14 days prior to the NIM. The NIM shall be held a prior to Final Plat Application submittal.
  - (5) ~~The purpose of the~~At the NIM ~~is for the,~~ the applicant to present the proposed Concept Plan to persons in attendance, shall be available to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.
  - (6) The Orange County Planning Department shall have a representative attend and observe the meeting.
  - (7) ~~The Planning Director shall explain the subdivision approval process and neighboring property owners may speak with regard to specific concerns and/or issues.~~The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before submitting a Final Plat application for the subdivision.
    - (a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.

## SECTION 2.15: MAJOR SUBDIVISIONS

### 2.15.2 Concept Plan

#### (D) Neighborhood Information Meeting

- (1) ~~Upon acceptance~~As a component of a Concept Plan application, the ~~Planning Director~~ applicant shall schedule a Neighborhood Information Meeting (NIM) and shall obtain property owner mailing address information from Orange County Land Records data and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.
- (2) Notices of the NIM shall be mailed by first class mail at least ~~14~~ten days prior to the date of the meeting.
- (3) The ~~applicant~~Planning Director shall place a sign on the affected property indicating the total number of lots proposed, the date, time, and location of the NIM; and the Planning Department telephone number. The sign shall be posted on the affected property at least ~~14~~seven days prior to the NIM. The NIM shall be held a minimum of 14 days prior to the Planning Board meeting at which the concept plan is scheduled to be reviewed.
- (4) ~~At the~~The purpose of the NIM, ~~is for,~~ the applicant to present the Concept Plan to persons in attendance, shall be available to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.
- (5) The Orange County Planning Department shall have a representative attend and observe the meeting.
- (6) ~~The Planning Director shall explain the subdivision approval process and shall identify meeting dates of the Planning Board and Board of Commissioners at which neighboring property owners may speak with regard to specific concerns and/or issues. The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before submitting the Preliminary Plat.~~
  - (a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.

## SECTION 2.24: GOVERNMENTAL USES

### 2.24.1 Applicability

The following applies to those land uses permitted within the Governmental Uses land use category as detailed within Section 5.2.

### 2.24.2 Neighborhood Information Meeting

- (A) If a proposed project has not been a part of a previous planning effort that included the opportunity for public comment and input, a ~~neighborhood information meeting~~ Neighborhood Information Meeting (NIM) shall be held prior to the submittal of a site plan application. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development.
- (1) Examples of planning efforts that generally include the opportunity for public input are: park master plans, small area plans, solid waste management master plans, library master plans, etc.
- ~~(B) The Planning Department shall assist the applicant with the scheduling of the neighborhood information meeting.~~
- ~~(C)~~(B) The applicant shall obtain property owner mailing address information from ~~the Planning Department, who shall utilize~~ Orange County Land Records data, and shall mail notices of the meeting date, place, and time via first class mail to each property owner within one thousand feet of the subject property.
- ~~(D)~~(C) The notices shall be mailed a minimum of 14 days prior to the date of the meeting.
- ~~(E)~~(D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of ~~140~~ days prior to the date of the meeting.
- ~~(F)~~(E) The applicant shall submit written certification that the notices were mailed in compliance with the requirements of this subsection. The written certification shall denote the date of the mailing as well as a synopsis of comments from the meeting as part of the site plan application. The applicant shall also provide a written response on what steps, if any, were taken to address said comments.
- ~~(F) The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting at least 14 days before the required open meeting to the Planning Department.~~
- ~~(1) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.~~
- (G) A ~~neighborhood information meeting~~ Neighborhood Information Meeting shall not be required in cases where an applicant is proposing to expand facilities less than 50% of existing floor area.

## Attachment 3

Ordinance # ORD-2023-010

**AN ORDINANCE AMENDING THE  
UNIFIED DEVELOPMENT ORDINANCE OF ORANGE COUNTY**

**Whereas**, Orange County has initiated amendments to its Unified Development Ordinance (UDO) to modify existing regulations governing Neighborhood Information Meetings, and

**Whereas**, this amendment seeks to place the responsibility of scheduling a NIM upon the applicant; place the responsibility property owner notification upon the applicant; establish a uniform property posting date of public notification sign of no less than 14 days prior to the NIM; and require the applicant to provide the Planning Department a recording and written report of the NIM at least 14 days prior to either the public meeting, public hearing, or administrative action, dependent upon the nature of the application; and

**Whereas**, staff has determined that the amendments will encourage communication between the applicant and the public while allowing County staff to maintain neutrality, and

**Whereas**, the Orange County Planning Board has recommended approval of the proposed text amendments, and

**Whereas**, the County has held the required public hearing and has found the proposed text amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

**Be it ordained** by the Board of Commissioners of Orange County that the Unified Development Ordinance of Orange County is hereby amended as depicted in the attached pages.

**Be it further ordained** that this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

I, Laura Jensen, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a

meeting held on \_\_\_\_\_, 2023 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SEAL

\_\_\_\_\_

Clerk to the Board of Commissioners

The following pages contain Unified Development Ordinance (UDO) amendments to our Neighborhood Information Meeting (NIM) standards. These revisions are geared to help residents get a better understanding of projects that require a NIM.

Within this amendment package:

- Red Underlined Text: Denotes new, proposed text that staff is suggesting be added to the UDO.
- ~~Red Strikethrough Text~~: Denotes existing text that staff is proposing to delete.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at:

<http://www.orangecountync.gov/DocumentCenter/View/8305/Unified-Development-Ordinance-PDF>

## SECTION 2.7: SPECIAL USE PERMITS

### 2.7.5 Neighborhood Information Meeting

- (A) Before an Evidentiary Hearing may be held for a Special Use the applicant is required to schedule a minimum of one ~~neighborhood information meeting~~ Neighborhood Information Meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.
- (B) The applicant shall ~~obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail notices of the meeting date and time~~ send notice of the meeting via first class mail to each property owner within one thousand feet of the property for which a Special Use has been requested. The applicant shall use Orange County Land Records data to determine which parcels are within the one thousand foot notification boundary and the mailing address of the property owners.
- (C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.
- (D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of ~~40-14~~ days prior to the date of the meeting.
- (E) The meeting shall be held a minimum of 45 days prior to the date of the Evidentiary Hearing.
- (F) The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before an Board of Adjustment meeting is held.
- (1) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; and a summary of issues discussed at the meeting.
- ~~(F)(G)~~ Neighborhood information meetings-Neighborhood Information Meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

## SECTION 2.9: CONDITIONAL DISTRICTS

### 2.9.1 Conditional Districts

#### (D) Neighborhood Information Meeting

- (1) Before a Public Hearing may be held on an accepted application for a Conditional District, the applicant is required to schedule, ~~with the assistance of the Planning Department,~~ a minimum of one ~~neighborhood information meeting~~ Neighborhood Information Meeting (NIM). The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development project.
- (2) ~~The applicant shall obtain property owner mailing address information from the Orange County Planning Department and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a Conditional District has been requested. The applicant shall send notice of the meeting via first class mail to each property owner within one thousand feet of the property for which a Conditional District has been requested. The applicant shall use Orange County Land Records data to determine which parcels are within the one thousand foot notification boundary and the mailing address of the property owners.~~
- (3) The notices shall be mailed a minimum of 14 days prior to the date of the proposed Neighborhood Information Meeting.
- (4) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of ~~40~~ 14 days prior to the date of the meeting.
- (5) The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before a Planning Board meeting is held.
  - (a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.
- ~~(5)~~(6) The meeting shall be held a minimum of 14 days prior to the date of the Planning Board meeting where the application is scheduled for review.

## SECTION 2.14: MINOR SUBDIVISIONS

### 2.14.4 Concept Plan

#### (B) Neighborhood Information Meeting for Minor Subdivisions utilizing the Flexible Development Option

- (1) A minor subdivision application using the Flexible Development Option shall require a Neighborhood Information Meeting (NIM) if it proposes more than five lots, excluding open space.
- (2) ~~Upon acceptance~~As a component of a Concept Plan application, the ~~Planning Director~~ applicant shall schedule a Neighborhood Information Meeting (NIM) and shall obtain property owner mailing address information from Orange County Land Records data and mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.
- (3) Notices of the NIM shall be mailed by first class mail at least ~~ten~~ 14 days prior to the date of the meeting.
- (4) The ~~Planning Director~~ applicant shall place a sign on the affected property indicating the total number of lots proposed, the date, time, and location of the NIM; and the Planning Department telephone number. The sign shall be posted on the affected property at least ~~seven~~ 14 days prior to the NIM. The NIM shall be held a prior to Final Plat Application submittal.
- (5) ~~The purpose of the~~At the NIM ~~is for the,~~ the applicant to present the proposed Concept Plan to persons in attendance, shall be available to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.
- (6) ~~The Planning Director shall explain the subdivision approval process and neighboring property owners may speak with regard to specific concerns and/or issues.~~The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before submitting a Final Plat application for the subdivision.
  - (a) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.

## SECTION 2.15: MAJOR SUBDIVISIONS

### 2.15.2 Concept Plan

#### (D) Neighborhood Information Meeting

- (1) ~~Upon acceptance~~As a component of a Concept Plan application, the ~~Planning Director~~ applicant shall schedule a Neighborhood Information Meeting (NIM) and ~~shall obtain property owner mailing address information from Orange County Land Records data and~~ mail notices of the meeting to each owner of property within one thousand feet of the property proposed to be subdivided.
- (2) Notices of the NIM shall be mailed by first class mail at least ~~14~~ten days prior to the date of the meeting.
- (3) The ~~applicant~~Planning Director shall place a sign on the affected property indicating the total number of lots proposed, the date, time, and location of the NIM; and the Planning Department telephone number. The sign shall be posted on the affected property at least ~~14~~seven days prior to the NIM. The NIM shall be held a minimum of 14 days prior to the Planning Board meeting at which the concept plan is scheduled to be reviewed.
- (4) ~~At the~~The purpose of the NIM, ~~is for,~~ the applicant to present the Concept Plan to persons in attendance, shall be available to answer questions about the proposed subdivision, and to receive comments from neighboring property owners for the purpose of improving the proposed subdivision design.
- (5) ~~The Planning Director shall explain the subdivision approval process and shall identify meeting dates of the Planning Board and Board of Commissioners at which neighboring property owners may speak with regard to specific concerns and/or issues. The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting to the Planning Department at least 14 days before submitting the Preliminary Plat.~~
  - (a) ~~The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.~~

## SECTION 2.24: GOVERNMENTAL USES

### 2.24.1 Applicability

The following applies to those land uses permitted within the Governmental Uses land use category as detailed within Section 5.2.

### 2.24.2 Neighborhood Information Meeting

- (A) If a proposed project has not been a part of a previous planning effort that included the opportunity for public comment and input, a ~~neighborhood information meeting~~ Neighborhood Information Meeting (NIM) shall be held prior to the submittal of a site plan application. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development.
- (1) Examples of planning efforts that generally include the opportunity for public input are: park master plans, small area plans, solid waste management master plans, library master plans, etc.
- ~~(B) The Planning Department shall assist the applicant with the scheduling of the neighborhood information meeting.~~
- ~~(C)~~(B) The applicant shall obtain property owner mailing address information from ~~the Planning Department, who shall utilize~~ Orange County Land Records data, and shall mail notices of the meeting date, place, and time via first class mail to each property owner within one thousand feet of the subject property.
- ~~(D)~~(C) The notices shall be mailed a minimum of 14 days prior to the date of the meeting.
- ~~(E)~~(D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of ~~140~~ days prior to the date of the meeting.
- ~~(F)~~(E) The applicant shall submit written certification that the notices were mailed in compliance with the requirements of this subsection. The written certification shall denote the date of the mailing as well as a synopsis of comments from the meeting as part of the site plan application. The applicant shall also provide a written response on what steps, if any, were taken to address said comments.
- ~~(F) The applicant shall submit a recording along with a written report of the Neighborhood Information Meeting at least 14 days before the required open meeting to the Planning Department.~~
- ~~(1) The written report of the meeting shall include a list of those persons and organizations contacted about the meeting and the manner and date of contact; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting; a summary of issues discussed at the meeting; and a description of any changes to the application made by the applicant as a result of the meeting.~~
- (G) A ~~neighborhood information meeting~~-Neighborhood Information Meeting shall not be required in cases where an applicant is proposing to expand facilities less than 50% of existing floor area.

**STATEMENT OF APPROVAL AND CONSISTENCY OF  
A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT WITH  
ADOPTED ORANGE COUNTY PLANS**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to revise its requirements for Neighborhood Information Meetings.

The Planning Board hereby recommends approval of the proposed text amendment and issues this Statement of Consistency pursuant to NC GS § 160D-604 (d) *Planning board review and comments – Plan consistency*. The Planning Board finds:

1. The requirements of UDO Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* have been met;
2. The amendment is consistent with the adopted 2030 Orange County Comprehensive Plan, as prescribed by UDO Section 1.1.5 *Statement of Intent – Amendments* and Section 1.1.7 *Conformance with Adopted Plans*;
3. The amendment is consistent with the applicable plan because it supports the following:
  - a. **Comprehensive Plan Land Use Goal 6:** A land use planning process that is transparent, fair, open, efficient, and responsive.
  - b. **Comprehensive Objective LU-6.1:** Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.
4. The amendment is reasonable and in the public interest because it encourages communication between the applicant and the public while allowing County staff to maintain neutrality.

The Planning Board hereby adopts this Statement of Approval and Consistency and the findings expressed herein.

  
\_\_\_\_\_  
Adam Beeman, Chair

  
\_\_\_\_\_  
Date

DRAFT

Excerpt of Draft Minutes

MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
DECEMBER 7, 2022  
REGULAR MEETING

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**MEMBERS PRESENT:** Adam Beeman (Chair), Cedar Grove Township Representative; Lamar Proctor (Vice-Chair), Cheeks Township Representative; David Blankfard, Hillsborough Township Representative; Melissa Poole, Little River Township Representative; Beth Bronson, At-Large Representative; Randy Marshall, At-Large Representative; Charity Kirk, At-Large Representative; Susan Hunter, Chapel Hill Township Representative; Statler Gilfillen, Eno Township Representative;

**MEMBERS ABSENT:** Whitney Watson, At-Large Representative; Delores Bailey, At-Large Representative; Steve Kaufmann, Bingham Township Representative;

**STAFF PRESENT:** Cy Stober, Planning & Inspections Director; Perdita Holtz, Special Projects & GIS Supervisor; Pat Mallet, Erosion Control, Stormwater & Engineering Supervisor; Taylor Perschau, Current Planning and Zoning Supervisor; Brian Collie, Planner II; Tyler Sliger, Planner II; Carlos Sanchez, Planning Technician; Tina Love, Administrative Support

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

Chair Adam Beeman called the meeting to order

\*\*\*\*\*

**AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – NEIGHBORHOOD INFORMATION MEETINGS**

- To make a recommendation to the BOCC on proposed amendments to the UDO pertaining to Neighborhood Information Meetings. This item was introduced at the August 3, 2022 ORC meeting and reviewed at the October 5, 2022 Planning Board meeting where it was continued to the next meeting. It is scheduled for a BOCC Public Hearing in January.

**PRESENTER:** Tyler Sliger, Planner II

*Tyler Sliger reviewed the proposed UDO text amendment for Neighborhood Information Meetings (NIMs)*

David Blankfard: I thought we had recommended that staff be a witness at all NIMs

Cy Stober: As with all text amendments and zoning amendments, these are reviewed by the County Attorney's Office and the legal counsel wants to leave the matter of verification open but required so that attendance at the meeting could be one form of verification but to allow for other forms of verification, streaming video, video recording to provide evidence because it doesn't rely on individual testimony should anything be taken to the Court of Appeals.

Charity Kirk: How do you know that they have posted the signs?

Tyler Sliger: In the written report we can make it a requirement that they send a picture of the posting. That is something that I do with mine when I have a NIM, I take a picture of where I put it on the property and attach it. I have it in my report that they have to fill out.

Charity Kirk: I think our problem is we want proof that citizens that are in the area are invited, are allowed to participate in the meeting and the meeting actually happened. Without someone there how do we do that?

Beth Bronson: There is a checklist, is that included in the Planning Board's agenda package?

## DRAFT

55 Tyler Sliger: Absolutely, that is something that Chatham County does with their NIMs they have a report that the  
56 applicant fills out and it's something that we would review 14 days prior to the meeting and if something is missing then  
57 it's not complete.

58  
59 Randy Marshall: I was struck by Lamar's comments and 1,000 feet in some instances seems to be too short of a  
60 distance for NIM notifications. Based on the size of the project, perhaps we should scale the size of the notification area  
61 for NIMs. For future consideration, that might be something to think about.

62  
63 Charity Kirk: Or density of the area, if it is a low density area.

64  
65 Statler Gilfillen: What you're saying makes a great deal of sense, the larger a development is the more likely it is a major  
66 corporate type of development and will have a different impact than something smaller.

67  
68 Lamar Proctor: I have 2 concerns, I looked at google maps and looked at distances and 1,000 ft. in the County is  
69 woefully inadequate. Looking at West Ten Rd., that doesn't even get you from Medline to the soccer fields and one  
70 clearly effects the other. The other thing is I think most people who attend these meeting are pretty intelligent and they  
71 know what everyone's role is, so I understand that it should be the applicant running the show but I do think it is  
72 important to have a member of Planning there to answer questions and clarify things or to correct misstatements by a  
73 developer. It makes sense that Planning shouldn't be running these things but to completely be absent seems a recipe  
74 for disaster.

75  
76 Randy Marshall: If it is a contentious meeting, there is some value in having staff there who can clarify issues.

77  
78 Tyler Sliger: There are always people that are not going to be happy about any development no matter the size. This  
79 year we had 2 or 3 and all of them were blaming Planning on why we were allowing it. It's one of those things if we are  
80 not there, we are not the problem and it's on the applicant or the developer to educate. On our website we are directing  
81 people to the planner for the project and the letters have the planner assigned to it as well. It's always an option to call  
82 or come in to discuss.

83  
84 Elizabeth Bronson: So even though you put it on the applicant you are still including the Planning Department's staff  
85 contact information so that anybody from the public can follow up with planning staff and not the applicant on the details  
86 of the project.

87  
88 Tyler Sliger: Correct, email, direct phone line, all that is provided.

89  
90 Randy Marshall: I see the role of a planner at these meetings as a referee to clarify what is allowed and not allowed so  
91 that it doesn't get into an argument between applicant and neighborhood.

92  
93 Elizabeth Bronson: I think that is stress on staff that is unrealistic expectation of staff. I don't see requiring staff to  
94 attend. If a Planning Board member wanted to attend they would have that option.

95  
96 Lamar Proctor: My concern is that a developer speaking to a poor or more rural or less educated, socioeconomically  
97 depressed area that a developer can take extreme advantage and either directly or indirectly misinform the public.  
98 There is just so much information that most people don't understand about this process that a developer who is looking  
99 to make money and profit does not have a vested interest in properly informing the public about these things.

100  
101 Beth Bronson: We would have a recording of that at a public hearing.

102  
103 Lamar Proctor: Having a recording of a bunch of people being misinformed doesn't do anything.

104  
105 Charity Kirk: The debate is down to whether we require staff to be there or not. Should we vote for it the way it is or is  
106 there discussion about something else?

107  
108 Melissa Poole: Is there a balance for any of these scenarios that have been brought forth?

109

## DRAFT

110 Cy Stober: I appreciate the concern being expressed. The intention which is not explicit in the text and we can make  
111 explicit, is that the submittal 14 days prior to the deadline for notification, whether it is the Planning Board meeting or the  
112 staff administrative approval, is to allow staff to reject the NIM if we find evidence of misinformation. That is the intention.  
113 If we need to make that explicit that can be done. Staff reserves the right to determine whether the NIM accurately  
114 represented the project or not. That is another approach we can take.

115  
116 Melissa Poole: So yes there is a checks and balance to that then my preference would be to explicitly state it. I think  
117 you would agree that you would want it to be explicitly stated. You want them to state that staff can reject on any sort of  
118 misinformation or misleading anyone.

119  
120 David Blankfard: This can cut both ways, the people attending can say they were told the wrong thing off the record so I  
121 think if we had a staff witness but not necessarily participate, it will keep the developer in line and keep the citizens in  
122 line. I think there should be a recording but I think that staff should be required or recommended to attend.

123  
124 **MOTION BY** Randy Marshall that a planning staff member attend NIM meetings, not to run them but to be there to clarify  
125 or answer questions. Seconded by Lamar Proctor

126  
127 Adam Beeman: Just so we're clear, you are requiring them to attend the NIMs.

128  
129 Randy Marshall: A planning staff member be in attendance at a NIMs meeting.

130  
131 David Blankfard: Along with all the other requirements of being recorded and being 14 days and etc.

132  
133 Randy Marshall: That's the only thing I am proposing to add.

134  
135 *Overlapping conversations*

136  
137 Beth Bronson: It's a motion to see who all on this Board is interested in having this go back.

138  
139 Adam Beeman: Requiring them to go to the meeting. That's what we are after right now are we going to approve a motion  
140 to require a staff member to attend the NIM. Is that about what you are saying? You have Lamar's second.

141  
142 Statler Gilfillen: This is asking for more time for your staff to do something in particular, do you have a comment about  
143 that?

144  
145 Cy Stober: The Planning Board is here to advise the staff on land use and development concerns. You are appointed to  
146 advise us on land use and development concerns so if in your opinion we should attend the meetings, we will attend the  
147 meeting. We will find the resources.

148  
149 Adam Beeman: Everybody satisfied?

150  
151 Beth Bronson: They did explain how they had gone to add that text amendment and they were told by the legal not to so  
152 even though we are making this motion, I'm not really sure what could happen.

153  
154 Charity Kirk: Were you told be legal not to?

155  
156 Cy Stober: We were advised by counsel not to have that be the sole method of representation of the meeting.

157  
158 Lamar Proctor: So it doesn't fall upon staff to verify the meeting in any way. Their role would be very limited and it seems  
159 to me that these UDO amendments greatly reduce the current workload on staff in terms of NIMs.

160  
161 **MOTION BY** Randy Marshall that a planning staff member attend NIM meetings, not to run them but to be there to clarify  
162 or answer questions. Seconded by Lamar Proctor

163 **MOTION PASSED 7 – 2 (BEEMAN, KIRK)**

164

## D R A F T

165 **MOTION BY** Lamar Proctor to expand the notice distance from 1,000 feet to 2,500 feet.

166  
167 Lamar Proctor: Since staff is not having to do it, it is up to the applicant to do it. I move to expand because given the  
168 rural nature of the much of Orange County that the vast expanse of spaces that I think the notice requirement, I would  
169 move to amend the notice distance from 1,000 feet to 2,500 feet.

170  
171 Charity Kirk: Is that appropriate in this?

172  
173 Cy Stober: It will need to be reviewed by legal counsel. There are statutory requirements about public notification within  
174 160D and about consistency and how we notify but as Tyler presented, NIMs are voluntary and are not governed by  
175 statute in nearly the same way a public hearing or Planning Board meeting is. That will need to be run by them but we  
176 can communicate and if we need to come back to the Planning Board with that with further commentary we will.  
177 Otherwise it would be added to the Planning Board's recommendation and presented to the BOCC as such.

178  
179 Randy Marshall: I think we need a broader discussion of that and not just have that here. Again, I would like to have a  
180 scale and not a flat square footage area.

181  
182 Cy Stober: If I may, I do have a concern about having different public notification requirement for Neighborhood  
183 Information Meetings versus Public Hearings and Planning Board meetings and essentially the different threshold being  
184 applied for public notification but really the only qualitative difference is whether its governed by statute or not. It does  
185 give me pause, I do have concerns about the legal review and I think it is deeper water than it may first seem. I am  
186 happy if directed by the Planning Board this evening to discuss it with legal, to pursue the amendment further and have  
187 the staff opinion for presentation to the Planning Board if that is the wish of the Board.

188  
189 Adam Beeman: I think it needs discussed further at a different meeting because I'd like to discuss the costs that you are  
190 going to put on the applicant now by more than doubling his area that he has to reach out to.

191  
192 Charity Kirk: Can we separate it out from this?

193  
194 Cy Stober: It already is – Mr. Proctor's amendment is separate from the text amendment.

195  
196 Charity Kirk: Are we ready to approve this and then can we ask for you to review Mr. Proctor's amendment.

197  
198 Cy Stober: He has made a motion, if there is a second or if the motion dies.

199  
200 Charity Kirk: But that's separate from this?

201  
202 Cy Stober: Yes.

203  
204 Lamar Proctor: I did make the motion so I can either withdraw it or no one can second it.

205  
206 Charity Kirk I would make a motion to discuss at a future date to increase the mailing radius.

207  
208 Lamar Proctor: I stand by my proposition that 1,000 feet is woefully inadequate. I did not consider Cy's statement that it  
209 would create a incongruence between statutory, mandated notice requirements and voluntary notice requirements and I  
210 do think that is going to give somebody a headache. I do think that this is an issue so my concern is that anything that  
211 we discuss that isn't a change to the UDO at this point is going to be months, maybe years before the opportunity comes  
212 to modify the UDO.

213  
214 Cy Stober: If you give us a deadline, we would have to report back to you by a certain date. I would ask that it not be  
215 over the holidays or for the January meeting but we would come back to you at a future Planning Board date after we  
216 have discussed it with the County Attorney's Office and have a brief information discussion item perhaps on an agenda  
217 without a lot of other particularly public hearing matters or that we have enough time to discuss it in depth.

218  
219 Randy Marshall: I propose that we take advantage of your offer and that you bring it back to us when you are ready.

220  
221 Lamar Proctor: I withdraw the motion but I would make a motion to ask Planning staff to investigate potential expansion  
222 of NIM notification and report back to the Planning Board in 120 days.

223  
224 Randy Marshall: I second

225  
226 Beth Bronson: Is it just the NIM?

227  
228 Lamar Proctor: I don't think you can mess with notification requirements for other things that are mandated by statute.  
229 Since the NIM is voluntary, my thinking is that people in the County don't know something is happening until the ground  
230 is breaking and they want to know why it is in their backyard and by that point it is way too late. I am trying to serve the  
231 citizens of Orange County to get a little bit greater increase in notice so that the word spreads.

232  
233 *Overlapping conversations*

234  
235 Adam Beeman: The motion is for the planning staff to come back within 120 days to discuss the potential expansion of  
236 the notification range on the NIMs?

237  
238 Lamar Proctor: Yes

239  
240 Charity Kirk: Notification range in general if possible.

241  
242 **MOTION BY** Lamar Proctor to ask Planning staff to investigate potential expansion of NIM notification and report back to  
243 the Planning Board in 120 days. Seconded by Randy Marshall.

244 **MOTION PASSED UNANIMOUSLY**

245  
246 Adam Beeman: So now I need a motion to approve.

247  
248 *Overlapping conversations*

249  
250 **MOTION BY** Charity Kirk to approve the UDO text amendment for the Neighborhood Information Meetings with the  
251 approved amendment and the Statement of Consistency. Seconded by Beth Bronson.

252 **MOTION PASSED UNANIMOUSLY**

253  
254 \*\*\*\*\*

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** End of Food and Nutrition Pandemic Emergency Allocations and Unwinding of the Public Health Emergency Declaration and Approval of Budget Amendment #6-A

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**DEPARTMENT:** Social Services

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**ATTACHMENT(S):**

1. Year-to-Date Budget Report

**INFORMATION CONTACT:**

Nancy Coston, 919-245-2802  
Lindsey Shewmaker, 919-245-2817

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**PURPOSE:** To receive an update regarding the impacts of the Public Health Emergency (PHE) unwinding and reduction of Food and Nutrition Services (FNS) benefits due to the end of emergency allocations, and to approve time-limited staff positions and funds to assist recipients affected by this change through Budget Amendment #6-A.

**BACKGROUND:** The PHE declaration will officially end on May 11, 2023. This will have several impacts on clients and the workload of the Department of Social Services (DSS).

Effective March 1, 2023, the emergency allocations provided through Food and Nutrition Services (FNS) will end. Households that have been receiving extra FNS benefits (called "emergency allotments") each month since March 2020 or after will see a reduction in benefits because of a federal change that ends emergency allotments for all states.

As part of the COVID-19 public health emergency, families enrolled in the FNS program in North Carolina have been receiving at least \$95 extra per month since March 2020 through emergency allotments. With the end of emergency allotments, the average FNS benefit per person per day will decrease from \$8.12 to \$5.45.

These emergency allotments have been critical in helping families compensate for financial and economic hardships due to COVID-19.

Since March 2020, an average of 6,000 Orange County households received FNS emergency allotments, giving more families access to nutritious meals that support healthy and productive lives, and bringing approximately \$1.3 million federal dollars each month into the local economy.

Effective March 2023, FNS benefits will go back to regular monthly benefit amounts issued prior to the pandemic. Beneficiaries will continue to receive regular monthly benefit amounts in March 2023 based on a person's or household's current eligibility, income, household size and other federal eligibility requirements.

The Department of Social Services anticipates some recipients will not initially understand this change and may need assistance during the transition. Staff has developed plans for outreach to the current recipients and to local human service and food providers in the community. Many families are still struggling to pay for basic needs and the community will need to help with this change.

The Department proposes to utilize \$125,000 of funds from the Social Justice Reserve Fund to provide emergency food at agency sites and to increase the support to food pantries in the County. A balance of \$12,696 would remain in the Social Justice Reserve Fund with approval of this allocation.

In addition to the FNS allotment changes, all pre-pandemic rules for eligibility in all program areas will be reinstated over the next twelve to eighteen months. This includes Medicaid, which will require the evaluation of approximately 22,000 cases over the next year and a half. The volume of work for staff will increase significantly as these changes occur.

To manage these tasks and additional work, the department proposes to add three (3) additional time-limited staff positions and to extend two (2) existing time-limited positions through June 30, 2024. These would be funded with current salary attrition, and would not require additional funding.

**FINANCIAL IMPACT:** Financial Impacts are included in the background information above. Approval would authorize the creation of three (3) time-limited FTEs, and authorize the transfer of \$125,000 in Social Justice Reserve funds to the Department of Social Services.

**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 known Orange County Environmental Responsibility Goal impact associated with this item.

**RECOMMENDATION(S):** The Manager recommends that the Board approve Budget Amendment #6-A:

- 1) authorizing three additional time-limited positions in DSS through June 30, 2024;
- 2) extending two existing time-limited positions in DSS through June 30, 2024; and
- 3) transferring \$125,000 from the Social Justice Reserve Fund to the Department of Social Services to provide food to Food and Nutrition Services recipients during the transition from pandemic emergency allocations.

## Year-To-Date Budget Summary

*Fiscal Year 2022-23*

Fund Budget Summary	General Fund
Original Budget Revenue	\$255,500,691
Interfund Transfer Revenue	\$76,740
Fund Balance Appropriation	\$2,608,888
<b>Total Original Budget</b>	<b>\$258,186,319</b>
<b>Additional Revenue Received Through Budget Amendment #6 (February 21, 2023)</b>	
Grant Funds	\$2,031,543
Non Grant Funds	\$306,600
Additional Interfund Transfer Revenue	
Additional Fund Balance Appropriation	\$12,126,566
<b>Total Amended Budget</b>	<b>\$272,651,028</b>
Dollar Change in 2022-23 Approved Budget	\$14,464,709
% Change in 2022-23 Approved Budget	5.66%

### Authorized Full Time Equivalent Positions

Original Approved Full Time Equivalent Positions (includes Permanent and Time Limited)	983.505
Changes to Full Time Equivalent Positions	6.700
Amended Approved General Fund Full Time Equivalent Positions	990.205
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2022-23</b>	<b>990.205</b>

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** Approval of Police and Mental Health Collaborations for Diversion Programs Grant Staff Positions and Budget Amendment #6-B

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**DEPARTMENT:** Criminal Justice Resource  
Department

**ATTACHMENT(S):**

Attachment 1 – Grant Award Letter  
Attachment 2 – Executed Contract Pages  
Attachment 3 – CJRD Position Cost Sheet  
Attachment 4 – Grant Budget  
Attachment 5 – Grant Organizational Chart  
Attachment 6 – Year-to-Date Budget  
Summary

**INFORMATION CONTACT:**

Caitlin Fenhagen, (919) 245-2303  
Travis Myren, (919) 245- 2308

**PURPOSE:** To consider the approval of two new staff positions funded by the Police and Mental Health Collaborations for Diversion Programs Grant, and approve Budget Amendment #6-B.

**BACKGROUND:** The Orange County Criminal Justice Resource Department (CJRD) was awarded a grant in the amount of \$1,193,745 on November 28, 2022 by the N.C. Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services. The contract for the grant, entitled *Police and Mental Health Collaborations for Diversion Programs*, was fully executed on February 2, 2023. The grant runs from January 2023 to September 30, 2025.

The grant provides for the creation of a Community Care and Diversion Response (CCDR) team coordinated by the CJRD that will enhance law enforcement diversion and collaboration for individuals with serious mental illness. The grant funds immediately provide for a 1.000 FTE position in the CJRD to serve as the Mental Health Diversion Coordinator. Additionally, the grant funds four (4) social worker positions that will operate in each of the major law enforcement agencies in Orange County: the Orange County Sheriff's Office, the Chapel Hill Police Department, the Hillsborough Police Department and the Carrboro Police Department. Finally, this grant will fund two (2) therapeutic positions that will work at Chapel Hill's Freedom House Recovery Center – a mental health clinician and a peer support specialist. These positions will be hired and managed by the independent agencies. Approval of this request will authorize 2.000 County FTE's, time-limited until September 2025 – a 1.000 FTE Mental Health Diversion Coordinator in the CJRD starting this fiscal year, and a 1.000 FTE Social Worker in the Orange County Sheriff's Office to start in the next fiscal year.

The purpose of the CCDR team is to increase and expand pre-arrest and post-charge diversion opportunities, clinical care, peer support and person-centered case management for individuals with serious mental health issues. The grant will formalize another collaboration between law enforcement agencies, the CJRD and Freedom House that will serve individuals at risk of criminal legal system involvement.

The CCDR team will focus specifically on diverting the growing population of individuals with serious mental illness and co-occurring disorders from arrest and incarceration. The CJRD Coordinator will provide supervision to the social workers embedded in the agencies and training on trauma-informed mental health interventions to the law enforcement agencies. This coordinated and collaborative team approach between clinicians, social workers, peer support and law enforcement officers will ensure greater awareness, communication and consistency in the law enforcement and treatment response to individuals with serious mental health issues who frequently interact with our law enforcement agencies, courts and behavioral health care systems.

Approval creates the following grant ordinance in the Multi-Year Grant Fund, outside of the General Fund:

***Police and Mental Health Collaboration (\$1,193,745) - Project # 71378***

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Grant Revenue	\$0	\$1,193,745	\$1,193,745
<b>Total Project Funding</b>	<b>\$0</b>	<b>\$1,193,745</b>	<b>\$1,193,745</b>

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Grant Expenditures	\$0	\$1,193,745	\$1,193,745
<b>Total Costs</b>	<b>\$0</b>	<b>\$1,193,745</b>	<b>\$1,193,745</b>

**FINANCIAL IMPACT:** Financial impacts are included in the background information above. Budget Amendment #6-B provides for the receipt of these additional funds in FY 2022-23, authorizes two time-limited positions and increases the Multi-year Grant Fund by \$1,193,745.

**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 is no Orange County Environmental Responsibility Goal impact associated with this item.

**RECOMMENDATION(S):** The Manager recommends for the Board:

- 1) approve two new grant-funded, time-limited positions of Mental Health Diversion Coordinator in the Criminal Justice Resource Department for this fiscal year and a Social Worker position in the Sheriff's Office for FY 2023-24; and
- 2) approve Budget Amendment #6-B.



NC DEPARTMENT OF  
**HEALTH AND  
 HUMAN SERVICES**  
 Division of Mental Health, Developmental  
 Disabilities and Substance Abuse Services

**ROY COOPER** • Governor  
**KODY H. KINSLEY** • Secretary  
**Mark Benton** • Chief Deputy Secretary for Health  
**Dave Richards** • Interim Director

**November 28, 2022**

**Via Email Only**

**Bonnie Hammersley**  
**Orange County Manager**  
**Criminal Justice Resource Department**  
**106 E. Margaret Lane**  
**Hillsborough, NC 27278**

**RE: Police and Mental Health Collaborations for Diversion Programs**

Dear Ms. Hammersley,

We are pleased to confirm that **Criminal Justice Resource Department** has been selected for a contract award for **Criminal Justice Resource Department** to deliver services the RFA titled ***Police and Mental Health Collaborations for Diversion Programs***. The total value of the contract will be no greater than \$1,193,750 for a period starting from January 01, 2022 or from an alternative contract start date to be negotiated and ending September 30, 2025. Funds will be reimbursed on receipt of financial reports and supporting documentation.

By accepting this award, **Criminal Justice Resource Department** agrees to submit the following data in adherence to the required reporting standards:

1. Reimbursements (Financial Status Reports)/Invoices (due by the 10<sup>th</sup> of each month)
2. Performance Measure Reports (due by the 10<sup>th</sup> of each month, quarterly, and as requested)

The funding source for this program is the through the Substance Abuse and Mental Health Services Administration (SAMSHA) American Rescue Plan Act (ARPA) funding via the Mental Health Block Grant (MHBG). The Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services will be the state's contract administrators.

DocuSigned by:

*Tracy Ginn*

4318B19F7B0F485...

**Tracy B. Ginn**  
 Operations Manager, Justice System Innovations Section  
 Division of Mental Health, Developmental Disabilities and Substance Abuse Services  
 Department of Health and Human Services

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES**

LOCATION: 306 N. Wilmington Street, Bath Building, Raleigh, NC 27601  
 MAILING ADDRESS: 3001 Mail Service Center, Raleigh, NC 27699-3001  
 www.ncdhhs.gov • TEL: 919-733-7011 • FAX: 919-508-0951

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

## GENERAL CONTRACT COVER

This contract is hereby entered into by and between the North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services (the "Division") and Orange County (the "Contractor") (referred to collectively as the "Parties").

### 1. Contract Documents:

This contract consists of the following documents, which are incorporated herein by reference:

- (a) This contract cover
- (b) The General Terms and Conditions
- (c) Scope of Work
- (d) Performance Measures Chart
- (e) The Line Item Budget
- (f) Federal Certifications
- (g) State Certification

### Incorporated By Reference

The following documents are reference materials and are available by going to the following website, [Open Window](#)

([https://openwindow.ncdhhs.gov/index.aspx?pid=doc\\_ReferenceDocuments](https://openwindow.ncdhhs.gov/index.aspx?pid=doc_ReferenceDocuments)).

- (a) Travel: Policies Governing Travel Related Expenses for Contractors
- (b) General Statutes G.S.143C6 NonState Entities Receiving State Funds
- (c) Subchapter 03M Uniform Administration of State Grants

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements.

### 2. Precedence Among Contract Documents:

In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in the contract document section, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple contract amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

### 3. Effective Period:

This contract shall be effective on 1/1/2023 and shall terminate on 9/30/2025, with the option to extend, if mutually agreed upon, through a written amendment as provided for in the General Terms and Conditions.

### 4. Contractor's Duties:

The Contractor shall provide the services as described in the scope of work and in accordance with the approved budget.

### 5. Division's Duties:

The Division shall pay the Contractor in the manner and in the amounts specified in the contract documents. The total amount paid by the Division to the Contractor under this contract shall not exceed \$1,193,745. This amount consists of \$0 in State funds, \$0 in Local funds, \$0 in Other funds and \$1,193,745 in Federal funds.

The total contract amount is \$1,193,745.

**6. Conflict of Interest Policy:**

The division has determined that this contract is not subject to N.C.G.S. 143C-6-22 & 23.

**7. Reversion of Unexpended Funds:**

Any unexpended grant funds shall revert to the Division upon termination of this contract.

**8. Grants:**

The Contractor/Grantee has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Contractor/Grantee to comply with the standards set forth in this contract.

**9. Reporting Requirements:**

The Division has determined that this is a contract for financial assistance with a Public Entity. Local governmental agencies subject to N.C.G.S. § 159-34, annual independent audit; rules and regulations, OMB Uniform Guidance 2 CFR Part 200, and N.C.G.S. § 143C-6-22, use of state funds by non state entities. If subgranting is allowable, a nongovernmental subgrantee is subject to the reporting requirements described in Uniform Administration of State Awards of Financial Assistance at 09 NCAC 03M.0205.

**10. Payment Provisions:**

Payment shall be made in accordance with the contract documents as described in the scope of work.

**11. Contract Administrators:**

All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's contract administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial contract administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its contract administrator by giving timely written notice to the other Party.

For the Division:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Tracy Ginn, Human Services Program Manager   Division of Mental Health, Developmental Disabilities and Substance Abuse Services 306 N. Wilmington Street Raleigh, NC 27699  <b>Telephone :</b> (919)-855-4720 <b>Fax:</b> (919)-508-0955 <b>Email:</b> tracy.ginn@dhhs.nc.gov	Tracy Ginn, Human Services Program Manager   Division of Mental Health, Developmental Disabilities and Substance Abuse Services 306 N. Wilmington Street Raleigh, NC 27699

For the Contractor:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Caitlin Fenhagen, Director-Justice Resource Dept Orange County PO Box 8181 Hillsboro, NC 27278  <b>Telephone:</b> (919)-245-2302 <b>Fax:</b> ( )-- <b>Email:</b> cfenhagen@orangecountync.gov	Caitlin Fenhagen, Director-Justice Resource Dept Orange County PO Box 8181 Hillsboro, NC 27278

**12. Supplementation of Expenditure of Public Funds:**

The Contractor assures that funds received pursuant to this contract shall be used only to supplement, not to supplant, the total amount of federal, state and local public funds that the Contractor otherwise expends for contract services and related programs. Funds received under this contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Contractor's total expenditure of other public funds for such services.

**13. Disbursements:**

As a condition of this contract, the Contractor acknowledges and agrees to make disbursements in accordance with the following requirements:

- (a) Implement adequate internal controls over disbursements;
- (b) Pre-audit all vouchers presented for payment to determine:
  - Validity and accuracy of payment
  - Payment due date
  - Adequacy of documentation supporting payment
  - Legality of disbursement
- (c) Assure adequate control of signature stamps/plates;
- (d) Assure adequate control of negotiable instruments; and
- (e) Implement procedures to insure that account balance is solvent and reconcile the account monthly.

**14. Outsourcing to Other Countries:**

The Contractor certifies that it has identified to the Division all jobs related to the contract that have been outsourced to other countries, if any. The Contractor further agrees that it will not outsource any such jobs during the term of this contract without providing notice to the Division.

**15. Federal Certifications:**

Individuals and Organizations receiving federal funds must ensure compliance with certain certifications required by federal laws and regulations. The contractor is hereby complying with Certifications regarding Nondiscrimination, Drug-Free Workplace Requirements, Environmental Tobacco Smoke, Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions, and Lobbying. These assurances and certifications are accompanied by a signature page and can be found in the Contractor's Managed Documents section of DHHS Open Window. The signature page is to be signed by the contractor's authorized representative.

**16. Other Requirements:**

UEI #: GFFMCW9XDA53

Federal Award Identification Number: B09SM085375

Federal Award Date: May 17, 2021

Total Amount of Federal Award: \$41,535,246

Federal Funds Obligated by this Contract: \$1,193,745

Federal Award Project Description: Block Grants for Community Mental Health Services

Name of Federal Awarding Agency: U. S. Department of Health & Human Services

CFDA Number and Name: 93.958

Is award R&D?: No

Indirect Cost Rate for the Federal Award: N/A

**Mandatory Disclosures:**

Consistent with 45 CFR 75.113, applicants and recipients must disclose in a timely manner, in writing to the HHS Office of Inspector General (OIG), all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Subrecipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the HHS OIG, all information related to violations, or suspected violations, of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Disclosures must be sent in writing to the awarding agency and to the HHS OIG at the following addresses:

U.S. Department of Health and Human Services Office of Inspector General

ATTN: Mandatory Grant Disclosures, Intake Coordinator 330 Independence Avenue,

SW, Cohen Building Room5527 Washington, DC 20201

Fax: (202) 205-0604 (Include "Mandatory Grant Disclosures" in subject line) or email: MandatoryGranteeDisclosures@oig.hhs.gov

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 remedies for noncompliance, including suspension or debarment (see 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

**The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(G)), as amended, and 2**

**C.F.R. PART 175:**

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. SAMHSA may unilaterally terminate this award, without penalty, if a private entity recipient, or a private entity subrecipient, or their employees: a) Engage in severe forms of trafficking in persons during the period of time that the award is in effect; b) Procure a commercial sex act during the period of time that the award is in effect; or, c) Use forced labor in the performance of the award or subawards under the award. The text of the full award term is available at 2 C.F.R. 175.15(b). See <http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf>.

**Accessibility Provisions:**

Grant recipients of Federal financial assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age, and in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. The HHS Office for Civil Rights also provides guidance on complying with civil rights laws enforced by HHS. Please see <http://www.hhs.gov/ocr/civilrights/understanding/section1557/index.html>. Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>. Please contact the HHS Office for Civil Rights for more information about obligations and prohibitions under Federal civil rights laws at <https://www.hhs.gov/civil-rights/index.html> or call 1-800-368-1019 or TDD 1-800-537-7697. Also note that it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=1&lvlid=6>.

**Audits:**

Non-Federal recipients that expend \$750,000 or more in federal awards during the recipient's fiscal year must obtain an audit conducted for that year in accordance with the provisions of 45 CFR 96.31. Recipients are responsible for submitting their Single Audit Reports and the Data Collections Forms (SF-FAC) electronically to the to the Federal Audit Clearinghouse Visit disclaimer page (FAC) within the earlier of 30 days after receipt or nine months after the FY's end of the audit period. The FAC operates on behalf of the OMB. For specific questions and information concerning the submission process: Visit the Federal Audit Clearinghouse at <https://harvester.census.gov/facweb> or Call FAC at the toll-free number: (800) 253-0696.

**Marijuana Restriction:**

Grant funds may not be used, directly or indirectly, to purchase, prescribe, or provide marijuana or treatment using marijuana. Treatment in this context includes the treatment of opioid use disorder. Grant funds also cannot be provided to any individual who or organization that provides or permits marijuana use for the purposes of treating substance use or mental disorders. See, e.g., 45 C.F.R. 75.300(a) (requiring HHS to ensure that Federal funding is

expended . . . in full accordance with U.S. statutory . . . requirements.); 21 U.S.C. 812(c) (10) and 841 (prohibiting the possession, manufacture, sale, purchase or distribution of marijuana). This prohibition does not apply to those providing such treatment in the context of clinical research permitted by the DEA and under an FDA-approved investigational new drug application where the article being evaluated is marijuana or a constituent thereof that is otherwise a banned controlled substance under federal law.

**17. Signature Warranty:**

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this agreement.

Signatures follow on next page

In Witness Whereof, the Contractor and the Division have executed this contract in duplicate originals, with one original being retained by each party.

**Orange County**

Bonnie B Hammersley  
Signature

02/01/2023  
Date

Bonnie B. Hammersley  
Printed Name

Orange County Manager  
Title

**Division of Mental Health, Developmental Disabilities and Substance Abuse Services, North Carolina Department of Health and Human Services**

DocuSigned by:  
Mark T. Benton  
Signature

02/02/23 | 7:49 AM EST  
Date

Mark T. Benton  
Printed Name

Deputy Secretary Of Health  
Title

New FTE Request

Attachment 3

Instructions: Using the highlighted fields in the forms below, please outline requests for additional FTEs in FY 2022-23. Budgetary estimates for employer-funded contributions will automatically populate based on the information provided in the highlighted fields. To request multiple FTEs, please duplicate this tab.

**Position Information**

Position Title	<b>Mental Health Diversion Coordinator</b>		
Request Type	<b>New FTE request</b>		
Job Class	<b>19</b>		
Position Type	<b>Permanent Time-Limited</b>		
Start Date	<b>3/1/2023</b>		
End Date	<b>6/30/2025</b>		
Hours per Week	<b>40</b>		
FTE Count Requested	<b>1</b>		
Allocation	Org:	<b>3021202010-510000</b>	Org:
	Project:	<b>MH DiversionCoordinator</b>	Project: <b>71378</b>
	Percent:	<b>100.00%</b>	Percent:
Retirement Type	<b>LOC (Non-Law Enforcement)</b>		
Funding Source	<b>Grant Revenue</b>		If both, GF pct?
Category of Request	<b>B. BOCC Goal/Initiative</b>		

**Cost Worksheet**

	Object	Account	Annual Cost	Totals	
<b>Personnel Costs</b>	510000	Permanent Personnel	60,000		
	510100	Overtime	0		
	510102	Holiday Pay	0		
	520000	Social Security	3,720		
	520001	Medicare	870		
	520100	Medical Insurance	10,163		
	520150	Dental Insurance	373		
	520160	Life Insurance	138		
	520200	Retirement	7,260		
	520205	Non-Law Enforcement 401[k]	715		
	520300	Law Enforcement 401[k]	0		
		Other			
		<b>Total Personnel Costs</b>			<b>83,239</b>
<b>Operating Costs (ongoing)</b>	530000	Travel	2,500		
	530500	Personal Mileage	1,000		
	530100	Training	1,000		
	540000	Telephone			
	540000	Cell Phone	750		
	550000	Postage	30		
	560900	Motor Pool			
	571000	Equipment Maintenance			
	581000	Other Equipment Rental/Lease)			
	581000	Pager (Equipment Rental/Lease)			
	590000	Duplicating	150		
	591000	Printing	300		
	610000	Professional Dues			
611000	Subscriptions	1,000			
620000	Department Supplies	1,000			

	621000	Office Supplies	1,000
	629000	Other Supplies	
	641000	Bonds & Insurance	
	670000	Uniform	
	671000	Clothing Allowance	
	<i>Other</i>		
	<b>Total Operating Costs</b>		<b>8,730</b>
<b>One-Time Expenses</b>	540000	Telephone & Telephone Installation	
	740000	Bookcase	200
	740000	Calculator	
	740000	Chair	200
	740000	File Cabinet	200
	740000	Side Chairs	300
	802100	Weapon	
	801000	Desk; Modular Workstation	600
	801000	PC Table/Hutch	
	802000	Vehicle	
	800100	Personal Computer	
	800100	Laptop with docking station	2,500
	800100	24" Monitor	200
		<i>Other</i>	
	<b>Total One-Time Expenses</b>		<b>4200</b>
<b>Indirect Costs</b>	For grant-funded positions (if applicable).		
<b>Total Expenses</b>			<b>\$96,169</b>

	Object	Account	Annual Revenue	
			Amount	End Date
<b>Offsetting Revenue (associated with position)</b>		Grants	96,169	
		User Fees		
		Ongoing State/Federal/Local Revenue		
		Contributions from Other Agencies		
		<i>Other (please list) ARPA</i>		
		<b>Total Offsetting Revenue</b>		<b>96,169</b>

<b>Total Budgetary Impact</b>	<b>\$0</b>
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**Budget Justification (expand as needed)**

**Rationale:** Please explain the mandate, goal/initiative, or service level increase this position would help to address.  
 This position supports case management for our Treatment Court participants. It is currently a .5FTE position and provides peer support, recovery support and holistic case management for high risk, high need treatment court participants. The pandemic has led to a dramatic increase in substance use and more complex support needs.

**Other Justification:** Please explain what needs, issues, or problems this request for additional staff addresses?  
 Our Chief District Court Judge Samantha Cabe, the Treatment Court teams and our Coordinator Sean O'Hare strongly support this increase to a full-time position. The excellent person in the position, with her own lived experience, is able to move to full-time if this is approved. We expect the courts will be able to accept more participants in need and serve them more successfully.

**Alternatives:** What alternative measures have been taken to address this need, issue, or problem?

We are seeking this 50% salary and benefits increase only and any additional operations expenses for 1.0 FTE will be covered by our CJRD ABC Bd grant for the courts. Additionally, the 50% increase is only for this FY through ARPA funding and the hope is that Opioid Litigation Settlement funds might be available to support if the need continues.

Alternatives: Is an existing FTE or additional staff currently performing this work? If the work is left undone, what are the  
No one else is performing this additional case management support. Without this, the risk of overdose, relapse and lower numbers of people being served by these intense and proven treatment courts will result.

Alternatives: Is outsourcing this function an alternative to adding new staff? Please explain why or why not.  
Since the position already exists and operating costs are covered, it is more cost-effective to propose the internal 1.0 FTE and reducing the GF benefit expenses with shared funding between GF and ARPA funds.

Outcomes/Results/Measures: At a program, department, or County level, what specific outcomes or results are expected with this  
We expect we will be able to serve more participants in need in our Family Treatment Court and our Recovery Court (criminal cases).  
We expect higher graduation rates, family reunification, and stability.

Outcomes/Results/Measures: Which of your performance measures or SMART goals will you use to measure the impact of the  
We measure graduation rates, length of recovery, reunification of families and recidivism

Office Location/Space Issues: Can the space that you currently occupy accommodate new staff? If not, what are your plans for  
Yes

For grant-funded positions:

Office Location/Space Issues: Can the space that you currently occupy accommodate new staff? If not, what are your plans for  
Yes

**Attachment 4: Budget for CJRD Coordinator and Freedom House positions beginning in February 2023, Chapel Hill Police Department SW starting February 2023, and other Law Enforcement Department SW's beginning in July 2023**

Budget Categories	Narrative	02/01/2023 -06/30/2023	07/01/2023-06/30/2024	07/01/2024-06/30/2025	07/01/2025-9/1/2025	TOTAL
<b>Human Resources</b>						\$ -
<b>Salary/Wages</b>						\$ -
Program Coordinator Salary	Based out of CJRD to coordinate other social workers, Freedom House Clinician and work with people in our jail	\$25,000	\$ 60,000.00	\$61,000	\$10,166	\$ 156,166.00
Social Worker (Chapel Hill)	Social Worker in Chapel Hill PD	See below in sub-contracting				\$ -
Social Worker (Hillsborough)	Social Worker in Hillsborough PD	See below in sub-contracting				\$ -
Social Worker (Carboro)	Social Worker in Carrboro PD	See below in sub-contracting				\$ -
Social Worker (Orange Co Sheriff Dept)	Social Worker in Orange Co. Sherriff Dept.	See below in sub-contracting				\$ -
<b>Fringe Benefits</b>						\$ -
Program Coordinator Fringe	Based out of CJRD to coordinate other social workers and work with people in our jail	\$9,683	\$ 23,239.00	\$ 23,239.00	\$3,873	\$ 60,034.00
Social Worker (Chapel Hill)	Social Worker in Chapel Hill PD	See below in sub-contracting				\$ -
Social Worker (Hillsborough)	Social Worker in Hillsborough PD	See below in sub-contracting				\$ -
Social Worker (Carboro)	Social Worker in Carrboro PD	See below in sub-contracting				\$ -
Social Worker (Orange Co Sheriff Dept)	Social Worker in Orange Co. Sherriff Dept.	See below in sub-contracting				\$ -
<b>Other</b>						\$ -
<b>Operational Expenses/Capital Outlays</b>						\$ -
<b>Supplies and Materials</b>						\$ -
Furniture	Chair \$200, file cabinet \$200, side chairs \$300, desk \$600	\$ 1,300.00				\$ 1,300.00
Other	short term food and supply needs (including purchase of meals and grocery, clothing and fast food gift cards)	\$2,000	\$8,000	\$8,000	\$100	\$ 18,100.00
Other	treatment supports such as initial meds and transportation	\$ 416.67	\$ 1,000.00	\$ 1,000.00		\$ 2,416.67
Postage	n/a paid by County	\$ -	\$ -	\$ -	\$ -	\$ -
Office Supplies	n/a paid by County	\$ -	\$ -	\$ -	\$ -	\$ -
Department Supplies	n/a paid by County	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Equipment</b>						\$ -
Communication	Staff phones @ \$35/month, \$200 for initial purchase	\$ 375.00	\$ 420.00	\$ 420.00	\$70	\$ 1,285.00
Office						\$ -
IT	laptop with dock \$2500, 24" monitor \$200	\$ 2,700.00				\$ 2,700.00
Assistive Technology						\$ -
Medical	PPE (masks, gloves, hand-sanitizer, etc)					\$ -
Scientific						\$ -
Other	cell phones for clients. 8 per month @ \$60/phone plus \$35/month phone plan for 2 months; 1 mo in 2026	\$5,200	\$12,480	\$12,480	\$1,520	\$ 31,680.00
<b>Travel</b>						\$ -
Provider Staff	Mileage for staff - estimated at \$1000/yr per staff	\$ 416.67	\$ 1,000.00	\$ 1,000.00	\$166	\$ 2,582.67
Board Members (Travel, Per Diem)						\$ -
<b>Utilities</b>						\$ -
Gas	n/a paid by County					\$ -
Electricity						\$ -
Telephone						\$ -
Water						\$ -
Other						\$ -
<b>Repair and Maintenance</b>						\$ -
	n/a paid by County					\$ -

<b>Staff Development (Provider Staff Only)</b>	One time training \$550 for REI plus CIT Mental Health First Aid Trainer Training (\$450)	\$ 1,000.00	\$ -	\$ 1,000.00
<b>Media/Communication/Public Affairs</b>				
Advertising	Printing of brochures, business cards, info cards to distribute	\$ 500.00	\$ 250.00	\$ 1,000.00
Audiovisual presentations/multimedia/tv/radio presentations				\$ -
Logos				\$ -
Publications				\$ -
Public service announcements and ads				\$ -
Reprints				\$ -
Text translation into another language	n/a - paid by County			\$ -
Websites and web materials	n/a - paid by County			\$ -
<b>Rent</b>	n/a - In Kind			\$ -
Office Space				\$ -
Equipment				\$ -
Furniture				\$ -
Vehicles				\$ -
Other				\$ -
<b>Professional Services</b>	all paid by County			\$ -
Legal				\$ -
IT				\$ -
Accounting				\$ -
Payroll				\$ -
Security				\$ -
<b>Other</b>	n/a paid by County			\$ -
Audit Services				\$ -
Service Payments				\$ -
Incentives and Participants				\$ -
Insurance and Bonding				\$ -
Not Otherwise Classified				\$ -
Subscriptions	for Coordinator position - one time purchase		\$ -	\$ -
<b>Subcontracting and Grants</b>	<b>Freedom House expenses</b>			\$ -
	<b>CLINICIAN - Mental health clinician will conduct screening and assessment of individuals entering the program and develop a recovery care plan.</b>			
Salary/Wages	Health care, Social Security, retirement and other benefits. Freedom House averages fringe benefit at 23% of salary.	\$ 12,500.00	\$ 50,000.00	\$ 50,000.00
Fringe Benefits	Two laptop computers for new hires at \$1,250 each. Licensed clinician and peer support specialist will each need laptop computers to work with the clients in jail and in the community. Cell phone cost of \$300 plus monthly service fees of \$35/mo. Cost to purchase cellular phones and pay for service plan, including unlimited data with wireless hotspot and warranty for two new hires.	\$ 2,875.00	\$ 11,500.00	\$ 11,500.00
Equipment IT: Laptop/monitor	Mileage for use of staff vehicles estimated at 2,000 total per staff person per year @ 58 cents/mile	\$ 1,250.00		\$ 1,250.00
Equipment: cell phone	Dialectical Behavioral Therapy (DBT) and Wellness Management and Recovery training for two newly hired staff. \$800 per training	\$475	\$420	\$420
Travel: Mileage	<b>PEER SUPPORT - Peer Support Specialist will support clients in the implementation of the recovery care plan</b>	\$833	\$1,160	\$1,160
Staff Development	Health care, Social Security, retirement and other benefits. Freedom House averages fringe benefit at 23% of salary.	\$ 1,600.00	\$ -	\$ 1,600.00
Salary/Wages	Two laptop computers for new hires at \$1,250 each. Licensed clinician and peer support specialist will each need laptop computers to work with the clients in jail and in the community.	\$16,666	\$ 40,000.00	\$ 40,000.00
Fringe Benefits		\$3,833	\$ 9,200.00	\$ 9,200.00
Equipment IT: Laptop/monitor		\$ 1,250.00		\$ 1,250.00

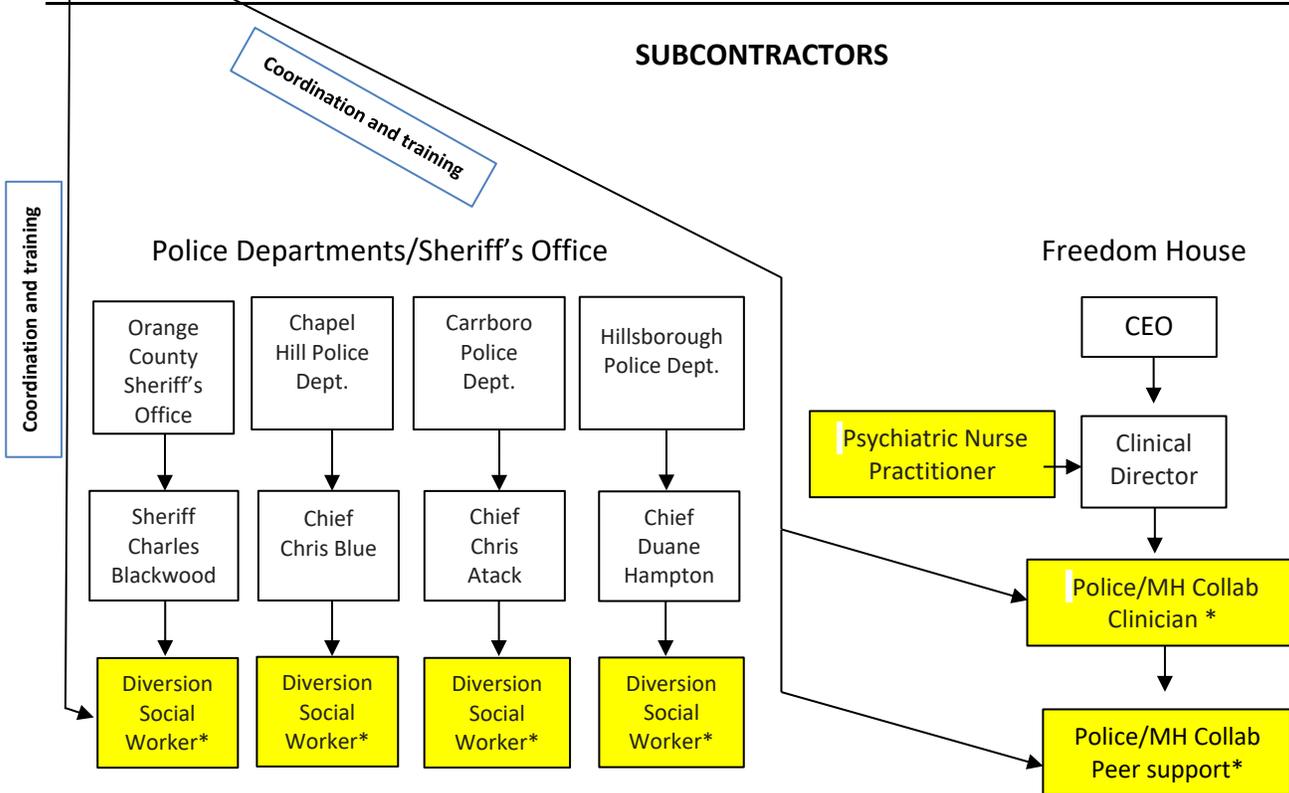
Equipment: cell phone	Cell phone cost of \$300 plus monthly service fees estimated at \$35/mo per person. Cost to purchase two cellular phones and pay for service plan, including unlimited data with wireless hotspot and warranty for two new hires.	\$475	\$420	\$420	\$	1,315.00
Travel: Mileage	Mileage for use of staff vehicles estimated at 2,000 total per staff person per year @ 58 cents/mile	\$833	\$1,160	\$1,160	\$	3,153.00
Staff Development	Dialectical Behavioral Therapy (DBT) and Wellness Management and Recovery training for two newly hired staff. \$800 per training	\$ 1,600.00	\$	-	\$	1,600.00
Indirect Costs for Freedom House	Indirect expenses for supervision, administrative staff and costs to ensure the program is managed appropriately and money is properly accounted. Cost per year is \$3,500.	\$1,458	\$3,500	\$3,500	\$	8,458.00
<b>Subcontracting and Grants</b>	<b>Orange County Sheriff Expenses</b>				\$	-
Salary/Wages	<b>Social Worker in Orange Co. Sheriff Dept.</b>		\$ 50,000.00	\$51,500	\$	101,500.00
Fringe Benefits	Fringe for Social Worker position	\$ 21,264.00	\$	21,264.00	\$	42,528.00
Equipment IT: Laptop/monitor	laptop w/ dock \$2516, 24" monitor \$30C		\$2,816		\$	2,816.00
Equipment: cell phone	\$50/month		\$600	\$600	\$	1,200.00
Equipment: Phone and installation	one time desk phone purchase and install		\$1,220		\$	1,220.00
Other: duplicating	copying expense				\$	-
Supplies/Materials: Department supplies	supplies	\$ 200.00	\$	200.00	\$	400.00
Supplies/materials: Furniture	desk \$500, chair \$120, side chair \$80, file cab \$13C		\$830		\$	830.00
Supplies/Materials: Uniform	uniform		\$250		\$	250.00
Travel: Mileage	mileage \$1000/yr	\$ 1,000.00	\$	1,000.00	\$	2,000.00
<b>Subcontracting and Grants</b>	<b>Chapel Hill Police Department Expenses</b>				\$	-
Salary/Wages	<b>Social Worker in Chapel Hill PD</b>	\$16,667	\$ 50,000.00	\$51,500	\$	118,167.00
Fringe Benefits		\$7,970	\$ 23,912.00	\$ 23,912.00	\$	55,794.00
Equipment IT: Laptop/dock	laptop 1264.14/docking station 176.95	\$ 1,441.09			\$	1,441.09
Equipment: cell phone	50/month	\$ 250.00	\$ 600.00	\$ 600.00	\$	1,450.00
Equipment: Phone and installation	department will cover				\$	-
Other: duplicating	business cards and nameplate for door	\$ 120.00	\$	-	\$	120.00
Supplies/Materials: Department supplies	department will cover	\$ -	\$	-	\$	-
Supplies/materials: furniture	department will cover				\$	-
Supplies/Materials: Uniform	department will cover				\$	-
Travel: Mileage		\$ -	\$	-	\$	-
<b>Subcontracting and Grants</b>	<b>Carrboro Police Department Expenses</b>				\$	-
Salary/Wages	<b>Social Worker in Carrboro PD</b>		\$50,000	\$51,500	\$	\$101,500
Fringe Benefits		\$ 24,138.52	\$ 24,138.52	\$ 24,138.52	\$	48,277.04
Equipment IT: Laptop/dock	laptop 1264.14/docking station 176.95		\$1,441.09		\$	1,441.09
Equipment: cell phone	\$50/month	\$ 600.00	\$ 600.00	\$ 600.00	\$	1,200.00
Equipment: Phone and installation	department will cover				\$	-
Other: duplicating	Business cards		\$100		\$	100.00
Supplies/Materials: Department supplies	department will cover		\$	-	\$	-
Supplies/materials: furniture	department will cover				\$	-
Supplies/Materials: Uniform	department will cover				\$	-
Travel: Mileage		\$ -	\$	-	\$	-
<b>Subcontracting and Grants</b>	<b>Hillsborough Police Department Expenses</b>				\$	-
Salary/Wages	<b>Social Worker in Hillsborough PD</b>	\$ 50,000.00		\$51,500	\$	\$101,500
Fringe Benefits	Benefits (FICA, Health, HAS, Dental, Life, 401K, etc...)	\$ 23,589.00	\$ 23,589.00	\$ 23,589.00	\$	47,178.00
Staff Development	training				\$	-
Equipment IT: Laptop/monitor and cell	Technology (computer, cell stipend, software licenses)		\$2,000	\$ 600.00	\$	2,600.00
Supplies/Materials: Department supplies	Office Supplied and Materials		\$400	\$ 400.00	\$	800.00
Supplies/Materials: Clothing/uniform	Clothing (HPD logoed polos and rain gear)		\$200		\$	200.00
Travel: Mileage	Transportation (mileage reimbursement)		\$300	\$ 300.00		\$600
<b>Total Budgeted Expenditures</b>					\$	1,193,744.55
<b>MAX AWARD AMOUNT</b>					\$	1,193,750.00
<b>OVER</b>					\$	(5.45)

# Organizational Chart for Police and Mental Health Diversion and Collaboration Project CJRD as main contractor and Police Departments/Sheriff's Office and Freedom House as subcontractors

## Criminal Justice Resource Department



## SUBCONTRACTORS



\* indicates new position requested by grant

## Year-To-Date Budget Summary

*Fiscal Year 2022-23*

<b>Fund Budget Summary</b>	<b>Grants Fund</b>
Original Budget Revenue	\$474,802
Interfund Transfer Revenue	\$87,786
Fund Balance Appropriation	
<b>Total Original Budget</b>	<b>\$562,588</b>
<b>Additional Revenue Received Through Budget Amendment #6 (February 21, 2023)</b>	
Grant Funds	\$2,258,400
Non Grant Funds	
Additional Interfund Transfer Revenue	\$50,000
Additional Fund Balance Appropriation	
<b>Total Amended Budget</b>	<b>\$2,870,988</b>
Dollar Change in 2022-23 Approved Budget	\$2,308,400
% Change in 2022-23 Approved Budget	486.18%

### Authorized Full Time Equivalent Positions

Original Approved Full Time Equivalent Positions (includes Permanent and Time Limited)	5.000
Changes to Full Time Equivalent Positions	2.000
Amended Approved General Fund Full Time Equivalent Positions	5.000
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2022-23</b>	<b>7.000</b>

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** BOCC Boards and Commissions Assignments

---

**DEPARTMENT:** Board of Commissioners

---

**ATTACHMENT(S):**

1. Policy Governing the Selection Process of BOCC Boards/Commissions Assignments
2. Selection Process Guide
3. Current Boards and Commissions Listing

**INFORMATION CONTACT:**

Clerk's Office, 919-245-2130

---

**PURPOSE:** To consider selecting the boards and commissions on which Board members would like to serve during the remainder of 2023.

**BACKGROUND:** BOCC members serve on various County and County-related boards and commissions. On an annual basis, BOCC members indicate their desire to continue serving on specific boards or commissions or their desire to make changes. The following attachments are provided to aid in the selection process:

Attachment 1: Policy Governing the Selection Process of BOCC Boards/Commissions Assignments

Attachment 2: Selection Process Guide

Attachment 3: Current Boards and Commissions Listing

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

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal 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 discuss and select the boards and commissions on which Board members would like to serve, and formally approve the assignments.

### **Policy Governing the Selection Process of BOCC Boards/Commissions Assignments**

1. One "Save" in order of seniority (choosing one board that they currently serve on and service as an officer is not an automatic exemption):
  - If a "Save" is skipped by a BOCC member
    - The save process continues through the remaining BOCC members
    - Then, by seniority, the members who skipped are allowed one pick so that each BOCC member has one position.
  - Appointments to regional boards are limited to four -1 year terms
  - Appointments to intra-county boards are limited to two -1 year terms

The round robin process will continue as in the past below:

2. The junior member will then pick one board first in the first round and then least senior members of the Board will choose one board on which to serve
3. In the second round, the senior member will pick first, and then the other senior members to the least senior member will pick
4. And then it is back to the junior member.....

# BOCC Boards/Commissions Assignments Selection Process Guide

# Seated BOCC Members

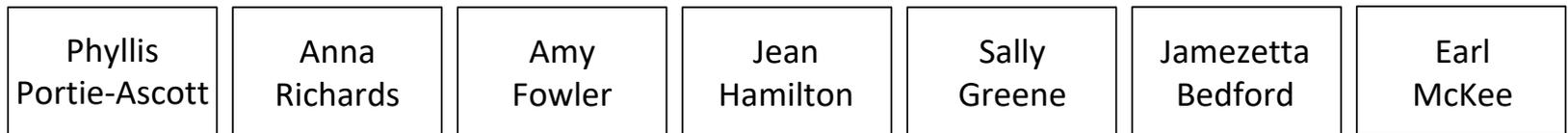
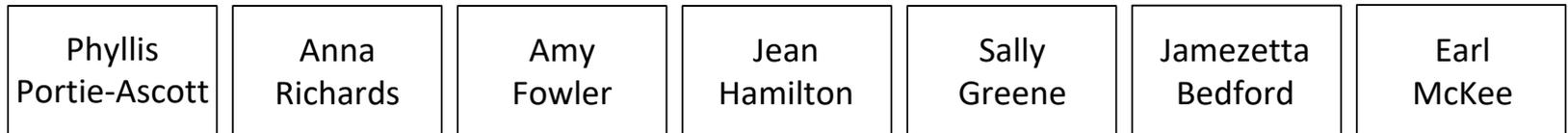
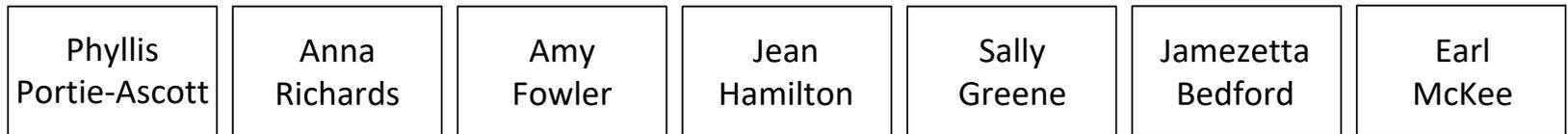
- One “Save” in order of seniority
- If a “Save” is skipped by a BOCC member
  - The save process continues through the remaining BOCC members
  - Then, by seniority, the members who skipped are allowed one pick so that each BOCC member has one position.
- Regional Boards – no more than 4 years
- Intra-County Boards – no more than 2 years

# Save Order by Seniority



Start

# Selection Order – Reverse Seniority<sup>6</sup> (after save)



## Attachment 3

Active							
Board Name	Board Type	Meeting Frequency	Meeting Date & Time	Meeting Location	# of Commissioners to Serve	2022 BOCC Member	2023 BOCC Member
ABC Board	Statutory; intra-county	Monthly	Third or Fourth Tuesday 10:00 AM	In person 601 Valley Forge Rd. Hillsborough, NC 27278	Commissioner not required (non-voting member)	Commissioner Fowler (Potentially serve Dec. 2021-Dec. 2022)	
Alliance Health Board of Directors	Statutory; regional	Monthly	First Thursday 4:00 PM	Hybrid 5200 Paramount Pkwy Morrisville, NC 27560	1 Commissioner	Commissioner Fowler (Potentially serve Dec. 2021-Dec. 2025)	
Board of Health	Statutory; intra-county	Monthly	Fourth Wednesday 7:00 PM Next meeting 2/22/23 at 7:00 PM	In person 300 W. Tryon St. Hillsborough, NC 27278	1 Commissioner	Commissioner Hamilton (Potentially serve Dec. 2020-Dec. 2022)	
Board of Social Services	Statutory; intra-county	Monthly	Third Monday 4:00 PM	Hybrid 113 Mayo St. Hillsborough, NC 27278	Commissioner not required, but typically 1 serves	Commissioner Bedford (Potentially serve Dec. 2021-Dec. 2023)	
Burlington/Graham MPO Transportation Advisory Committee	Regional	~6 times per year	Third Tuesday 5:30 PM	In person 425 Lexington Ave. Burlington, NC 27215	2 Commissioners; 1 member, 1 alternate	Commissioner Bedford-member (Potentially serve Dec. 2021-Dec. 2025) Commissioner Richards-alternate (Potentially serve Dec. 2021-Dec. 2025)	
Cooperative Extension Leadership Council	Intra-county	Quarterly	Tuesdays 4:00 PM	Hybrid 1020 US-70 West Hillsborough, NC 27278	1 Commissioner	Commissioner McKee (Potentially serve Dec. 2021-Dec. 2023)	
Durham- Chapel Hill – Carrboro Metropolitan Planning Organization Board	Regional	Monthly	Second Wednesday 9:00 AM	In person (alternate may attend virtually and not vote) 101 City Hall Plaza Durham, NC 27701 Soon changing to 4307 Emperor Blvd. Durham, NC 27703	2 Commissioners; 1 member, 1 alternate	Commissioner Bedford-member (Potentially serve Dec. 2020-Dec. 2024) Commissioner Greene-alternate (Potentially serve Dec. 2020-Dec. 2024)	

Board Name	Board Type	Meeting Frequency	Meeting Date & Time	Meeting Location	# of Commissioners to Serve	2022 BOCC Member	2023 BOCC Member
Durham Tech Board of Trustees	Intra-county	~6 times per year	Tuesdays 3:00 PM	Hybrid  Lyon Board Room, Building 5, Durham Tech Main Campus 1637 E Lawson St, Durham, NC 27703	1 Commissioner	Commissioner Price replaced by Commissioner McKee  (Potentially serve Dec. 2023-Dec. 2025)	
Family Success Alliance Advisory Council	Intra-county	~6 times per year	Mondays 1:00 PM	Virtual	1 Commissioner	Commissioner Richards  (Potentially serve Dec. 2021-Dec. 2023)	
Fire Chief's Association of Orange County	Intra-county	Bi-monthly	First Wednesdays 7:00 PM	In person  Location varies between fire stations	Commissioner not required, but can attend as guest	Commissioner McKee  (Potentially serve Dec. 2020-Dec. 2022)	
Go Triangle Board of Trustees	Regional	Monthly	Fourth Wednesday 12:00 PM  Next Meeting 2/22/23 12:00 PM	Hybrid  4600 Emperor Blvd. Durham, NC 27703	1 Commissioner	Commissioner Price replaced by Commissioner Greene  (Potentially serve Dec. 2022-Dec. 2026)	
Go Triangle Special Tax Board	Regional	Once a year; more if needed	Meets once each January and more if needed	Hybrid  4600 Emperor Blvd. Durham, NC 27703	2 Commissioners	Commissioner McKee  (Potentially serve Dec. 2019-Dec. 2023)  Commissioner Fowler  (Potentially serve Dec. 2020-Dec. 2024)	
Go Triangle Transit Advisory Committee	Regional	~6 times per year	TBD	Hybrid  4600 Emperor Blvd. Durham, NC 27703	1 Commissioner	Commissioner McKee  (Potentially serve Dec. 2021-Dec. 2025)	
Healthy Carolinians	Intra-county	Monthly  Used to be quarterly	First Wednesday 9:00 AM	Hybrid  In person location TBD	Commissioner not required; often same Commissioner as serves on the Board of Health	Commissioner Hamilton  (Potentially serve Dec. 2020-Dec. 2022)	

Board Name	Board Type	Meeting Frequency	Meeting Date & Time	Meeting Location	# of Commissioners to Serve	2022 BOCC Member	2023 BOCC Member
Intergovernmental Parks Work Group	Intra-county	Bi-annually	Wednesdays 5:30 PM	Virtual	2 Commissioners; 1 member, 1 alternate	Commissioner Richards-member  (Potentially serve Dec. 2021-Dec. 2023)  Commissioner Hamilton-Alternate  (Potentially serve Dec. 2021-Dec. 2023)	
JCPC (Orange County Juvenile Crime Prevention Council)	Intra-county	Bi-monthly	First Friday 12:00 PM	Virtual	1 Commissioner	Commissioner Fowler  (Potentially serve Dec. 2020-Dec. 2022)	
Justice Advisory Council	Intra-county	Quarterly	TBD	Virtual	2 Commissioners	Commissioner Richards  (Potentially serve Dec. 2021-Dec. 2023)  Commissioner Bedford  (Potentially serve Dec. 2021-Dec. 2023)	
Legislative Issues Work Group (LIWG)	Internal	As needed	TBD	Virtual	2 Commissioners	Commissioner Richards  (Serves through Dec. 2022)  Commissioner Price  (Serves through Dec. 2022)	
North/South Bus Rapid Transit (N/S BRT) policy committee	Intra-county	As needed	TBD	TBD	1 Commissioner	Commissioner McKee  (potentially serve Dec. 2020-Dec. 2022)	
Orange County Behavioral Health Work Group	Intra-county	Monthly	Fourth Thursday 10:00 AM  No February mtg.	Virtual	1 Commissioner	Commissioner Fowler  (Potentially serve Dec. 2020-Dec. 2022)	
Orange County Local Government Affordable Housing Collaborative	Intra-county	Monthly	First Thursday 5:30 PM	Virtual	1 Commissioner	Commissioner Greene  (Potentially serve Dec. 2020-Dec. 2022)	
Orange County Partnership for Young Children	Intra-county	Bi-monthly	Last Wednesday 8:30 AM	Virtual	1 Commissioner	Commissioner Richards  (Potentially serve Dec. 2021-Dec. 2023)	

Board Name	Board Type	Meeting Frequency	Meeting Date & Time	Meeting Location	# of Commissioners to Serve	2022 BOCC Member	2023 BOCC Member
Orange County Partnership to End Homelessness	Intra-county	Monthly	Third Monday 6:00 PM	Hybrid 104 S. Estes Dr. Chapel Hill, NC 27514	1 Commissioner	Commissioner Bedford  (Potentially serve Dec. 2020-Dec. 2022)	
Piedmont Food Processing Center	Regional	~4 times per year	TBD	In person 500 Valley Forge Rd. Hillsborough, NC 27278	1 Commissioner	Commissioner Greene  (Potentially serve Dec. 2020-Dec. 2024)	
Research Triangle Regional Partnership Executive Board	Regional	2-3 times per year	TBD	In person TBD in Raleigh	1 Commissioner	NEW BOARD	
Solid Waste Advisory Group (SWAG)	Intra-county	As needed	TBD	Hybrid 1207 Eubanks Rd. Chapel Hill, NC 27516	2 Commissioners	Commissioner Bedford  (Potentially serve Dec. 2020-Dec. 2022)  Commissioner Hamilton  (Potentially serve Dec. 2020-Dec. 2022)	
Strategic Communications Work Group	Internal	As needed	TBD	TBD	2 Commissioners	Commissioner Hamilton  (Potentially serve Dec. 2021-Dec. 2023)  Commissioner Price  (Potentially serve Dec. 2020-Dec. 2022)	
The Chamber For a Greater Chapel Hill-Carrboro Board of Directors	Intra-county	Monthly	Third Thursday 8:30 AM	In person 104 S. Estes Dr. Chapel Hill, NC 27514	1 Commissioner	Commissioner Richards  (Potentially serve Dec. 2021-Dec. 2023)	
Triangle Area Rural Planning Organization (TARPO) Transportation Advisory Committee	Regional	Bi-monthly	Second Thursday 12:00 PM	Hybrid In person location TBD	2 Commissioners; 1 member, 1 alternate	Commissioner Fowler-member  (Potentially serve Dec. 2020-Dec. 2024)  Commissioner Greene-alternate  (Potentially serve Dec. 2021-Dec. 2025)	

Board Name	Board Type	Meeting Frequency	Meeting Date & Time	Meeting Location	# of Commissioners to Serve	2022 BOCC Member	2023 BOCC Member
Triangle J. Council of Governments (TJCOG)	Regional	Monthly	Fourth Wednesday 6:00 PM Next Meeting 2/22/23 6:00 PM	Hybrid 4307 Emperor Blvd. Durham, NC 27703	2 Commissioners; 1 member, 1 alternate	Commissioner Greene-member  (Potentially serve Dec. 2018-Dec. 2022)  Commissioner Bedford-alternate  (potentially serve Dec. 2020-Dec. 2024)	
Upper Neuse River Basin Association	Regional	Bi-monthly	Third Wednesday 9:30 AM	Hybrid In person location TBD	2 Commissioners; 1 member, 1 alternate	Commissioner Greene-member  (Potentially serve Dec. 2021-Dec. 2025)  Commissioner Bedford-alternate  (Potentially serve Dec. 2021-Dec. 2025)	
Visitor's Bureau Advisory Board	Intra-county	Monthly	Third Wednesday 8:00 AM	In person  Alternates between  Residence Inn 101 Erwin Road, Chapel Hill, NC 27514  Sheraton One Europa Drive, Chapel Hill, NC 27517	1 Commissioner	Commissioner McKee  (Potentially serve Dec. 2021-Dec. 2023)	
Inactive							
Chatham Orange Joint Planning Task Force	Regional	TBD	TBD	TBD	2 Commissioners; 1 member, 1 alternate	None	
Durham-Chapel Hill-Orange Work Group	Regional	TBD	TBD	TBD	2 Commissioners	None	
Joint Public Safety Training Facility Work Group	Intra-county	As needed	TBD	TBD	2 Commissioners	Commissioner Hamilton  (Potentially serve Dec. 2020-Dec. 2022)  Commissioner Price  (Potentially serve Dec. 2021-Dec. 2023)	

Board Name	Board Type	Meeting Frequency	Meeting Date & Time	Meeting Location	# of Commissioners to Serve	2022 BOCC Member	2023 BOCC Member
Other Active Task Forces/Work Groups For Reference							
Capital Needs Work Group	Intra-county	Monthly	Third Wednesday 8:30 AM	Virtual	1 Commissioner	Commissioner Hamilton	
Library Services Task	Intra-county	Monthly	TBD	Virtual	1 Commissioner	Commissioner Fowler	
Orange County Schools Safety Task Force	Intra-county	1-2 times per month	Varies Next Meeting 2/23/23 at 5:30 pm	In person Location varies	2 Commissioners	Jean Hamilton Earl McKee	

NOTE: The Chair of the Board of County Commissioners serves as an ex-officio member of the Hillsborough Historic Commission

Meetings highlighted in yellow will occur within one week of the BOCC Boards and Commissions Assignments

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** Minutes

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**DEPARTMENT:** Board of County Commissioners

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**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: January 17, 2023 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 **January 17, 2023**  
7 **7:00 p.m.**

8 The Orange County Board of Commissioners met for a Business Meeting on Tuesday, January  
9 17, 2023 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

10  
11 **COUNTY COMMISSIONERS PRESENT:** Chair Jamezetta Bedford (arrived at 7:14 pm), Vice  
12 Chair Earl McKee, and Commissioners Amy Fowler, Sally Greene, Jean Hamilton, and Anna  
13 Richards (arrived at 7:09 pm)

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEYS PRESENT:** John Roberts

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

18 **COUNTY STAFF ABSENT:** County Manager Bonnie Hammersley

19  
20 Vice Chair McKee called the meeting to order at 7:05 p.m. All commissioners were present  
21 except Chair Bedford and Commissioner Richards.

22 Vice Chair McKee said Chair Bedford was coming from another meeting and would be  
23 late to the meeting.

24  
25 **1. Additions or Changes to the Agenda**

26 There were no changes to the agenda.

27 Vice Chair McKee dispensed with reading the public charge.

28  
29 **2. Public Comments (Limited to One Hour)**

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

31  
32 There was no one signed up to speak on matters not on the printed agenda.

33  
34 **b. Matters on the Printed Agenda**

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

36  
37 **3. Announcements, Petitions and Comments by Board Members**

38 Commissioner Fowler said she visited Volunteers for Youth this past week as part of the  
39 Juvenile Crime Prevention Council. She said it is a diversion program and it was interesting to  
40 see what services they offer. She noted they continue to have low program numbers since the  
41 pandemic began. She said she attended the ABC Board meeting this morning and they closed  
42 out 2022 with strong numbers. She noted that the Board recently appointed a new member.

43 Commissioner Greene said she represented the Board yesterday at an Martin Luther King,  
44 Jr. event at Mt. Zion in Northern Orange County. She said she and Chair Bedford went to Carol  
45 Woods' annual event for non-profits they fund and they were able to hear all of the things and  
46 causes that Carol Woods is supporting in the community. She said she chaired the meeting of  
47 the Area Agency on Aging's Advisory Council, where they received an update on North Carolina  
48 State's dementia-friendly and adaptive and inclusive plan. She said she is proud that Orange  
49 County is leading the way in being a dementia-friendly community.

50  
51 *Commissioner Richards arrived at 7:09 pm.*

1 Commissioner Hamilton wished everyone a happy new year. She said she is a member  
 2 of the Board of Health and announced that there is a vacancy on the board for a licensed dentist.  
 3 She said the Capital Needs Work Group will be meeting February 15<sup>th</sup>. She said they have made  
 4 strides in the evaluation team in looking for a consultant to do a facilities assessment of schools.  
 5 She said the candidate will be brought before the Board sometime next month. She said she and  
 6 Vice Chair McKee are involved with the Schools Safety Task Force and look forward to getting  
 7 that going in February. She said she attended the University/Community Martin Luther King, Jr.  
 8 banquet and it was wonderful to see the support of the community.

9 Commissioner Richards wished everyone a Happy New Year. She said she attended the  
 10 UNC Schools of Government's training for county commissioners the previous week. She said it  
 11 was interesting to hear from newly elected commissioners across the state and hearing how other  
 12 counties operate. She said she attended a couple of events this weekend commemorating the  
 13 Martin Luther King, Jr. holiday.

14 Vice Chair McKee said he and Chair Bedford will be attending a chair and Vice Chair  
 15 training the following week in Raleigh. He said he attended the Southern NAACP Banquet for Dr.  
 16 King on Sunday night. He thanked Commissioner Greene for speaking in his place at the Northern  
 17 NAACP event on Monday. He said the broadband initiative started two years ago is beginning to  
 18 come to fruition. He said Lumos/NorthState has released a map of the first phase and invited  
 19 residents to visit the website at [orangecountync.gov/broadband](http://orangecountync.gov/broadband). He said for anyone who is unsure  
 20 from the map whether they are in the first phase or not can contact the Community Relations  
 21 Director Todd McGee at [tmcgee@orangecountync.gov](mailto:tmcgee@orangecountync.gov) or 919-245-2302.

22  
 23 *Chair Bedford arrived at 7:14 pm.*

24  
 25 Vice Chair McKee turned the meeting over to Chair Bedford.

26 Chair Bedford said she is coming in from the Burlington-Graham MPO meeting. She said  
 27 she hopes people were able to enjoy some of the Martin Luther King, Jr. events this past weekend.  
 28

#### 29 **4. Proclamations/ Resolutions/ Special Presentations**

##### 30 **a. Resolution of Commendation for Representative David Price**

31 The Board approved a resolution of commendation for Representative David Price.

32  
 33 **BACKGROUND:** David Price was first elected to the United States House of Representatives in  
 34 1986, and served a total of 34 years as the representative for North Carolina's 4<sup>th</sup> Congressional  
 35 District. During his tenure, Representative Price advocated for issues regarding national security,  
 36 investment in education and infrastructure, housing and community development, gun violence  
 37 prevention, campaign reform, among many others. Representative Price stepped down from office  
 38 on December 31, 2022. He will be remembered as a leader and advocate for Orange County and  
 39 the 4<sup>th</sup> Congressional District who served with distinction and integrity.  
 40

41 The Commissioners read portions of the following resolution in turn:  
 42

#### 43 **ORANGE COUNTY BOARD OF COMMISSIONERS** 44 **RESOLUTION OF COMMENDATION FOR THE HONORABLE DAVID PRICE**

45  
 46 **WHEREAS,** David Price began his career in public office in 1986 when he won election to the US  
 47 House of Representatives, serving North Carolina's 4<sup>th</sup> Congressional District; and  
 48

49 **WHEREAS,** Representative Price first served in the House of Representatives from 1986 to 1994  
 50 and again from 1996 to 2022; and  
 51

1 **WHEREAS**, Representative Price served the people of the 4<sup>th</sup> Congressional District for a total of  
2 34 years with honor and distinction; and  
3

4 **WHEREAS**, as a member of the US House of Representatives, Representative Price assumed  
5 numerous roles and responsibilities, including:

- 6 ■ Member of the House Appropriations Committee, where he also served as:
  - 7 ○ Chair of the Transportation, Housing and Urban Development Appropriations
  - 8 Subcommittee;
  - 9 ○ Member of the Subcommittee on Homeland Security and the Subcommittee
  - 10 on State, Foreign, Operations, and Related Programs;
- 11 ■ Member of the House Budget Committee;
- 12 ■ Co-Chair of the House Democracy Partnership; and

13  
14 **WHEREAS**, Representative Price earned and received several meritorious awards, including:

- 15 ■ Lifetime Champion by the North Carolina Justice Center;
- 16 ■ “Legislator of the Year” by the Sierra Club of North Carolina, the North Carolina
- 17 Low-Income Housing Coalition, the National Multiple Sclerosis Society, and
- 18 other organizations; and
- 19 ■ Good Government Award from Common Cause of North Carolina; and

20  
21 **WHEREAS**, Representative Price advocated for federal programs and initiatives that created  
22 jobs, expanded opportunities, and improved the quality of life for Orange County, the  
23 4<sup>th</sup> Congressional District, and the state of North Carolina; and  
24

25 **WHEREAS**, in his final term in office, Representative Price secured \$35.9 Million in Community  
26 Project Funding for the 4th District, including funding for Pine Knolls  
27 EMPOWERment Affordable Community Housing, Chapel Hill Streetscape  
28 Improvements, Chapel Hill Transit, and Hillsborough Water and Sewer; and  
29

30 **WHEREAS**, upon his retirement from the House of Representatives on December 31, 2022,  
31 Representative Price leaves a legacy of distinguished service and outstanding  
32 dedication to the residents of the 4<sup>th</sup> Congressional District;  
33

34 **NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Board of Commissioners  
35 officially commends Representative David Price for his leadership, advocacy, and steadfast  
36 support for Orange County and the North Carolina 4<sup>th</sup> Congressional District.  
37

38 **BE IT FURTHER RESOLVED**, that this resolution shall be presented to Representative Price and  
39 spread upon the minutes of this meeting.  
40

41 This the 17<sup>th</sup> day of January, 2023.  
42

43 \_\_\_\_\_  
44 Jamezetta Bedford, Chair  
45 Orange County Board of  
46 Commissioners

47 A motion was made by Chair Bedford, seconded by Commissioner Fowler, to approve  
48 and authorize the Chair to sign the Resolution of Commendation for Representative David Price.  
49

50 **VOTE: UNANIMOUS**  
51

1 Former Congressman David Price said he is very appreciative to receive this resolution  
2 from the Board of his home county. He said he said he has collaborated with the Board on many  
3 community projects in past years. He said they received from the federal government for the  
4 Piedmont Food Processing Center, the development of infrastructure along I-85, the Farmer's  
5 Market in downtown Hillsborough, and numerous projects in the southern part of the county. He  
6 said there have been major undertakings that were team efforts along the way. He said the  
7 support from the Board of County Commissioners and county commissioners across the state  
8 and around the country have been critical in pushing Congress in doing what needed to be done  
9 in developing infrastructure, investing in manufacturing, reducing dependence on foreign  
10 resources, investing in clean energy, addressing climate change, and making healthcare more  
11 affordable and accessible. He said he is proud of these undertakings. He said there are narrow  
12 margins in the House and Senate over the past two years and feels like this is a good finale for  
13 him. He said he was glad to hear about the work on broadband infrastructure in Orange County  
14 and said there has been a gap in broadband funding for a long time. He said the 4<sup>th</sup> district has  
15 at one time or another been in twelve different counties. He said he doesn't think it was great that  
16 the districts have fluctuated as much as they have, but Orange County has always been in the  
17 district and he has enjoyed representing his home county. He said it's the honor of his life to be  
18 called Representative in the U.S. House for this area he loves.

19 The Board took a photo with former Congressman Price.

20 Vice Chair McKee said one thing that was not mentioned in the resolution was  
21 Representative Price's dedication to constituents. He said he first met him at an event in Chapel  
22 Hill, and was blown away by the courtesy and attentiveness he showed him. He said  
23 Representative Price mentored and guided him in his service on the Board of County  
24 Commissioners.

25 Former Congressman Price said it was such an honor to receive this resolution at a facility  
26 named after Richard E. Whitted. He said he was a dear friend and was instrumental in his decision  
27 to run for office. He said Mr. Whitted was a wonderful man and public servant and his life was cut  
28 short far too soon. He said it is a wonderful tribute that his name is on this facility. He said it feels  
29 like he has come full circle to receive the recognition in a facility named for Richard Whitted.

### 30 **b. Presentation of Annual Comprehensive Financial Report for FYE 6/30/2022**

31 The Board received the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended  
32 June 30, 2022.

33  
34  
35 **BACKGROUND:** The ACFR reports on all financial activity of the County for the fiscal year July  
36 1, 2021 through June 30, 2022. Mauldin and Jenkins, LLC, a firm of Certified Public Accountants,  
37 audited the financial statements. The financial statements and audit are required by Chapter 159-  
38 34 of the North Carolina General Statutes. The County prepares an Annual Comprehensive  
39 Financial Report (ACFR) that meets the standards set by the Government Finance Officers  
40 Association (GFOA). The ACFR is submitted to the GFOA in order to be awarded the Certificate  
41 of Achievement for Excellence in Financial Reporting. The financial report for the Orange County  
42 Sportsplex, as required under the management contract, is included in the County's ACFR.

43  
44 The County received an unmodified (clean) audit opinion on the financial statements received  
45 from the audit. The financial audit results indicate compliance with County financial policies. The  
46 Chief Financial Officer and representatives of Mauldin and Jenkins LLC will cover highlights of  
47 the report and answer any questions.

48  
49 Gary Donaldson, Chief Financial Officer, introduced Tim Lyons, Engagement Partner from  
50 Mauldin and Jenkins LLC.

51

1 Tim Lyons, gave the following PowerPoint presentation:

2

3 Slide #1



**Presentation of Audit Results  
June 30, 2022**

4

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6 Slide #2



*Orange County, North Carolina*

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### Agenda

- Engagement Team
- Overview of:
  - Audit Opinion
  - Financial Trends
  - Compliance Report
- Required Communications
- Accounting Recommendations and Related Matters
- Answer Questions

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Tim Lyons invited the Board to ask questions throughout his presentation.

## 1 Slide #3



Orange County, North Carolina



Engagement Team Leaders

- Tim Lyons, Engagement Partner | Trey Scott, Quality Review Partner | LeAnn Bagasala, Engagement Director

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

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Tim Lyons said Mauldin and Jenkins LLC (M&J) served as the county's auditors from 2015-2020 and are back again. As the Engagement Partner, he said he is ultimately responsible for the county's audit. He said all government audits at M&J go through his review as well as a quality control review, which was conducted by Trey Scott. He said as Engagement Director, LeAnn Bagasala acted as the "quarterback," running the day-to-day of the audit engagement.

## Slide #4



Orange County, North Carolina

**Audit Opinion**

- **Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS)**
  - We considered the internal control structure for the purpose of expressing our opinion on **Orange County, North Carolina's (the "County")** basic financial statements and not for the purpose of providing an opinion on the effectiveness of internal controls.
  - Our audit was performed in accordance with GAAS and *Government Auditing Standards*.
  - Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.
  - The basic financial statements are the responsibility of the County's management.
- **Report on Basic Financial Statements**
  - Unmodified ("clean") opinion on basic financial statements.
  - Presented fairly in accordance with accounting principles generally accepted in the United States of America.
  - Our responsibility does not extend beyond financial information contained in our report.
  - We did not audit the County's discretely presented component unit (ABC Board). Our opinion on the County's financial statements is based solely on the report of the other auditor who performed the audit of the ABC Board and expressed an unmodified opinion on those financial statements.

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

1 Slide #5



**Compliance Report and Audit Scopes & Procedures**

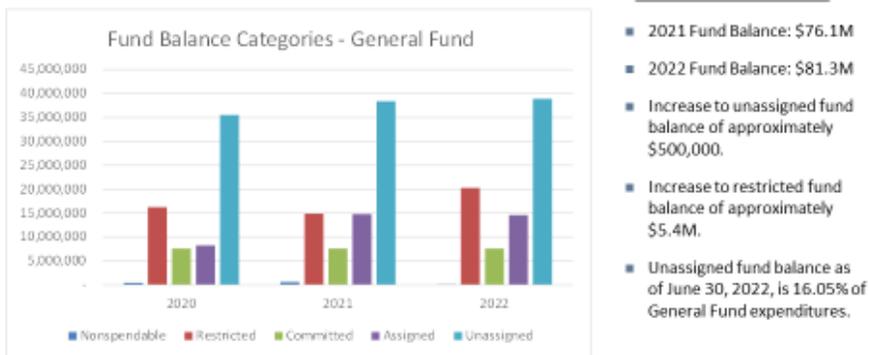
- **Government Auditing Standards (“Yellow Book”) Report**
  - The financial report package contains a report on our tests of the County’s internal controls and compliance with laws, regulations, etc. The report is not intended to provide an opinion on internal controls nor is it intended to provide a legal determination on the County’s compliance with applicable laws and regulations.
  - This report and the procedures performed are required by *Government Auditing Standards*.
- **Compliance Reports**
  - We were required to perform Single Audit procedures on eight (8) major programs (6 Federal and 2 State of North Carolina programs).
  - We issued a report on the County’s federal programs in accordance with the Uniform Guidance. That report contained an unmodified opinion on compliance. Details on the findings cited in that report are included later in this presentation.
  - We issued a report on the County’s state programs in accordance with the State of North Carolina Single Audit Implementation Act. Details on the findings cited in that report are included later in this presentation.

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Tim Lyons said M&J issues multiple reports in the back of the Annual Comprehensive Financial Report (ACFR). He said there were a couple of findings in the Government Auditing Standards Report and he will discuss those later in the presentation. He said there are also two required Single Audit reports. The Federal Single audit is required because the county spends more than \$750,000 a year in federal funding, and the North Carolina Single Audit is required because the county spends over \$500,000 at the state level.

10 Slide #6



**Financial Trends – Composition of Fund Balance**



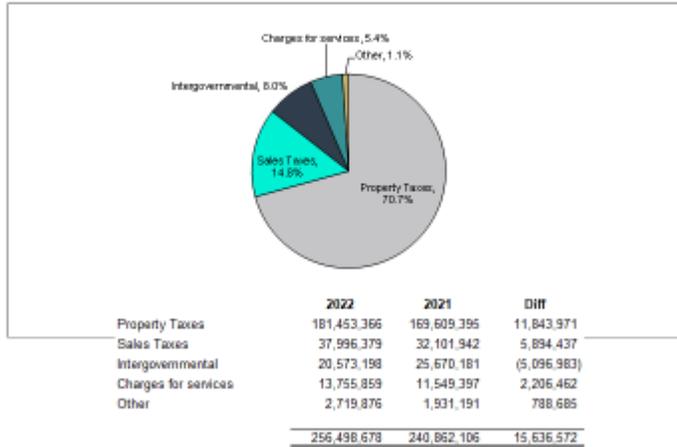
1 Tim Lyons said the fund balance indicates that management is paying attention to the  
 2 16% requirement throughout the year. He said the biggest increase was in the restricted fund  
 3 balance which is a result of the State's required calculation.  
 4

5 Slide #7



Orange County, North Carolina

**Financial Trends – General Fund Revenue**



Auditor's Discussion & Analysis (AD&A)  
 June 30, 2022

Going Further.

6 Tim Lyons said property tax collections remain strong, property valuations have increased,  
 7 and sales tax revenues continue to be strong. He said we are entering a period of uncertainty for  
 8 where these trends will go in the next couple of years.  
 9

10 Slide #8



Orange County, North Carolina

**Financial Trends – General Fund Expenditures**

	2022	2021	Diff	% age
Community services	13,205,403	9,962,876	3,242,527	5%
General government	10,770,606	13,549,081	(2,778,475)	4%
Public safety	27,822,848	27,428,024	394,824	11%
Human Services	39,736,328	41,797,621	(2,061,293)	16%
Education	94,916,033	92,671,015	2,245,018	39%
Support services	12,461,128	11,970,772	490,356	5%
Debt service (*)	43,304,765	33,764,216	9,540,549	18%
<b>Total</b>	<b>242,217,111</b>	<b>231,143,605</b>	<b>11,073,506</b>	<b>100%</b>

\* Debt service expenditures includes approximately \$23.8 million of principal and interest payments on school-related debt for the fiscal year ended June 30, 2022. When the balance of those payments is added to non-debt service, total expenditures for education total approximately \$118.7 million or 49% of total General Fund expenditures.

Auditor's Discussion & Analysis (AD&A)  
 June 30, 2022

Going Further.

## 1 Slide #9



Orange County, North Carolina

### Financial Trends – Proprietary Funds

Solid Waste Enterprise Fund			
	2022	2021	Change
Operating revenues	\$ 11,337,901	\$ 11,014,939	\$ 322,962
Operating expenses	10,019,577	11,090,743	(1,071,166)
Operating income	1,318,324	(75,804)	1,394,128
Unrestricted net position	7,645,336	7,161,642	483,694
Operating cash flow	4,209,250	2,264,267	1,944,983
Overall cash flow	2,169,292	255,380	1,913,912

SportsPlex Enterprise Fund			
	2022	2021	Change
Operating revenues	\$ 3,835,429	\$ 2,727,377	\$ 1,108,052
Operating expenses	3,897,155	2,908,480	928,675
Operating income	(61,726)	(241,103)	179,377
Unrestricted net position	344,385	(167,253)	511,638
Operating cash flow	977,972	237,789	740,183
Interfund transfers	790,000	-	790,000
Overall cash flow	1,160,769	(107,408)	1,268,177

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

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Tim Lyons said both funds reported increases in operating income and unrestricted net position in 2022. He said both funds had positive operating cash funds, which is a key metric for any governmental entity operating an enterprise fund. He said the Solid Waste Fund reallocates a piece of the pension liability between governmental entities and the Solid Waste Fund. He said the Local Governmental Employee's Retirement System (LGERS) had a really good year in 2021, which will likely go the other way next year.

## Slide #10



Orange County, North Carolina

### Required Communications

#### • Significant Accounting Policies

- Management is responsible for the selection and use of appropriate accounting polidies.
- The significant accounting policies used by the County are described in Note 1 to the basic financial statements.
- During the current year, the County implemented Governmental Accounting Standards Board (GASB) Statement No. 87, *Leases*.
- The policies used by the County are in accordance with generally accepted accounting principles.
- In considering the qualitative aspects of its policies, the County is not involved in any controversial or emerging issues for which guidance is not available.

#### • Management Judgment/Accounting Estimates

- Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events.
- The County uses various estimates as part of its financial reporting process – including actuarial assumptions.

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

1 Slide #11



Orange County, North Carolina

**Required Communications (Continued)**

- **Relationship with Management**
  - We received full cooperation from the County's management and staff.
  - There were no disagreements with management on accounting issues or financial reporting matters.
- **Management Representation**
  - We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.
- **Consultation with Other Accountants**
  - To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.
- **Significant Issues Discussed with Management**
  - There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

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Slide #12



Orange County, North Carolina

**Required Communications (Continued)**

- **Audit Adjustments**
  - Several adjustments were required during the conduct of the audit; these adjustments have been provided to management and they have provided us with representations that the adjustments have been posted to the County's general ledger.
  - We did not have any passed audit adjustments.
- **Financial Statement Disclosures**
  - The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit.
- **Information in Documents Containing Audited Financial Statements**
  - Our responsibility for other information in documents containing the County's basic financial statements and our report thereon does not extend beyond the information identified in our report. If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. You must also provide us with a copy of the final reproduced material for our approval before it is distributed.
- **Auditor Independence**
  - In accordance with AICPA professional standards, M&J is independent with regard to the County, its component unit, and its respective financial reporting processes.

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

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1 Slide #13



Orange County, North Carolina

**Audit Findings**

• **2022-001 Revenue Recognition**

- Material audit adjustments totaling approximately \$1.4 million were required to correct current year revenues in the COVID-19 Relief special revenue fund. The County improperly reported revenues related to funds that have not yet been obligated by FEMA.

• **2022-002 Maintenance of Balance Sheet and Related Accounts**

- Material audit adjustments were required (1) in the Solid Waste Fund (approximately \$160,000) to correct the closure and postclosure liability in accordance with the 3<sup>rd</sup> party engineer reports; (2) in the Solid Waste and SportsPlex funds to correct bond premiums and related amortization (approximately \$38,000 and \$23,000, respectively); and (3) in the General Fund to correct beginning fund balance which incorrectly included the beginning balances related to the County's OPEB Trust Fund (approximately \$430,000).

• **2022-003 Capital Assets**

- Material audit adjustments were required to correct capital assets balances of the County, including (1) approximately \$101,000 in the SportsPlex Fund to record prior audit entries that were not recorded; and (2) approximately \$1.2 million in the Solid Waste Fund to record CIP that was improperly expensed and omitted from the County's capital asset balances as of June 30, 2022.

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

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Slide #14



Orange County, North Carolina

**Audit Findings**

• **2022-004 Prior Period Adjustments**

- Material audit adjustments were required to correct errors in the ending balances reported by the County in the June 30, 2021 financial statements as follows: (1) long-term debt balances were improperly allocated between the County's governmental activities and the SportsPlex Fund (approximately \$650,000); (2) CIP balances were incorrect due to projects remaining in CIP that had previously been moved to depreciable assets, CIP was improperly expensed when it should have been capitalized, and CIP that was capitalized should have been expensed (approximately \$1.4 million); and (3) amortization of the premiums related to the County's long-term debt was not properly calculated resulting in an overstatement of the net book value of the premiums (approximately \$1.0 million).

• **2022-005 Reporting of Employee Costs to NCDHHS (Federal)**

• **2022-006 Reporting of Employee Costs to NCDHHS (State)**

- The County was not properly reporting time that employees spent on Medicaid, TANF, Adoption, and Domiciliary Care programs resulting in the County under-claiming grant revenues related to the Federal and State programs.

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

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## 1 Slide #15



Orange County, North Carolina

### New Accounting Pronouncements

- **New GASB Pronouncements for Future Years**
  - **Statement No. 96, *Subscription-Based Information Technology Arrangements*** was issued in May 2020 and is effective for fiscal years beginning after June 15, 2022 which means year ends of June 30, 2023 and following.
  - **Statement No. 100, *Accounting Changes and Error Corrections*** was issued in June 2022 and is effective for accounting changes and error corrections in fiscal years beginning after June 15, 2023, all reporting periods thereafter.
  - **Statement No. 101, *Compensated Absences*** was issued in June 2022 and is effective for fiscal years beginning after December 15, 2023, which means the City's fiscal year ended June 30, 2025.
- **Current / Pending Major GASB Projects**
  - **Re-Examination of the Financial Reporting Model.** GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB issued Statement No. 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability. GASB anticipates a final standard in late 2023 /early 2024.
  - **Revenue and Expense Recognition** is another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions. The final standard is expected in late 2026 / early 2027.
  - **Going Concern Uncertainties and Severe Financial Stress** is major project where the goal is to address issues related to disclosures regarding going concern uncertainties and severe financial stress. This technical topic is being examined by the GASB due to a wide diversity in practice regarding required presentation on the face of the financial statements, disclosures, etc. An exposure draft on this topic is expected by mid-2025.

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

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Tim Lyons said he would not go into detail on this slide, but will work with Management to ensure these accounting practices are being followed.

## 6 Slide #16



Orange County, North Carolina

### Govt. Clients – Free Quarterly Continuing Education

- **Since March of 2009 – For Over 12 Years !!**
  - Mauldin & Jenkins provides free quarterly continuing education for all of our governmental clients. Topics are tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking and knowledge sharing among our governmental clients. We normally see approximately 180 people per quarter. Examples of subjects addressed in the past few quarters include:
 

<ul style="list-style-type: none"> <li>• Accounting for Debt Issuances</li> <li>• Achieving Excellence in Financial Reporting</li> <li>• Best Budgeting Practices, Policies and Processes</li> <li>• Budget Preparation</li> <li>• ACFR Preparation (two (2) day hands-on course)</li> <li>• Capital Asset Accounting Processes and Controls</li> <li>• Collateralization of Deposits and Investments</li> <li>• Component Units</li> <li>• Cybersecurity Risk Management</li> <li>• Evaluating Financial and Non-Financial Health of a Govt.</li> <li>• Financial Report Card – Where Does Your Govt. Stand?</li> <li>• Financial Reporting Model Improvements</li> <li>• GASB Nos. 74 &amp; 75, OPEB Standards</li> <li>• GASB No. 77, Tax Abatement Disclosures</li> <li>• GASB No. 84, Fiduciary Activities</li> </ul>	<ul style="list-style-type: none"> <li>• GASB Projects &amp; Updates (ongoing &amp; several sessions)</li> <li>• Human Capital Management</li> <li>• Grant Accounting Processes and Controls</li> <li>• Internal Controls Over Accounts Payable, Payroll and Cash Disbursements</li> <li>• Internal Controls Over Receivables &amp; the Revenue Cycle</li> <li>• IRS Issues, Primarily Payroll Matters</li> <li>• Legal Considerations for Debt Issuances &amp; Disclosures</li> <li>• Policies and Procedures Manuals</li> <li>• Segregation of Duties</li> <li>• Single Audits for Auditees</li> <li>• Special Purpose Local Option Sales Tax (SPLOST)</li> <li>• Accounting, Reporting &amp; Compliance</li> <li>• Uniform Grant Reporting Requirements and the New Single Audit</li> </ul>
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Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

1 Slide #17



Orange County, North Carolina

### Governmental Advisory Services

#### Core Offerings

Strategy	Operational Efficiency and Effectiveness	Transformation	Performance Measurement
<p>Develops and defines the future vision, goals, and objectives</p> <ul style="list-style-type: none"> <li>Innovation</li> <li>Long-Term Planning</li> <li>Organization Management</li> <li>Workforce of the Future Planning</li> <li>Interest of Things/Market Disruptions Assessment</li> <li>Artificial Intelligence/Robotics</li> <li>Service Delivery Model Planning</li> <li>Strategy Mapping</li> <li>Technology Consulting/ERP</li> <li>Technology Solution/Vendor Selection</li> <li>Operational Vision</li> <li>Business Case</li> </ul>	<p>Ensures business processes and service delivery are provided in a manner maximizing targeted goals</p> <ul style="list-style-type: none"> <li>Cost Containment</li> <li>Operations Improvement</li> <li>Program Delivery</li> <li>Revenue Enhancement</li> <li>Staffing Assessments</li> <li>Benchmarking</li> <li>Technology Utilization</li> <li>Governance</li> <li>Policy/Procedure Assessments</li> <li>Operations Management Reviews</li> </ul>	<p>Allows for the successful change from the current state to the desired environment or outcome</p> <ul style="list-style-type: none"> <li>Change Management and Organizational Transformation Strategies</li> <li>Customer Service Optimization</li> <li>Service Delivery Modeling</li> <li>Technology/Workflow Design</li> <li>Human Capital Management</li> </ul>	<p>Ensures outposts and outcomes are producing desired results</p> <ul style="list-style-type: none"> <li>Budget Forecasting &amp; Design</li> <li>Cost Accounting</li> <li>Data Science</li> <li>Grant Strategy</li> <li>Risk Assessments</li> <li>Internal Controls &amp; Compliance</li> <li>KPI Design</li> <li>Benchmarking</li> <li>Project Management</li> <li>Independent Verification &amp; Validation</li> <li>Management/Dashboard Reporting</li> </ul>

Auditor's Discussion & Analysis (AD&A)  
June 30, 2022

Going Further.

2  
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4 Slide #18

### Questions & Comments



Thank You for the Opportunity to Serve

5

1 Commissioner Hamilton asked what the unrestricted net position means on slide #9 under  
2 the Solid Waste Enterprise Fund.

3 Tim Lyons said this can be thought of like unassigned fund balance. He said it is the net  
4 position that is leftover and not restricted to spending in any specific category. He said it's  
5 important to note that it isn't exclusively cash on hand or investments.

6 Commissioner Fowler asked about the negative operating income for the Solid Waste  
7 Enterprise fund on slide #9 in 2021.

8 Tim Lyons said the net operating income was a loss in 2021 for the Solid Waste Enterprise  
9 Fund. He said some of that is due to the decreases in pension liabilities. He said in 2021, the  
10 fund's operating revenues were around \$11 million and operating expenses were higher.

11 Commissioner Richards asked what the categories are for audit findings.

12 Tim Lyons said the Government Auditing Standards Report defines internal controls over  
13 financial reporting. He said Material Weakness means internal controls were not sufficient to  
14 either prevent or detect and correct a material misstatement. He said if the amount is higher than  
15 the materiality level, it has to be defined as a material issue. He said Material is the highest  
16 category, and Deficiency is at the bottom where the issues can be communicated to the County  
17 orally or in a letter. He said the middle ground is the Significant Deficiency where it's less  
18 significant than a Material Weakness, but is important enough to merit the attention of those  
19 charged with governance. He said it happened that these adjustments were over the materiality  
20 threshold, so there were no Significant Deficiencies and there were no separately issued  
21 management letters.

22 Commissioner Richards asked if the materiality is based on a dollar or percentage basis.

23 Tim Lyons said it is based on a dollar amount.

24 Commissioner Richards asked if there is required response or corrective action.

25 Tim Lyons said there is a corrective action plan for management in the back of the ACFR.

26 Chair Bedford said she serves as the Board's liaison to the Board of Social Services, and  
27 they have already approved the proposed corrective measures.

28 Tim Lyons said sometimes the issue is the guidance and the way auditors have to conduct  
29 testing have to be updated.

30 Chair Bedford recognized the Finance Department and Gary Donaldson for receiving the  
31 Award of Financial Reporting Achievement for the 31<sup>st</sup> year.

## 32 33 **5. Public Hearings**

### 34 **a. Unified Development Ordinance Text Amendment – Rename "Efficiency Apartments" to** 35 **"Accessory Dwelling Units" and Modify Standards**

36 The Board held a public hearing, received the Planning Board/staff recommendations and public  
37 comment, closed the public hearing, and considered action on County-initiated amendments to  
38 the Unified Development Ordinance (UDO) regarding proposed revisions to the current standards  
39 for "efficiency apartments".

40  
41 **BACKGROUND:** An "efficiency apartment" is an accessory dwelling to the primary single-family  
42 dwelling on an individual property. The salient current use standards for efficiency apartments in  
43 Section 5.5.3 of the UDO are:

- 44
- 45 • Maximum gross square footage of 1,000 square feet (maximum of 800 square feet can be
- 46 heated/cooled),
- 47 • Cannot be a mobile home, and
- 48 • The efficiency unit shall remain in the same ownership as the primary residence.
- 49

50 An efficiency apartment can give a property owner the ability to enhance their property use for  
51 additional family members or to rent to a tenant. The current size limitation of 1,000 square feet

1 for an efficiency unit can result in some property owners having to subdivide their property in order  
2 to construct a larger unit, affecting the affordability of such homes and lots due to the professional  
3 service costs and review fees in creating a new lot. The increased flexibility of the proposed  
4 amendments will also allow for greater aging-in-place and multigenerational living opportunities,  
5 as well as serving equity needs by better enabling less-resourced property owners the abilities to  
6 realize viable secondary residences for rent or use by relations without requiring subdivision of  
7 property.  
8

9 In September 2021, the BOCC received information from a multi-department staff group regarding  
10 expansion of affordable housing incentives and opportunities. The agenda materials can be  
11 viewed at: [Housing Affordability Study](#). Expanded use of accessory dwelling units was included  
12 as a strategy to increase affordable housing options within Orange County.  
13

14 Orange County is proposing to amend the UDO to:

- 15
- 16 1. increase the allowable size of an accessory dwelling unit to 50% of the primary
- 17 dwelling, or 1,500 square feet, whichever is greater;
- 18 2. allow mobile homes to be efficiencies; and
- 19 3. modernize the language from “efficiency apartment” to “accessory dwelling unit”  
20 (ADU).  
21

22 The proposed UDO text amendment helps serve the goals and objectives of Orange County’s  
23 2022 Master Aging Plan and affordable housing strategy, as evidenced by the respective letters  
24 of support from the Orange County Department on Aging and Department of Housing, included  
25 as [Attachment 4](#).  
26

27 Joint Planning Area (JPA) Review: In accordance with the Joint Planning Agreement with the  
28 Towns of Chapel Hill and Carrboro, the amendment package was sent to the Town planning staffs  
29 on August 30, 2022. To date, Orange County staff has not received any comments from the  
30 Towns.  
31

32 Planning Board Recommendation: At its December 7, 2022 meeting, the Board voted **6-3** to  
33 recommend **approval** of the Statement of Consistency and the UDO amendment package. Draft  
34 meeting minutes and the signed Statement of Consistency from this meeting are included in  
35 [Attachment 3](#) and meeting materials are available at:  
36 <https://orangecountync.gov/AgendaCenter/ViewFile/Agenda/12072022-1685>  
37

38 Prior to making its recommendation, the Planning Board had reviewed the materials in an  
39 “Ordinance Review Committee” meeting on October 5, 2022. Materials for this meeting are also  
40 available at: <https://orangecountync.gov/AgendaCenter/ViewFile/Agenda/10052022-1647>  
41

42 Planning Director’s Recommendation: The Planning Director recommends **approval** of the:

- 43 1. Statement of Approval and Consistency indicating the text amendments are  
44 reasonable and in the public interest, as contained in [Attachment 1](#).
- 45 2. Amendments to the Unified Development Ordinance (UDO), as contained in  
46 [Attachment 2](#).  
47

48 Cy Stober, Planning and Inspections Director, gave the following PowerPoint presentation:  
49  
50

1 Slide #1

  
**UDO Text Amendment**  
**Rename "Efficiency Apartments" to**  
**"Accessory Dwelling Units"**  
**and Modify Standards**  
  
**Public Hearing**  
**January 17, 2023**

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Slide #2

**Welcome! Come On In**  
**Accessory dwelling units are a needed housing option for people of all ages**

We know from surveys by AARP and others that a majority of Americans prefer to live in walkable neighborhoods that offer a mix of housing and transportation options and are close to jobs, schools, shopping, entertainment and parks.

These preferences — coupled with the rapid aging of the United States' population overall, the decrease in households with children and the national housing shortage — all continue to boost the demand for smaller homes and affordable, quality rental housing.

**As small houses or apartments that exist on the same property lot as a single-family residence, accessory dwelling units — or ADUs — play a major role in serving a national housing need.**

This traditional home type is reemerging as an affordable and flexible housing option that meets the needs of older adults and young families alike.

In fact, in the 2021 AARP Home and Community Preferences Survey, ADUs are the top choice for people who would consider creating an ADU and they do so in order to:

- provide a home for a loved one in need of care (26%)
- provide housing for relatives or friends (26%)
- have a space for guests (22%)
- create a place for a caregiver to stay (21%)
- increase the value of their home (19%)
- feel safer by having someone living nearby (17%)
- earn extra income from renting to a tenant (16%)

Since ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and state states have been adopting their zoning or housing laws to reflect easier for homeowners to create ADUs.

**What Are Accessory Dwelling Units?**



*Accessory dwelling units (or ADUs) come in many shapes and styles.*

The ABCs of ADUs is a primer for elected officials, policymakers, local leaders, homeowners, consumers and others to learn what accessory dwelling units are and how and why they are built. The guide also suggests best practices for how towns, cities, counties and states can support the creation of ADUs as a way to expand and diversify housing options.

THE ABCs OF ADUs | AARP 1



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Cy Stober said accessory dwelling units (ADUs) can be incorporated into existing structures. He said they are a secondary, but significantly residential unit that relies upon the primary dwelling. He said they are almost always smaller, and they can be detached, attached, above a garage, or an efficiency unit. He said ADUs support independent living while being reliant upon the zoning and development standards of the primary dwelling.

1 Slide #3

What is an "Efficiency Unit" in Orange County?

- Accessory residence to the primary residence
- NOT a duplex but a secondary use of the property
- Must conform with all zoning requirements

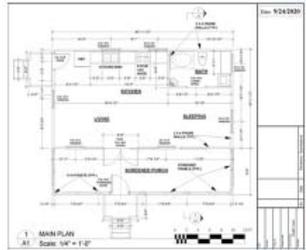


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Slide #4

What is an "Efficiency Unit" in Orange County?

- Maximum 800 sq.ft. heated space
- Cannot be a mobile home.
- The efficiency unit shall remain in the same ownership as the primary residence.



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Slide #5

Proposed Amendments

- Change terminology to "accessory dwelling unit" (ADU).
- Increase the allowable size to 1,500 sq. ft.  
**OR**  
50% of the primary dwelling, whichever is greater.
- Allow mobile homes to be ADUs
- No changes to setbacks or other development standards



8

1 Slide #6

## Why Is Staff Proposing the Change?

- To serve stated Orange County and Aging goals

Attachment 4

**ORANGE COUNTY**  
NORTH CAROLINA

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Cy Stober said the primary service of the proposed text amendments is to serve Aging goals for people who want to age in place, have multi-generational living, and the ability to retire into a smaller dwelling without giving up the primary dwelling. He said the Housing Department goals allow for more flexibility for residential homeowners to realize secondary homes on their property as rental opportunities or to allow family to reside on the property without having to go through the subdivision process, which can be burdensome.

Slide #7

## ADUs Are Good for People and Places

**Communities that understand the benefits of ADUs allow homeowners to create them**

- ADUs are an economical housing option**
  - ADUs can generate rental income to help homeowners cover mortgage payments or simply offset rent. The income provided by an ADU can be especially important for older people on fixed incomes.
  - Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only.
  - Many ADUs are created for family members or friends to reside in far from an old, abandoned one. In fact, when a loved one is in need of care or can't live alone, an ADU can be a viable alternative to a nearby assisted living facility.
  - Although market rates mean ADUs tend to be slightly more than for primary rental apartments, they often represent the only affordable rental choices in single-family neighborhoods, which typically contain few or no small or rental housing options at all.
  - The state of California and some municipalities are incentivizing ADUs by providing grants and other resources, as part of affordable housing and anti-displacement strategies to help lower-income households build ADUs or reside in them as reliable rents.

- ADUs are community-compatible**
  - ADUs offer a way to include smaller, relatively affordable housing in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
  - ADUs provide a more organized and meaningful way of adding housing to a community than other options, such as auxiliary apartment buildings.
  - ADUs are typically designed by homeowners who live on the premises. Such landlords are less likely to tolerate a drop in property values.
- ADUs are good for the environment**
  - ADUs require fewer resources to build and maintain than full-sized homes.
  - ADUs use significantly less energy for heating and cooling (if all the ADU's proper, a small tract land to have the lowest building and operating costs).

- ADUs are just the right size**
  - Generally ranging between 400 and 1,000 square feet, ADUs work well for the one- and two-bedroom homes, including family offices, studios, fitness facilities, which now account for nearly two-thirds of all households in the United States.
- ADUs are able to house people of all ages**
  - ADUs offer young people entry-level housing options.
  - ADUs enable families to expand beyond their primary homes.
  - ADUs provide empty nesters and others with the option of moving into a smaller space while retaining their larger house or living on-site (and/or on their family lands in it).
  - An ADU's size can be adapted for different household types, income levels, employment situations and stages of life.

**Big houses are being built, small houses are needed**

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?	YEAR	1950	2020
Median square footage of new single-family homes		983	2,281
Number of people per household		3.0	2.5
Square feet of living space per person		328	908

NOTE: While more households are expected to build ADUs than single-family homes.

## Why Is Staff Proposing the Change?

**ORANGE COUNTY**  
NORTH CAROLINA

11

1           Cy Stober said ADU's are an economical housing option. He said they often serve the  
 2 compatibility of the community and will be consistent with the zoning district they reside on. He  
 3 said ADUs don't require subdivisions while enabling a greater residential occupancy and property-  
 4 owner utilization of their properties to increase rental and ownership options. He said ADUs  
 5 appeal to residents of all ages and greater appeal to come to the county.

6  
 7 Slide #8

## Staff Analysis & Recommendation

- Planning Director recommends approval of the text amendments, as presented, to rename "Efficiency Units" "Accessory Dwelling Units", and revise standards.
- Planning Director recommends approval of:
  - The Statement of Consistency that the amendments are reasonable, in the public interest, and serve Housing Element Goals 1 & 4 (Attachment 1); and
  - The proposed ordinance to amend UDO §§ 3.3, 5.5.1, 5.5.3, 5.5.5, 6.9, & 10.1 (Attachment 2).



8  
 9  
 10 Slide #9

## Planning Board Recommendation

- Planning Board Ordinance Review Committee reviewed proposed amendment at its October 5, 2022 meeting.
- Planning Board reviewed proposed amendment at its December 7, 2022 regular meeting
  - Voted 6-3 to recommend approval of the rezoning application.
- Attachment 3 features approved meeting minutes and signed statement of consistency.



11

## 1 Slide #10

## Recommendation for Tonight

The Manager recommends the Board:

1. Conduct the public hearing and accept the Planning Board/staff recommendations and public comment;
  - Public hearing was advertised as required by State and local laws
2. Close the public hearing;
3. Deliberate as desired; and
4. **Vote to approve** the Statement of Consistency (Attachment 1) and Ordinance Amending the Unified Development Ordinance (Attachment 2), as presented.

**OR**

**Vote to deny** the staff-initiated text amendment, due to a **stated reason** that the request is inconsistent with the goals and objectives of the Orange County Comprehensive Plan.



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## Slide #11

Questions from Commissioners

Public Comments



5  
6 Commissioner Greene clarified that if there was a 4,000 square ft. dwelling, the ADU could  
7 be 2,000 square ft.

8 Cy Stober said yes.

9 Commissioner Hamilton said the ADU could be bigger than the primary dwelling.

10 Cy Stober said if a larger dwelling were to be built on property with an existing dwelling,  
11 the existing dwelling would then have to be operated as the accessory dwelling unit.

12 Commissioner Hamilton asked if there should there be space requirements for parking,  
13 since ADUs can potentially hold many people.

14 Cy Stober said the same parking standards would apply based on bedrooms per dwelling  
15 unit. He said the occupancy of the dwelling would be based on the utility capacity and  
16 Environmental Health requirements.

17 Commissioner Hamilton said this isn't clear from the amendments here.

18 Cy Stober said staff will follow up with another text amendment to make that clear.

19 Vice Chair McKee asked if impervious surface requirements would still be in effect.

1 Cy Stober said yes.

2 Commissioner Richards commended the Planning and Inspections Department for this  
3 staff-initiated recommendation. She said everyone is struggling with how to provide affordable  
4 housing and meeting aging needs. To summarize the changes she said there's a change in the  
5 name of the type of unit, there's a change in the size limitation, but all other zoning and other  
6 requirements will still be in effect.

7 Cy Stober said that's correct.

8

9 A motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to  
10 open the public hearing.

11

12 **VOTE: UNANIMOUS**

13

14 **PUBLIC COMMENTS:**

15

16 Delores Bailey, Executive Director of EmPOWERment, Inc. and member of the Orange  
17 County Planning Board. She said the changes proposed are great. She said it's wonderful  
18 because there is a large 1,200 unit gap in affordable housing. She said ADU's are a great way to  
19 close the gap and allow parents to age in place. She said she absolutely supports mobile homes  
20 being considered ADUs. She said when it starts out, it's a great plan. She said she gets concerned  
21 about whether or not other property owners will do the right thing with their newly extended space.  
22 She said she is also concerned about impervious surfaces. She said this is a great idea, but most  
23 importantly, she wants to make sure the right thing is done once this moves forward.

24

25 A motion was made by Vice Chair McKee, seconded by Commissioner Hamilton, to close  
26 the public hearing.

27

28 **VOTE: UNANIMOUS**

29

30 Commissioner Greene said she thinks these amendments are thoughtful and appreciates  
31 the work.

32 Chair Bedford said she appreciates the Planning Department for initiating the change.

33

34 A motion was made by Vice Chair McKee, seconded by Commissioner Richards, to  
35 approve Statement of Approval and Consistency (Attachment 1) and UDO Amendments  
36 (Attachment 2).

37

38 **VOTE: UNANIMOUS**

39

40 **b. Unified Development Ordinance Text Amendment – Final Subdivision Plat School**  
41 **District Signature Block**

42 The Board held a public hearing, received the Planning Board/staff recommendations and public  
43 comment, closed the public hearing, and considered action on County-initiated amendments to  
44 the Unified Development Ordinance (UDO) to remove the requirement in Section 7.13.3 (F)(3)(g),  
45 the school district signature block on final subdivision plats.

46

47 **BACKGROUND:** Subdivisions that follow the traditional or major subdivision review process have  
48 to receive several signatures before recording the final plat. Orange County currently requires  
49 signature by the relevant school system, per the language found in Section 7.13.3 (F)(3)(g) of the  
50 UDO. Research into the plat certificate requirement has shown that the requirement was added  
51 to Orange County's former Subdivision Regulations as a small portion of a multi-part amendment

1 to the Subdivision Regulations in the year after Schools Adequate Public Facilities Ordinance  
 2 (SAPFO) amendments were added to the former Zoning Ordinance. Agenda materials and  
 3 minutes from that time do not speak directly to the addition of the plat signature block, other than  
 4 a statement found in minutes made by previous staff that the signature block addition was “needed  
 5 for SAPFO.” None of the municipal SAPFO signatories amended their regulations to require this  
 6 plat signature block and, as evidenced in Attachment 4, this requirement is not supported by  
 7 Orange County Schools.

8  
 9 Both school districts require CAPS (Certificate of Adequate Public Schools) issuance as part of  
 10 the subdivision review and approval process, in compliance with the adopted 2003 SAPFO and  
 11 its accompanying Memoranda of Understanding, independent of the plat signature. The school  
 12 districts’ staff (OCS and CHCCS) keep their respective elected boards apprised of CAPS  
 13 issuance through regular staff reports, which would remain unchanged.

14  
 15 Planning staff recommends that the signature block be removed as a subdivision plat recordation  
 16 requirement to remove an unnecessary and time-intensive step for subdivision plat approval. The  
 17 approved CAPS will remain part of the subdivision application package and a criterion for  
 18 Planning staff approval of the plat for recordation, and will be maintained by Planning staff with  
 19 the subdivision request file. The proposed amendment does not have any impacts on the school  
 20 districts’ reporting of enrollment figures and will remove an unnecessary step from plat approvals  
 21 in the unincorporated areas of Orange County.

22  
 23 Joint Planning Area (JPA) Review: In accordance with the Joint Planning Agreement with the  
 24 Towns of Chapel Hill and Carrboro, the amendment package was sent to the Town planning staffs  
 25 on August 30, 2022. To date, Orange County staff has not received any comments from the  
 26 Towns.

27  
 28 Planning Board Recommendation: At its December 7, 2022 meeting, the Board voted **8-1** to  
 29 recommend **approval** of the Statement of Consistency and the UDO amendment package. Draft  
 30 minutes and the signed Statement of Consistency from this meeting are included in Attachment  
 31 3 and meeting materials are available at:

32 <https://orangecountync.gov/AgendaCenter/ViewFile/Agenda/12072022-1685>

33  
 34 Prior to making its recommendation, the Planning Board had reviewed the materials in an  
 35 “Ordinance Review Committee” meeting on October 5, 2022. Materials for this meeting are also  
 36 available at: <https://orangecountync.gov/AgendaCenter/ViewFile/Agenda/10052022-1647>

37  
 38 Planning Director’s Recommendation: The Planning Director recommends **approval** of the:

- 39 1. Statement of Approval and Consistency indicating the text amendments are  
 40 reasonable and in the public interest, as contained in Attachment 1.
- 41 2. Amendments to the Unified Development Ordinance (UDO), as contained in  
 42 Attachment 2.

43  
 44 Cy Stober, Planning and Inspections Director, made the following PowerPoint  
 45 presentation:

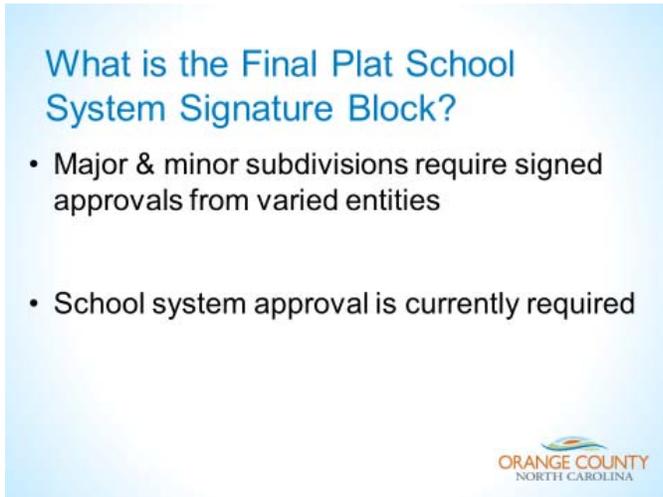
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1 Slide #1



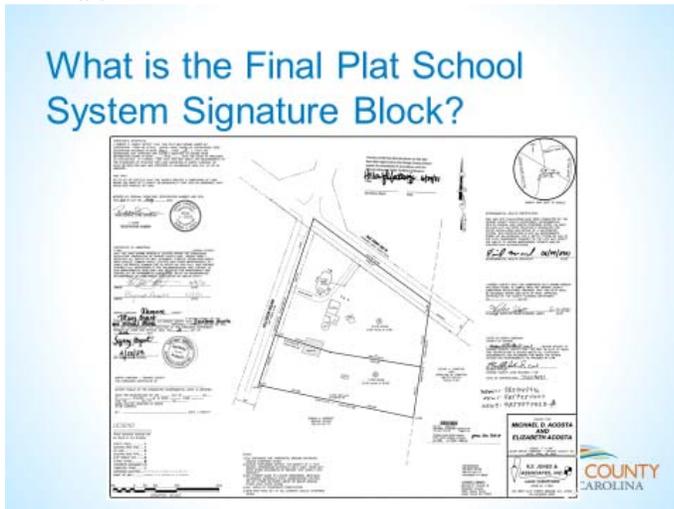
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Slide #2



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Slide #3



8

1 Cy Stober said these are land use instruments regarding the use and division of land, but  
2 currently the UDO requires school system approval prior to recording.  
3

4 Slide #4

## What is the Purpose of the Amendment?

- Unnecessary step for subdivision plat approval
- Simplify the plat recording process
- Retains all required certification and reporting elements of SAPFO & MOU

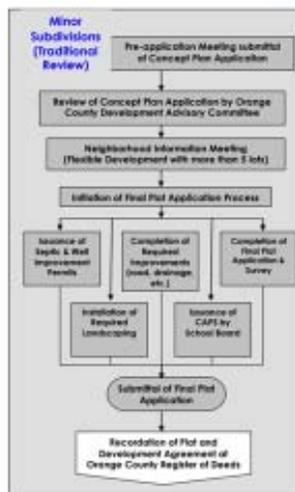
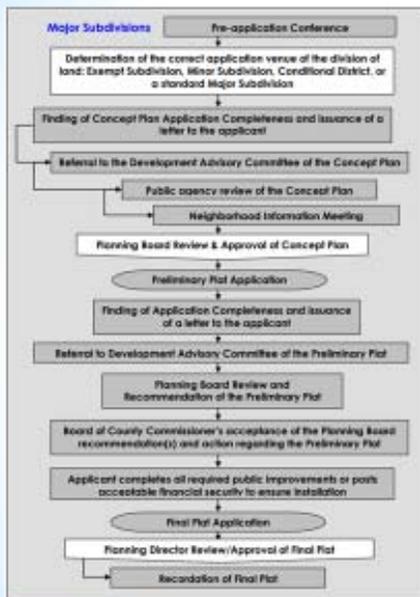


Attachment 4



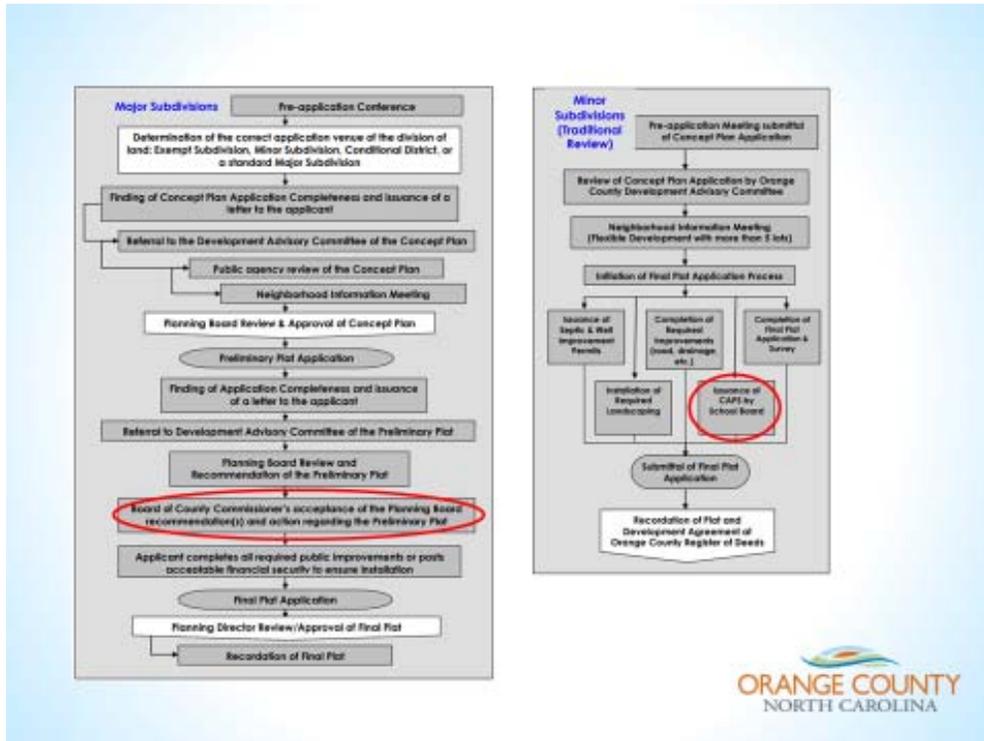
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Slide #5



8

1 Slide #6



2  
3 Cy Stober said SAPFO is required separately from the plat review process and the process  
4 for that will remain unchanged.

5  
6 Slide #7

## Staff Analysis & Recommendation

- Planning Director recommends approval of the text amendment, as presented, to effectively remove the schools signature block requirement.
- Planning Director recommends approval of:
  - The Statement of Consistency that the amendments are reasonable, in the public interest, and serve Land Use Goal 6 (Attachment 1); and
  - The proposed ordinance to amend UDO §7.13.3(F)(3)(g) (Attachment 2).

7  
8

1 Slide #8

## Planning Board Recommendation

- Planning Board Ordinance Review Committee reviewed proposed amendment at its October 5, 2022 meeting.
- Planning Board reviewed proposed amendment at its December 7, 2022 regular meeting
  - Voted 8-1 to recommend approval of the text amendment.
- Attachment 3 features approved meeting minutes and signed statement of consistency.

2  
3  
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Slide #9

## Recommendation for Tonight

The Manager recommends the Board:

1. Conduct the public hearing and accept the Planning Board/staff recommendations and public comment;
  - Public hearing was advertised as required by State and local laws
2. Close the public hearing;
3. Deliberate as desired; and
4. **Vote to approve** the Statement of Consistency (Attachment 1) and Ordinance Amending the Unified Development Ordinance (Attachment 2), as presented.

**OR**

**Vote to deny** the staff-initiated text amendment, due to a **stated reason** that the request is inconsistent with the goals and objectives of the Orange County Comprehensive Plan.



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1 Slide #10



2  
3

4 A motion was made by Commissioner Fowler, seconded by Vice Chair McKee, to open  
5 the public hearing.

6  
7

**VOTE: UNANIMOUS**

8  
9

No one was signed up for the public hearing.

10

11 A motion was made by Vice Chair McKee, seconded by Commissioner Hamilton, to close  
12 the public hearing.

13  
14

**VOTE: UNANIMOUS**

15  
16

Vice Chair McKee said, having been contacted by various people over the past 12 years,  
17 this signature requirement would often cause an unnecessary delay and he is glad to see this  
18 change.

19  
20

Chair Bedford said it was also inconsistent because Chapel Hill and Carrboro didn't ever  
21 ask the Chapel Hill Carrboro City Schools District to do this.

22  
23

A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to  
24 approve Statement of Approval and Consistency (Attachment 1) and UDO Amendments  
25 (Attachment 2).

26  
27

**VOTE: UNANIMOUS**

28  
29

**6. Regular Agenda**

30  
31

**a. Allocation of \$12 Million in Excess Fund Balance from FY 2021-22 through Budget  
Amendment #5-A**

32  
33

The Board considered approving the allocation of \$12 million in excess fund balance that was  
34 created by a budget surplus from FY 2021-22.

35

**BACKGROUND:** At the end of FY 2021-22, the County has identified \$12 million of fund balance  
that exceeds the County's 16% unassigned fund balance policy. This budget adjustment is

1 recommended by the County Manager to reduce the tax impact of increasing debt service while  
 2 investing in both School and County capital needs.

3  
 4 **Reduce the Tax Impact of Debt Service**

5 The FY 2022-33 Capital Investment Plan and the Long Range Financial Model both anticipate  
 6 the need to raise the property tax rate by one (1) cent in FY 2023-24 to fund an increase in debt  
 7 service that persists over the next three years. This amendment would transfer \$6,000,000 of the  
 8 FY 2021-22 excess fund balance to a new Debt Service Fund to negate the need for a one (1)  
 9 cent tax increase in FY 2023-24. These funds will be appropriated over the next three fiscal years  
 10 to fund the scheduled spike in debt service during that time. The Capital Investment Plan currently  
 11 includes the first tranche of borrowing for a general obligation bond to occur in FY 2026-27 when  
 12 a tax rate increase may be required to fund related debt service.

13  
 14 **School Capital Reserve Fund**

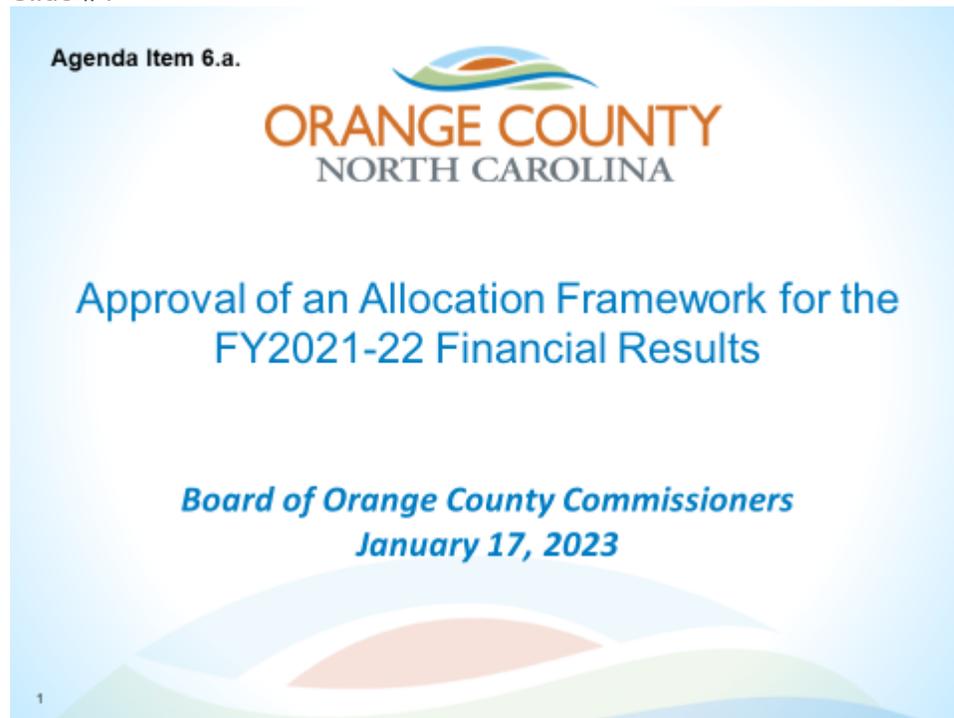
15 The School Capital Needs Work Group has identified the need to diversify funding for School  
 16 Capital. This amendment transfers \$3,500,000 of the excess fund balance to the School Capital  
 17 Reserve Fund to provide additional pay-as-you-go (cash) funding to the school districts. The funds  
 18 will be used to pay for the upcoming School Capital Needs consultant, and the remainder will be  
 19 allocated between the school districts based on FY 2022-23 Average Daily Membership.

20  
 21 **County Capital Reserve Fund**

22 This amendment allocates the remaining \$2,500,000 to a County Capital Reserve Fund to provide  
 23 additional pay-as-you-go (cash) funding for one-time or capital needs. The first use will be funding  
 24 the upcoming Strategic Plan consultant. The remaining funds will be identified on future budget  
 25 amendments to support other capital or one time spending needs.

26  
 27 Travis Myren gave the following PowerPoint presentation:

28  
 29 Slide #1



1 Slide #2

## Purpose

- Consider approving the allocation of \$12 million in excess fund balance available at the end of FY2021-22
  - Actual revenues outperformed budgeted amounts
  - Actual expenditures under budgeted amounts
  - Achieves 16% unassigned fund balance policy



2  
3  
4 Slide #3

## The Context for the FY2021-22 Budget

Recovery and Optimism	Financial Challenges
<ul style="list-style-type: none"><li>• 7% general fund revenue growth</li><li>• Added staff capacity and enhanced salary schedules in Emergency Services and Sheriff's Office</li><li>• Transition of ARPA funded services to General Fund</li></ul>	<ul style="list-style-type: none"><li>• Inflation<ul style="list-style-type: none"><li>- Twenty year high</li></ul></li><li>• Labor market<ul style="list-style-type: none"><li>- High turnover</li><li>- Upward pressure on wages to remain competitive</li></ul></li></ul>



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1 Slide #4

## FY2021-22 Year End Results

### Budget to Actual Notable Variances

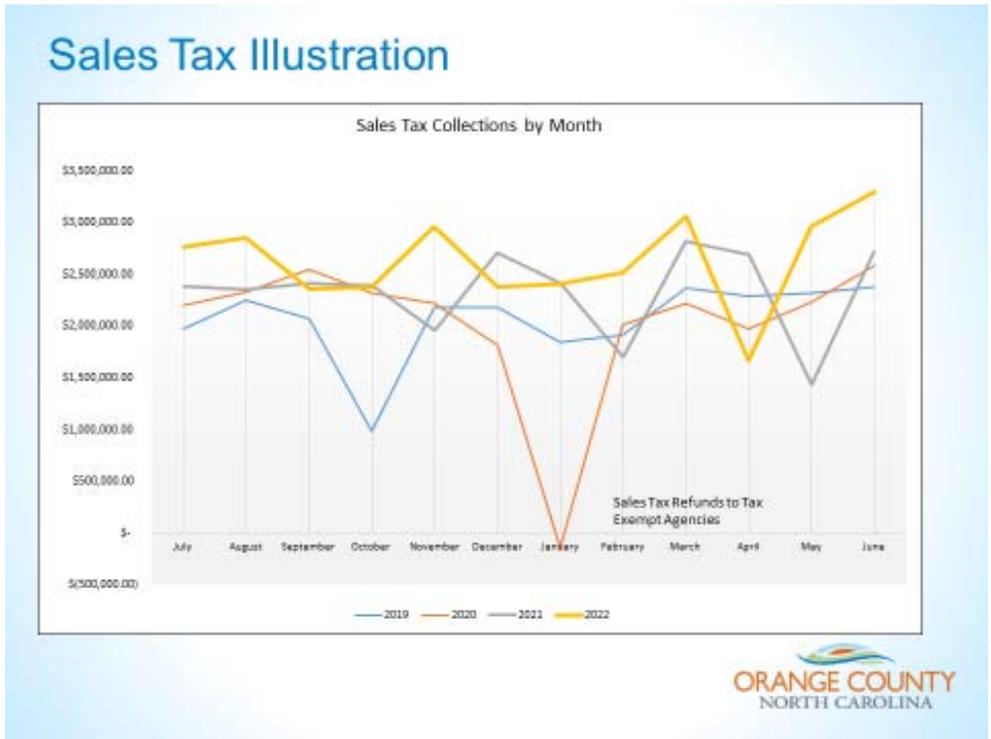
Notable Variances in Budget to Actuals	Budget vs. Actual Difference
<b>Property Tax</b> <ul style="list-style-type: none"> <li>98.7% Budgeted and 99.4% Actual Collection Rate</li> <li>Continued Strong Performance in Motor Vehicles</li> </ul>	\$3,300,000
<b>Sales Tax and Hold Harmless Collections</b> <ul style="list-style-type: none"> <li>Articles 39, 40, and 42 exceeded budget by \$5.6 million due to increases in costs for food and basic goods during high inflationary period.</li> <li>Hold Harmless State Revenue exceeded budget by \$3 million.</li> </ul>	\$9,000,000
<b>Increased Charges for Services</b> <ul style="list-style-type: none"> <li>Emergency Services Charges exceeded budget by \$1 million due to higher usage.</li> <li>Excise Stamp revenues exceeded budget by \$1 million due to favorable conditions in the housing market in FY 2022.</li> </ul>	\$1,800,000
<b>Attrition Savings</b> <ul style="list-style-type: none"> <li>Salary savings due to higher turnover and extended vacancies</li> </ul>	\$2,100,000



2 Vice Chair McKee asked about the \$9,000,000 difference in the Sales Tax and Hold  
 3 Harmless Collections since the notes section cited the amounts \$5.6 million and \$3 million, which  
 4 equal less than \$9 million.  
 5

6 Travis Myren said this was likely due to rounding.  
 7

8 Slide #5



9

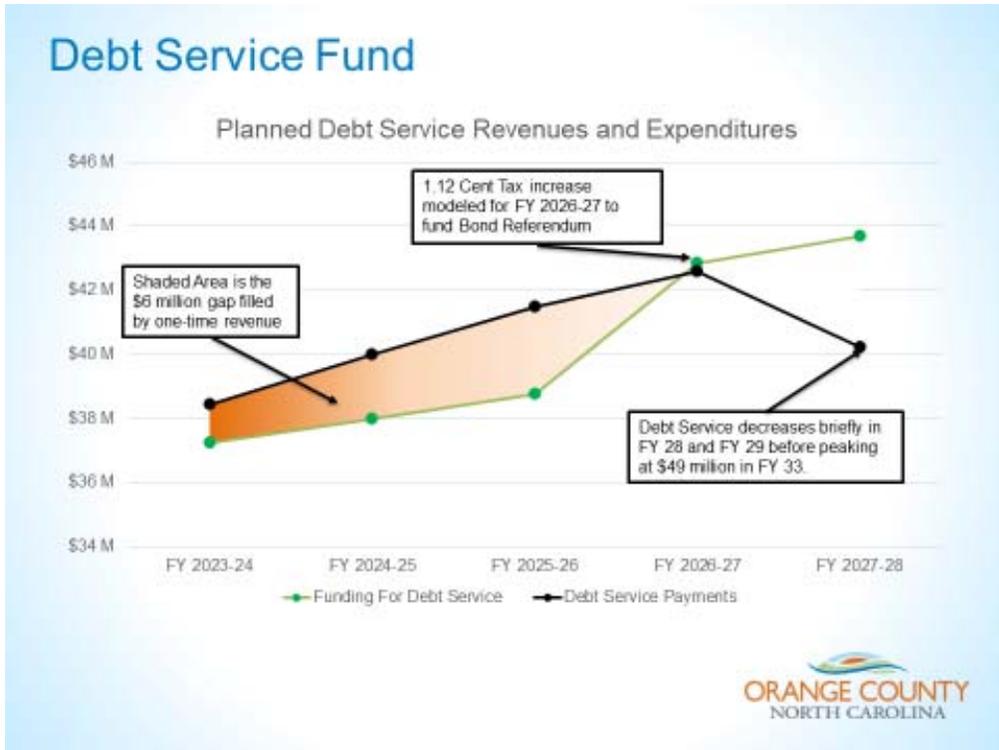
1 Slide #6

## Framework for Mid-Year Budget Adjustment

Proposed Allocation - Non-Recurring Expenditures	Amount
<b>Reduce Tax Impact of Debt Service</b> <ul style="list-style-type: none"> <li>1 cent Property Tax increase was planned for FY 2023-24 due to increased debt service.</li> <li>Funds transferred into new Debt Service Fund will offset tax impact over three Fiscal Years.</li> </ul>	\$ 6,000,000
<b>School Capital Reserve</b> <ul style="list-style-type: none"> <li>58% of remaining \$6 million</li> <li>Consistent with 10 year capital funding target</li> <li>Fund School Capital Facility Needs Consultant</li> <li>Remainder allocated by FY22-23 average daily membership</li> </ul>	\$ 3,500,000
<b>County Capital Reserve</b> <ul style="list-style-type: none"> <li>42% of Remaining \$6 million</li> <li>Fund Strategic Plan Consultant</li> <li>Remainder to fund one-time or capital expenditures</li> </ul>	\$ 2,500,000
<b>GRAND TOTAL</b>	<b>\$ 12,000,000</b>

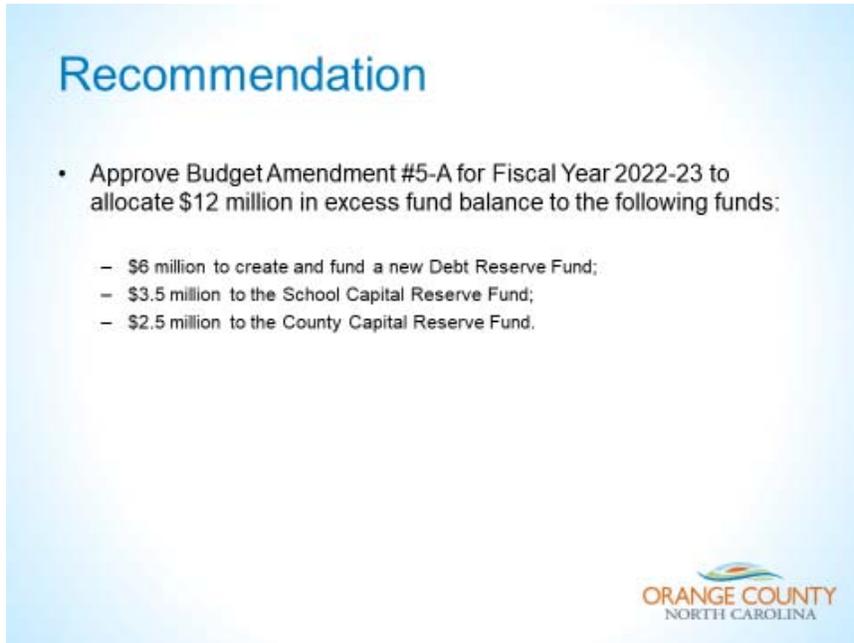


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4 Slide #7



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1 Slide #8



**Recommendation**

- Approve Budget Amendment #5-A for Fiscal Year 2022-23 to allocate \$12 million in excess fund balance to the following funds:
  - \$6 million to create and fund a new Debt Reserve Fund;
  - \$3.5 million to the School Capital Reserve Fund;
  - \$2.5 million to the County Capital Reserve Fund.

ORANGE COUNTY  
NORTH CAROLINA

2  
3 Commissioner Fowler said she sent an email to staff asking if money can be moved  
4 between the categories.

5 Travis Myren said it would require a Board amendment, but they could do that.

6 Vice Chair McKee said he appreciates staff bringing this forward, especially the  
7 \$6,000,000 to alleviate future need for property tax increases.

8 Chair Bedford asked if the \$6,000,000 would not all be appropriated for the next fiscal year  
9 but rather spread out.

10 Travis Myren said it would be spread out.

11  
12 A motion was made by Commissioner Greene, seconded by Commissioner Fowler, to  
13 approve Budget Amendment #5-A for Fiscal Year 2022-23 to allocate \$12 million in excess fund  
14 balance to the following funds:

- 15 • \$6 million to create and fund a new Debt Service Fund;
- 16 • \$3.5 million to the School Capital Reserve Fund; and
- 17 • \$2.5 million to the County Capital Reserve Fund.

18  
19 **VOTE: UNANIMOUS**

20  
21 **b. Community Climate Action Grant (CCAG) – FY 2022-23 Project Selection for General**  
22 **Applicants and Schools**

23 The Board received the grant project funding recommendations from the Commission for the  
24 Environment (CFE) and the Human Relations Commission (HRC) for the FY 2022-23 Orange  
25 County Community Climate Action Grant Program and considered approving funding for the  
26 recommended Community Climate Action Grant projects for FY 2022-23 as outlined in the  
27 provided report.

28  
29 **BACKGROUND:** As part of the FY 2019-20 budget, the Board of Orange County Commissioners  
30 (BOCC) created the Orange County Climate Action Fund dedicated to accelerating climate  
31 change mitigation actions in Orange County. This decision was motivated in part to help the  
32 County meet the climate change mitigation goals set by the Board in recent years:

- 1 • Reduce greenhouse gas emissions community-wide by 26 percent by 2025 (from 2005
- 2 levels).
- 3 • Transition to a 100% renewable energy based economy by 2050.
- 4

5 For the 2022-23 funding cycle, \$550,150 in funding was budgeted to support climate action  
6 projects that will benefit Orange County residents both socially and financially. Following the  
7 direction of the Board of Orange County Commissioners (BOCC), the process for soliciting and  
8 selecting projects to receive funding was conducted through a formal Community Climate Action  
9 Grant (CCAG) program.

10  
11 For this grant cycle, the BOCC reserved half of the total funding for this grant program (\$275,075)  
12 to be awarded to projects submitted by either of Orange County's two public school districts. The  
13 remaining half (\$275,075) was to be made available to all other eligible general applicants in this  
14 round.

15  
16 The Community Climate Action grant program received seven (7) applications in this round from  
17 a variety of general applicants representing non-profit and public organizations whose total  
18 requests add up to \$585,873. No private sector applications were received. One (1) project,  
19 totaling \$368,000 was submitted from the Chapel Hill Carrboro City School district.

20  
21 Grant applications were completed over the summer and reviewed and scored by the Commission  
22 for the Environment (CFE) and the Human Relations Commission (HRC). In fall 2022, each of  
23 these Commissions voted to forward their final scoring and comments to the BOCC.

24  
25 The following is a rank-order summary table of the combined project scoring and  
26 recommendations. More details on each project are available in Attachment 1:  
27

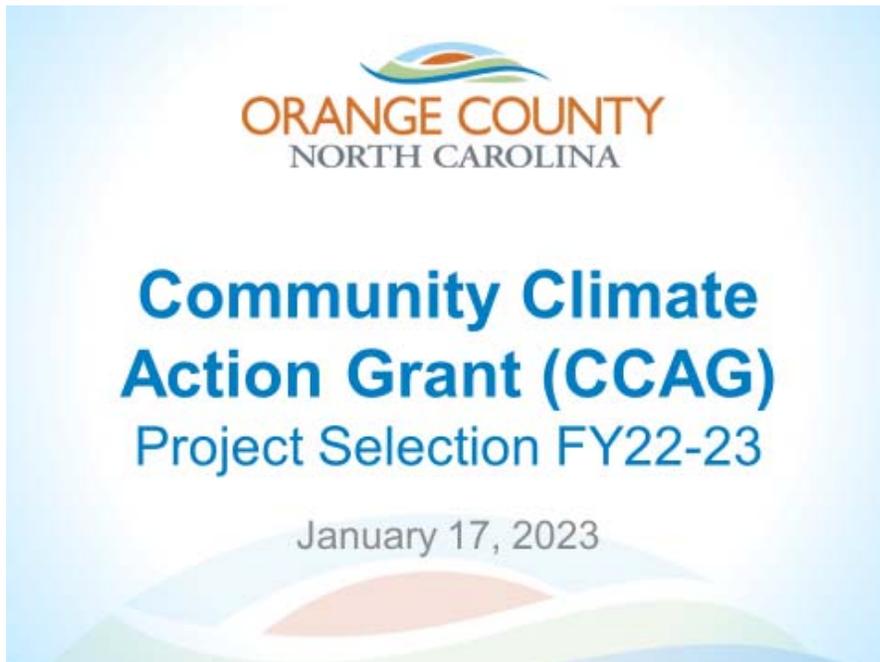
<u>Project</u>	<u>Applicant</u>	<u>Funding Requested</u>	<u>Recommended Funding Level</u>	<u>Running total</u>	<u>Total Score (Out of 26 pts)</u>	<u>Rank* (Out of 7 applications)</u>
General Applicants:						
Habitat Rooftop Solar	Habitat for Humanity	\$112,000	\$100,000	\$100,000	24.2	1
Weatherization	Rebuilding Together of the Triangle	\$150,000	\$25,000	\$125,000	23	2
Food Waste Monitors	Eno River Farmers Market	\$4,500	\$4,500	\$129,500	21.8	3
203 Solar Project	Town of Carrboro	\$89,243	\$40,575	\$170,075	17.1	4
Fleet Electrification Pilot	Town of Chapel Hill	\$74,600	\$50,000	\$220,075	17	5
Solar Roof	The ArtsCenter	\$134,664	\$55,000	\$275,075	15.8	6

Refillable Water Bottle Station	The ArtsCenter	\$20,866	\$0	\$275,075	10.9	7
	<b>Total Requested by General Applicants: (Funds available: (\$275,075))</b>	\$585,873	\$275,075	\$275,075		
School Applicants:						
Emission Reductions Through HVAC Replacements	Chapel Hill Carrboro City Schools	\$368,000	\$275,075	\$275,075	19	1
	<b>Total Requested by Schools (Funds available: \$275,075)</b>	\$368,000				

1 \* All projects were placed in rank order by CFE and HRC voting.

2  
3 Amy Eckberg, Sustainability Program Manager, gave the following PowerPoint  
4 presentation.

5  
6 Slide #1



7  
8 Amy Eckberg thanked the Commission for the Environment and the Human Relations for  
9 their work in scoring the projects and their insightful comments.

## 1 Slide #2

### Community Climate Action Grant Background

- ¼ cent property tax for climate action approved for FY 19-20 Budget
- First year projects run by County entities
- FY20-21 and future projects open to community through grant program
- Projects prioritized with Social Justice and Racial Equity benefits
- Community focus (not operations)

2  
3  
4

## Slide #3

### CCAG Eligibility Guidelines

- Non-profits, public entities, and small businesses
- All funds spent in Orange County
- Must have legal standing to receive funds
- Ongoing projects eligible if expanding or accelerating
- Replacement and repair projects are eligible if not likely to be funded within 5 years

5  
6  
7

## Slide #4

### CCAG Scoring Criteria

- 26 point scale
  - **Social Justice and Racial Equity (6pts)**
  - **Emissions reduced (4 pts)**
  - **Efficient use of Funds (4 pts)**
  - **Capacity of Applicant (3 pts)**
  - **Local Economic Development (3 pts)**
  - **Amount and Duration of Engagement (3 pts)**
  - **Time to complete (3 pts)**

8

1 Amy Eckberg noted that an additional point was added to the Social Justice and Racial  
2 Equity category last year. She said this was done because social justice and racial equity is the  
3 point of the program.

4  
5 Slide #5

## CCAG Projects To Date:

**FY19-20**  
 Supplemental weatherization  
 LED Light Campaign  
 Solar for Schools

**FY20-21**  
 Water Heater Replacement  
 Cane Creek Reservoir 352.4kW Solar  
 Solar on Affordable Habitat Homes  
 Cedar Falls Park LED Light Conversion  
 Solar-powered EV Charging Station  
 Tree Planting Program

**FY 21-22**  
 Compost monitors  
 Solar panels and green roof  
 EV bike rack and charging station  
 Low income HVAC replacement  
 Neighborhood Energy Resiliency Program  
 Solar for Schools







6  
7  
8 Slide #6



9  
10

1 Slide #7

## FY 22-23 CCAG Summary Table

Project	Applicant	Funding Requested	Recommended Funding Level	Budget Total	Total Score (Out of 26 pts)	Rank Out of 7 applications
<b>General Applicants</b>						
Habitat Rooftop Solar	Habitatfor Humanity	\$112,000	\$100,000	\$100,000	24.2	1
Weatherization	Rebuilding Together of the Triangle	\$150,000	\$25,000	\$125,000	23	2
Food Waste Monitors	Eno River Farmers Market	\$4,000	\$4,000	\$129,500	21.8	3
203 Solar Project	Town of Carrboro	\$89,243	\$40,575	\$170,075	17.1	4
Fleet Electrification Pilot	Town of Chapel Hill	\$74,000	\$50,000	\$220,075	17	5
Solar Roof	The Arts Center	\$134,884	\$55,000	\$275,075	15.8	6
Refillable Water Bottle Station	The Arts Center	\$20,886	\$0	\$275,075	10.9	7
	Total Requested by General Applicants (Funds available: \$275,075)	\$685,873	\$275,075	\$275,075		
<b>School Applicants</b>						
Emission Reductions Through HVAC Replacements	Chapel Hill Carrboro City Schools	\$368,000	\$275,075	\$275,075	19	1
	Total Requested by Schools (Funds available: \$275,075)	\$368,000				

2  
3 Commissioner Richards asked how the grant opportunity is being advertised.

4 Amy Eckberg said it's advertised on the website and she recently started a newsletter that  
5 will help show the grant dollars in action. She said the newsletter will come out every quarter. She  
6 said she hopes to do more this coming year with social media and to tell the story of the grant  
7 dollars in action.

8 Commissioner Richards said she is wondering how to get the word out so that the  
9 applicants are more diverse.

10 Amy Eckberg said that she will continue to work on that in consultation with the marketing  
11 team.

12 Commissioner Fowler asked how the habitat and weatherization decisions for funding  
13 were made.

14 Amy Eckberg said the advisory boards reviewed the previous funding and noted that  
15 Rebuilding Together of the Triangle had received over \$100,000 each year for two previous years  
16 and the organization is still spending down the balance.

17 Commissioner Hamilton said she appreciates the presentation and said it's becoming  
18 clearer each year. She asked if there is a way this can include an estimate of how the funds  
19 reduce greenhouse gas emissions.

20 Amy Eckberg said yes and that a lot of projects haven't come full circle. She said it's  
21 currently difficult to estimate greenhouse gas emissions reduced, but as the program continues,  
22 it will be easier. She said there are estimates on the applications, but since the projects aren't  
23 finished, she's hesitant to share the data.

24 Commissioner Hamilton said it would be interesting to see the estimate compared to the  
25 actuals and she would like to see those.

26 Chair Bedford said she sent emails with three questions. She said she asked about the  
27 203 Solar Project.

1 Amy Eckberg said last year the project received \$40,000 and this year they received an  
2 additional \$40,000.

3 Chair Bedford said asked if the Arts Center can do anything with the amount received.  
4 She said the committees are evaluating if they can do smaller arrays and also reapply in coming  
5 years. She said the Fleet Electrification Pilot is focused on an electric garbage truck. She said it  
6 was interesting that Chapel Hill got a grant to cover half the cost and it will be great to use this as  
7 a pilot to see if more of these are wanted going forward. Chair Bedford said she saw Mayor  
8 Weaver today and encouraged the Town of Hillsborough to apply. She said they will be applying  
9 in the future once they complete their Climate Plan.

10 Commissioner Greene thanked Amy Eckberg and the advisory boards for their work on  
11 this. She said the quarter center tax allocation was hard to get in place, but she thought it could  
12 do exactly what it's doing now.

13 Chair Bedford said it would be nice to share CHCCS's application with Orange County  
14 Schools so they can review it when they apply. She said she knows they have staffing restraints,  
15 etc. and having the application could be helpful.

16 Amy Eckberg said the Commission for the Environment will also be strategizing over the  
17 coming months for how to include both school systems.

18 Vice Chair McKee said, as someone who was wary of the tax increase when it first came  
19 about, he's happy with how the process has evolved and is glad he got out-voted.  
20

21 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to  
22 approve funding for the recommended Community Climate Action Grant projects for FY 2022-23.  
23

24 **VOTE: UNANIMOUS**  
25

26 **c. Orange County's Proposed 2023 Legislative Agenda**

27 The Board reviewed and discussed the proposed Orange County 2023 Priority Legislative Issues  
28 and any other potential items for inclusion in Orange County's legislative agenda package for the  
29 2023 North Carolina General Assembly Session; and considered approval of the Orange County  
30 2023 Priority Legislative Issues document for submittal to Orange County's legislative delegation.  
31

32 **BACKGROUND:** Orange County's Legislative Breakfast with Orange County's legislative  
33 delegation, in conjunction with the 2023 North Carolina General Assembly session, is scheduled  
34 for February 27, 2023. The Board of Commissioners has historically approved a set of legislative  
35 issues each year for presentation to/discussion with the delegation.  
36

37 Based on a North Carolina Association of County Commissioners' (NCACC) request in summer  
38 2022 for proposed 2023-24 statewide legislative goals, Commissioner Anna Richards and former  
39 Commissioner Renee Price worked with staff on a proposed 2023-24 legislative goals  
40 resolution/package. That proposed resolution was then presented to, and approved by, the  
41 BOCC in September 2022, and subsequently submitted to NCACC for consideration as part of  
42 the organization's 2023-24 Legislative Goals process.  
43

44 With minimal time having passed since the Board approved the September 2022 legislative goals  
45 resolution submitted to NCACC, and based on direction from current BOCC Chair Jamezetta  
46 Bedford and previous Chair/former Commissioner Price, staff has reformatted the content of the  
47 approved resolution into the attached document. It is proposed that the attached document, as  
48 may be amended, be approved and presented to Orange County's legislative delegation for the  
49 February 27<sup>th</sup> Legislative Breakfast meeting.  
50

1 The September 2022 resolution submitted to NCACC highlighted eight legislative issues, all of  
 2 which are reformatted into the proposed attached document for Board consideration.

3  
 4 Greg Wilder, Assistant to the County Manager for Legislative Affairs, reviewed the  
 5 background information for the item. He said due to the short amount of time that has passed  
 6 since the approval, staff has reformatted the items for submittal to the legislative delegation.

7 Commissioner Fowler said she would like to add bullet points to a couple of categories.  
 8 Under Mental Health & Behavioral Health Services, she asked to add:

- 9 • Increasing innovation waiver slots more aggressively to meet the Olmstead Act
- 10 requirements; and
- 11 • Increasing pay for nurses and direct support staff.

12 Under Racial Equity in Criminal Justice, Commissioner Fowler asked to add:

- 13 • Decompression of the Juvenile Justice salaries.

14  
 15 A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to  
 16 approve the Orange County 2023 Priority Legislative Issues document for submittal to Orange  
 17 County's legislative delegation with the suggested amendments by Commissioner Fowler.

18  
 19 Commissioner Greene said she hopes they will be more favorably received by the  
 20 legislative delegation than the reception by the NCACC.

21  
 22 **VOTE: UNANIMOUS**

23  
 24 **7. Reports**

25 None.

26  
 27 **8. Consent Agenda**

28  
 29 A motion was made by Vice Chair McKee, seconded by Commissioner Hamilton, to  
 30 approve the consent agenda.

31  
 32 **VOTE: UNANIMOUS**

33  
 34 **a. Minutes**

35 The Board approved the draft minutes for the November 15, 2022 and December 5, 2022 BOCC  
 36 Meetings as submitted by the Clerk to the Board.

37 **b. Motor Vehicle Property Tax Releases/Refunds**

38 The Board approved a resolution to release motor vehicle property tax values for three (3)  
 39 taxpayers with a total of three (3) bills that will result in a reduction of revenue.

40 **c. Property Tax Releases/Refunds**

41 The Board approved a resolution to release property tax values for ten (10) taxpayers with a total  
 42 of fifteen (15) bills that will result in a reduction of revenue.

43 **d. Late Applications for Property Tax Exemption/Exclusion**

44 The Board approved a resolution for three (3) untimely applications for exemption/exclusion from  
 45 ad valorem taxation for three (3) bills for the 2022 tax year.

46 **e. Advertisement of Tax Liens on Real Property**

47 The Board accepted the report on the amount of unpaid taxes for the current year that are liens  
 48 on real property as required by North Carolina General Statute 105-369 and approved and  
 49 authorized the Chair to sign the Order setting the lien sale advertisement on or about March 22,  
 50 2023.

51

1 **f. Fiscal Year 2022-23 Budget Amendment #5**

2 The Board approved the budget, grant, and capital project ordinance amendments for Fiscal Year  
3 2022-23

4 **g. Resolution Supporting Compression Increases for Division of Juvenile Justice and**  
5 **Delinquency Prevention Detention and Youth Development Center Staff**

6 The Board approved a Resolution Supporting Compression Increases for Division of Juvenile  
7 Justice and Delinquency Prevention Detention and Youth Development Center Staff.

8 **h. Removal of Appointee from the Orange County Housing Authority Board**

9 The Board approved the removal of Tammy Jacobs as an appointee to the Orange County  
10 Housing Authority Board.

11 **i. Microsoft Office 365 Contract and Approval of Budget Amendment #5-B**

12 The Board approved the purchase of Microsoft Office 365 subscription licenses from Software  
13 House International Corp., for \$403,195.97 paid annually (NC State Contract #208C) using the  
14 County Attorney's contract template; approved the associated Microsoft Volume Licensing  
15 Enrollment Agreement which was originated by the vendor and is in line with industry standards  
16 while meeting policy requirements and legal sufficiency; and approved Budget Amendment #5-B.

17 **j. End Point Protection – Managed Detection Response CrowdStrike Contract**

18 The Board approved and authorized the Manager to sign a one-year contract with Carahsoft  
19 Technology Corporation (Carahsoft) and CrowdStrike in the amount of \$112,965 to move 1,500  
20 devices, e.g., computers and servers, from the currently deployed Carbon Black endpoint  
21 protection to CrowdStrike end point protection, with the addition of a vendor initiated managed  
22 detection system.

23 **k. Ratification of Manager Signed Intergovernmental Agreements**

24 The Board acknowledged and ratified various intergovernmental agreements signed by the  
25 Manager as previously authorized by the Board of Commissioners.

26  
27 **9. County Manager's Report**

28 Travis Myren mentioned that the Retiree Recognition has been moved to the Information  
29 Item portion of the agenda. He said the mid-year smart goal update is included as an information  
30 item. He said that he expects a contract to be brought forward in February.

31 Commissioner Richards asked what recognition the retirees get by moving this to an  
32 information item.

33 Travis Myren said they get recognition offline and it also goes into the minutes.

34 Chair Bedford said the Retirement Recognition was paused during COVID, so the  
35 recognition was brought to the meetings.

36 Commissioner Richards thanked Travis Myren for the mid-year updates to the SMART  
37 Goals. She said she thought staff did a good job tying them back to the Board goals. She asked  
38 if she can call Travis Myren to ask questions.

39 Travis Myren said yes and recognized Kirk Vaughn and the budget team for their work.

40  
41 **10. County Attorney's Report**

42 John Roberts said there is one legislative goal brought back from last year and that is the  
43 Appeal for Dangerous Dogs. He said that Senator Meyer is working on a statewide statute on  
44 dangerous dogs.

45  
46 **11. \*Appointments**

47 None.

48  
49 **12. Information Items**

- 50
- December 13, 2022 BOCC Meeting Follow-up Actions List
  - Tax Collector's Report – Numerical Analysis
- 51

- 1 • Tax Collector's Report – Measure of Enforced Collections
- 2 • Tax Assessor's Report – Releases/Refunds under \$100
- 3 • SMART Goals FY 2022-23 Winter Update
- 4 • Memorandum - Recognizing Retirements from October 1, 2022 through December 31,
- 5 2022
- 6 • Memorandum - Orange County Transportation Services Annual Update

### 8 **13. Closed Session**

9 A motion was made by Chair Bedford, seconded by Commissioner Fowler, to enter in to  
 10 closed session at 9:01 p.m. pursuant to North Carolina General Statute § 143-318.11(a)(3) "to  
 11 consult with an attorney retained by the Board in order to preserve the attorney-client privilege  
 12 between the attorney and to discuss the potential settlement of the national opioid litigation as it  
 13 relates to Defendants CVS, Walgreens, Walmart, Teva, and Allergan" and, pursuant to North  
 14 Carolina General Statute § 143-318.11(a)(6) "to consider the qualifications, competence,  
 15 performance, character, fitness, conditions of appointment, or conditions of initial employment of  
 16 an individual public officer or employee or prospective public officer or employee" and to approve  
 17 closed session minutes.

### 18 **VOTE: UNANIMOUS**

19  
 20  
 21 A motion was made by Commissioner Richards, seconded by Commissioner Hamilton, to  
 22 reconvene into regular session at 9:27 p.m.

### 23 **VOTE: UNANIMOUS**

### 24 **14. Adjournment**

25  
 26 A motion was made by Commissioner Fowler and seconded by Commissioner Hamilton  
 27 to adjourn the meeting at 9:27 p.m.

### 28 **VOTE: UNANIMOUS**

31  
 32  
 33 Jamezetta Bedford, Chair

34  
 35  
 36 Recorded by Tara May, Deputy Clerk to the Board

37  
 38 Submitted for approval by Laura Jensen, Clerk to the Board.

39

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** Approval of the Purchase of Land Records Computer Assisted Mass Appraisal (CAMA) Software

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**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

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

Michael Burton, GIS/Land Records  
Manager, (919) 245-2502

Chad Phillips, Deputy Tax Assessor, (919)  
245-2103

---

**PURPOSE:** To approve the purchase of Land Records Computer Assisted Mass Appraisal (CAMA) software from Farragut Systems, Inc.

**BACKGROUND:** Orange County Assessment and GIS/Land Records Divisions of the Tax Administration utilize a parcel identification number (PIN) management and computer assisted mass appraisal software in performing the duties of the offices. The current software with Patriot Properties is outdated, and the vendor has indicated it does not wish to continue to support the PIN management portion of the software, which necessitates an upgrade. Tax Administration issued a Request for Proposal (RFP) per Orange County purchasing policy and identified Farragut as the proposed vendor in November 2022. The new system will replace Orange County's CAMA and PIN management applications.

Farragut's product is North Carolina Property Tax Solution (NCPTS) software. Currently the billing and collections software application used by Tax Administration is also NCPTS software. This change will provide a seamless transfer of information throughout all three components of the Tax Administration software, and will act as the hub that connects the Register of Deeds, PIN management application, Land Records, Permitting, Tax Appraisal and Collection divisions as part of the overall Property Information Management System.

**FINANCIAL IMPACT:** The purchase amount for the software is \$537,065 and would be funded through existing Information Technology Governance Council (ITGC) funds that were previously included in the budget. The ITGC evaluates information technology project requests and makes recommendations for funding and project prioritization in a manner that best serves the needs of the County.

**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 the purchase of the Land Records Computer Assisted Mass Appraisal (CAMA) software from Farragut Systems, Inc. and authorize the Chair to sign the purchase contract.

ORD-2023-013

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** Fiscal Year 2022-23 Budget Amendment #6

---

**DEPARTMENT:** County Manager's Office

---

**ATTACHMENT(S):**

Attachment 1. Year-to-Date Budget  
Summary

**INFORMATION CONTACT:**

Kirk Vaughn, (919) 245-2153

---

**PURPOSE:** To approve budget, grant, and capital project ordinance amendments for Fiscal Year 2022-23.

**BACKGROUND:**

**Visitors Bureau Fund – Economic Development**

1. The Visitors Bureau is requesting use of \$190,000 of its available unassigned fund balance for tourism initiatives. These funds will be utilized to add trolley transit for the 2023 Uproar Arts Festival, develop a strategic destination and tourism plan, continue business marketing and advertising strategies, and build on leisure tourism advertising.

This budget amendment provides for the \$190,000 appropriation from the Visitors Bureau Unassigned Fund Balance. With this appropriation, \$190,864 will remain in reserves, which represents 15% of the budgeted expenditures.

**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.

**Health Department**

2. The Health Department has received an additional \$2,362 in State funding for the Family Planning Program. These funds will be used to purchase additional family planning methods based on the needs of the community, in order to have all family planning methods on hand to distribute as needed.

**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.

### **Department of Social Services**

3. The Department of Social Services has received \$2,000 in donated funds to assist a foster youth with making a purchase. These funds will be appropriated outside of the General Fund in the DSS Client Enhancement Fund. The budget amendment provides for receipt and use of these funds consistent with the intent of the donation.

**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.

### **Animal Services**

4. Animal Services has requested to use \$18,925 of donated funds to cover the cost of medical equipment and a bench/plaque to honor the former Orange County Animal Services Director. The donated funds will come from Animal Services General Donations, Medical Care for Adoptable Pets and Emergency Medical Care for Rescue Animals. This budget amendment provides for receipt and use of these funds consistent with the intent of the donations.

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

### **Criminal Justice Resource Department**

5. **Opioids and COVID Grant** - The Criminal Justice Resource Department (CJRD) has received an extension from the North Carolina Department of Health and Human Services for the Opioids and COVID Multi-year Grant from January 31, 2023 to June 30, 2023. This grant supports justice-involved individuals with substance use issues during COVID by providing pre- and post-arrest diversion programs and reentry programming. This grant extension for the Lantern Project will also extend the two (2) time-limited positions funded by the grant to June 30, 2023. In addition to this extension, this also increases the final grant approved amount from \$575,416 to \$689,078. This amendment provides for the receipt of the additional \$113,662 in the Multi-Year Grant Fund, outside of the General Fund, and amends the following Grant Project Ordinance:

**Opioids and COVID Multi-year Grant (\$113,662) - Project # 95041**

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Intergovernmental	\$575,416	\$113,662	\$689,078
<b>Total Project Funding</b>	<b>\$575,416</b>	<b>\$113,662</b>	<b>\$689,078</b>

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Opioids and COVID Grant Project	\$575,416	\$113,662	\$689,078
<b>Total Costs</b>	<b>\$575,416</b>	<b>\$113,662</b>	<b>\$689,078</b>

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are 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.

- **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: CREATE A SAFE COMMUNITY**

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

## Housing Department

6. The Orange County Partnership to End Homelessness Program has received notification of a \$40,704 Emergency Solutions Grant award from the North Carolina Department of Health and Human Services, Division of Aging and Adult Services. This is a reimbursable grant with the service period of January 1, 2023 through December 31, 2023. These funds will be used to address the needs of the vulnerable homeless population in Orange County. The funding will be used for the provision of tenant-based rental assistance and related security/utility deposits to eligible households. These funds will also cover a portion of existing staff time to support housing search and placement and housing stability case management. This budget amendment provides for the receipt of these funds within the Community Development Fund.

**Emergency Solutions Grant (\$40,704) - Project # 71084**

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Emergency Solutions Grant	\$99,935	\$40,704	\$140,639
<b>Total Project Funding</b>	<b>\$99,935</b>	<b>\$40,704</b>	<b>\$140,639</b>

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Emergency Solutions Grant Expenditures	\$99,935	\$40,704	\$140,639
<b>Total Costs</b>	<b>\$99,935</b>	<b>\$40,704</b>	<b>\$140,639</b>

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

- **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.

### Finance and Administrative Services

7. During the completion of the FY 2022 Annual Comprehensive Financial Report, auditors required additional hours to complete the compliance, financial and Local Government Employer Retirement examination. These additional hours resulted in an additional \$56,500 in contract expenses (a contract amendment for this additional expense is a separate item on this meeting agenda). These expenses are funded with the excess interest income the County has received in FY 2023.

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

### Article 46 Sales Tax Fund

8. During the FY 2021-22 Fiscal Year, the County experienced stronger than budgeted sales tax revenue. The Article 46 sales tax experienced a particularly significant increase in revenue, performing 28% higher than FY 2020-21. This amendment recognizes the \$1,001,587 in additional Article 46 revenue received in FY 2021-22, and conservatively estimates an additional over-performance of \$1,001,587 in FY 2022-23, to authorize \$2,003,174 in expenditures in the Fund. These funds will be allocated according to the Board of County Commissioners' policy for this fund. A total of \$1,001,587 will be provided

for economic development incentives, \$588,733 will be provided to Chapel Hill Carrboro City Schools and \$412,854 will be provided to Orange County Schools for additional technology expenditures based on FY 2022-23 budgeted Average Daily Membership. This amends the grant ordinance in the fund:

**Article 46 Sales Tax Fund (\$2,003,174) - Fund # 34**

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Article 46 Sales Tax Proceeds	\$39,627,004	\$2,003,174	\$41,630,178
<b>Total Funding</b>	<b>\$39,627,004</b>	<b>\$2,003,174</b>	<b>\$41,630,178</b>

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Economic Development Expenditures	\$19,813,502	\$1,001,587	\$20,815,089
School Capital Expenditures	\$19,813,502	\$1,001,587	\$20,815,089
<b>Total Costs</b>	<b>\$39,627,004</b>	<b>\$2,003,174</b>	<b>\$41,630,178</b>

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

### Human Resources

- In order to provide collaboration and efficiencies in programs, the funding for personnel and operations of the Risk Management Division is being moved from the County Manager's Office to the Human Resources Department. This moves \$706,718 from the General Government Function to the Support Services Function. No additional funding is required.

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

### West Campus Office Renovation

- In October 2022, Asset Management moved the Finance and Administrative Services Department from rented property to the third floor of the West Campus Office Building to save in ongoing costs. The space was reconfigured to accommodate the department along with the Human Resources and Information Technologies Departments. In order to provide final funding for the renovation, an additional \$23,100 is required for signage, cabinets, and glass board dividers. These funds will be drawn from the County Capital Reserve Fund, and will amend the following Capital Ordinance:

**West Campus Office Renovation/Facility Master Plan (\$23,100) - Project # 10078**

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
From General Fund	\$487,191	\$0	\$487,191
From Capital Reserve	\$0	\$23,100	\$23,100
Alternative Financing	\$542,236	\$0	\$542,236
<b>Total Project Funding</b>	<b>\$1,029,427</b>	<b>\$23,100</b>	<b>\$1,052,527</b>

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Renovation and Planning Expenditures	\$1,029,427	\$23,100	\$1,052,527
<b>Total Costs</b>	<b>\$1,029,427</b>	<b>\$23,100</b>	<b>\$1,052,527</b>

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

**Southern Campus Veterans Memorial**

11. The Veterans Memorial project has received \$5,984 in additional community giving funds. These funds will be applied to the Veteran's Memorial Capital Project to help fund phase 3 of the project. This amends the following Capital Ordinance:

***Southern Campus Veteran's Memorial (\$5,984) - Project # 10060***

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Community Giving Funds	\$72,924	\$5,984	\$78,908
Veteran's Memorial Inc	\$57,833	\$0	\$57,833
From General Fund	\$30,000	\$0	\$30,000
<b>Total Project Funding</b>	<b>\$160,757</b>	<b>\$5,984</b>	<b>\$166,741</b>

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Project Expenditures	\$160,757	\$5,984	\$166,741
<b>Total Costs</b>	<b>\$160,757</b>	<b>\$5,984</b>	<b>\$166,741</b>

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

**Low to Moderate Income Solar Funding**

12. Earlier this year, Orange County became a community partner of Solarize the Triangle, a community-based group-purchasing program for solar energy, battery storage, and other

clean-energy technologies that helps Triangle homeowners, businesses, and nonprofits become more resilient, reduce energy expenses, and save on the cost of renewable-energy systems. The savings are realized by obtaining volume discounts on materials and installation services – the more property owners purchase renewable energy systems, the lower the price to all buyers – through the power of purchasing together.

The partnership recognized early on the need to be able to reduce financial burdens and make solar accessible to everyone. To that end, the partners worked to develop a low-income to moderate-income (LMI) program. Criteria were identified, as well as trusted community partners, who could help identify eligible households based on the criteria and help facilitate communication about the program and its benefits with these households. It was agreed that the Triangle J Council of Governments (TJCOG) would serve as administrator overseeing the contract process with LMI homeowners and coordination with YES Solar Solutions for install and with the participating local governments providing funding.

The City of Raleigh, City of Durham, Durham County and Chapel Hill have all provided LMI funding towards this program. The County will provide \$50,000 funds from the Social Justice Reserve Fund towards supporting Orange County residents that qualify for the LMI funding. With this action, along with Budget Amendment #6-A as a separate item on this meeting agenda, \$12,696 would remain in the Social Justice Reserve Fund. This transfers \$50,000 towards the Multi-year Grant Fund for this purpose and creates the following Grant Ordinance:

***LMI Solar Funding (\$50,000) - Project # 30082***

Revenues for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Transfer from General Fund	\$0	\$50,000	\$50,000
<b>Total Project Funding</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$50,000</b>

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Program Expenditures	\$0	\$50,000	\$50,000
<b>Total Costs</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$50,000</b>

**SOCIAL JUSTICE IMPACT:** The following Orange County Social Justice Goals are 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.

- **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.

**ENVIRONMENTAL IMPACT:** The following Orange County Environmental Responsibility Goal impact is 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.

**FINANCIAL IMPACT:** Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2022-23 and increases the General Fund by \$77,787, the Multi-year Grant Fund by \$163,662, the County Capital Fund by \$29,084, the Community Development Fund by \$40,704, the Visitors Bureau Fund by \$190,000, the Article 46 Sales Tax Fund by \$2,003,174, and the DSS Client Enhancement Fund by \$2,000.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goal impacts associated with these items other than as noted otherwise above.

**RECOMMENDATION(S):** The Manager recommends the Board approve the budget, grant, and capital project ordinance amendments for Fiscal Year 2022-23.

## Year-To-Date Budget Summary

Fiscal Year 2022-23

Fund Budget Summary	General Fund	Grants Fund	Community Development Fund	Visitors Bureau Fund	County Capital	Article 46 Sales Tax Fund	DSS Client Enhancement Fund
Original Budget Revenue	\$255,500,691	\$474,802	\$1,020,422	\$1,912,877	\$10,612,009	\$4,202,200	\$0
Interfund Transfer Revenue	\$76,740	\$87,786	\$348,430				
Fund Balance Appropriation	\$2,608,888			\$288,814			
<b>Total Original Budget</b>	<b>\$258,186,319</b>	<b>\$562,588</b>	<b>\$1,368,852</b>	<b>\$2,201,691</b>	<b>\$10,612,009</b>	<b>\$4,202,200</b>	<b>\$0</b>
<b>Additional Revenue Received Through Budget Amendment #6 (February 21, 2023)</b>							
Grant Funds	\$2,031,543	\$1,064,655	\$573,749	\$17,761	\$336,177		\$102,180
Non Grant Funds	\$306,600		\$8,388	\$148,658	\$302,082	\$2,003,174	\$52,145
Additional Interfund Transfer Revenue		\$50,000	\$6,181		\$647,079		
Additional Fund Balance Appropriation	\$12,126,566			\$190,000			
<b>Total Amended Budget</b>	<b>\$272,651,028</b>	<b>\$1,677,243</b>	<b>\$1,957,170</b>	<b>\$2,558,110</b>	<b>\$11,897,347</b>	<b>\$6,205,374</b>	<b>\$154,325</b>
Dollar Change in 2022-23 Approved Budget	\$14,464,709	\$1,114,655	\$588,318	\$356,419	\$1,285,338	\$2,003,174	\$154,325
% Change in 2022-23 Approved Budget	5.66%	234.76%	57.65%	18.63%	12.11%	47.67%	100.00%

**Authorized Full Time Equivalent Positions**

Original Approved Full Time Equivalent Positions (includes Permanent and Time Limited)	983.505	5.000	10.000	7.000	0.000	3.000	0.000
Changes to Full Time Equivalent Positions	3.700						
Amended Approved General Fund Full Time Equivalent Positions	987.205	5.000	10.000	7.000	0.000	3.000	0.000
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2022-23</b>	<b>987.205</b>	<b>5.000</b>	<b>10.000</b>	<b>7.000</b>	<b>0.000</b>	<b>3.000</b>	<b>0.000</b>

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

**SUBJECT:** Durham & Orange Transit Plan Governance Study – Interlocal Agreement Between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and Research Triangle Regional Public Transportation Authority

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**DEPARTMENT:** Manager’s Office, Planning & Inspections

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**ATTACHMENT(S):**

1. Draft Revised Interlocal Agreement (track-changes format)

**INFORMATION CONTACT:**

Travis Myren, Deputy County Manager, 919-245-2308  
Tom Altieri, Senior Planner, 919-245-2579  
Nish Trivedi, OCTS Director, 919-245-2007

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**PURPOSE:** To consider adoption of the revised Orange County Transit Plan Interlocal Agreement (ILA).

**BACKGROUND:** In the early 2010’s, Orange County approved a county-wide transit plan, which included a joint recommendation for the development of the Durham-Orange Light Rail Transit (DO LRT) project. In 2013, an interlocal agreement (ILA) was developed and approved by the Orange County Board of County Commissioners (BOCC), the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Board and the GoTriangle Board of Trustees. Upon the discontinuation of the DO LRT project, it was realized that a new governance framework (aka ILA) was necessary to guide the implementation of future County transit plans.

The BOCC approved the aforementioned new ILA at its meeting on November 1, 2022. The materials from this meeting, which include additional background information, can be accessed from the following link:

<http://server3.co.orange.nc.us:8088/WebLink/0/doc/68689/Page1.aspx>

Why is a revision needed?

Following BOCC action to adopt the ILA, there have been additional discussions with regional partners to refine certain sections to meet the needs of all parties based on the direction of the respective governing boards.

What are the recommended revisions to the ILA?

A few edits were requested by study partners involved, as follows:

1. Section 2.012.d: This edit is to adequately define the role of the Vehicle Rental Tax funding source and acknowledgment of GoTriangle’s Board of Trustees having sole discretion of future allocations of that funding source to local transit plan implementation efforts.

2. Section 4.02.g: This edit officially inserts each party's respective addresses for notice purposes.
3. Section 4.03: This edit formally outlines a commitment by the parties to coordinate a review of the ILA that aligns with the frequency for the multi-year transit vision plan updates (every 4-years), but also allows for a process in the event a critical amendment is necessary outside that review cycle.
4. Section 5.03.m: This edit is to enhance language that defines a responsibility of GoTriangle to not pay debt service or use local transit funding sources to fund costs associated with capital facilities outside of Orange County unless otherwise agreed to, through appropriate agreement documentation, with the Orange County BOCC.
5. Throughout the document, the phrase 'master' was used to refer to a couple different agreement types that serve more specific purposes beyond the ILA. The desire was expressed by parties to shift from the use of this phrase.
  - a. Comprehensive Participation Agreement (now formally defined in Section 2.40), was formerly referred to as the Master Participation Agreement and serves as the mechanism to formally invite parties to participate in transit plan implementation that are not explicitly parties to the ILA
  - b. Global Operating or Capital Agreement (generally defined in Section 2.022) is an agreement that encompasses a discrete logical grouping of capital projects, transit operations or studies.

Attachment 1 is a copy of the revised ILA in track-changes format, new text underlined and text to be deleted shown in strikethrough text.

#### Adoption Process Next Steps

The following parties are to adopt the ILA.

Orange County:

- BOCC re-adoption consideration (2/21/23)

DCHC MPO:

- Board adoption consideration (3/8/23)

GoTriangle:

- Board adoption consideration (TBD)

**FINANCIAL IMPACT:** This study has been conducted in a partnership with Durham County. Orange County is contributing \$52,833.84. This money is being reimbursed from the Article 43 Transit Tax revenues.

**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 the Board approve and authorize the Chair to sign the revised Interlocal Agreement.

## Attachment 1

**Transit Governance  
Interlocal Agreement**

**Between**

**Orange County**

**Durham-Chapel Hill-Carrboro Metropolitan Planning Organization**

**And**

**Research Triangle Regional Public Transportation Authority**

This Interlocal Agreement (the "Agreement"), is entered into this \_\_\_\_ day of \_\_\_\_\_ 2022, by and between Orange County, North Carolina, a public body politic and corporate of the state of North Carolina (hereinafter "Orange County"), Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, a metropolitan planning organization (hereinafter "DCHC MPO" or "MPO") and Research Triangle Regional Public Transportation Authority d/b/a GoTriangle, a public body politic and corporate of the State of North Carolina; each individually referred to as a "Party" and collectively referred to herein as "the Parties";

Witnesseth:

Whereas, Orange County, DCHC MPO and GoTriangle, all of which have specific roles in the implementation of public transit in the Orange County area, have determined that it is in their best interest to coordinate public transit planning, funding, expansion, and construction; and

Whereas, GoTriangle is a regional public transportation authority created in accordance with the provisions of N.C.G.S 160-603 *et seq.* by concurrent resolution of Durham, Orange and Wake counties and duly incorporated as a body corporate and politic and vested with the general powers set forth in N.C.G.S. Chapter 160A Article 26; and

Whereas, DCHC MPO is the Metropolitan Planning Organization for the Durham-Chapel Hill-Carrboro Urbanized Area, established pursuant to 23 U.S.C. 134 *et seq.* and recognized under the laws of North Carolina pursuant to N.C.G.S. 136-200.1; and

Whereas, Orange County is a body politic and corporate vested with the corporate powers set forth in N.C.G.S 153A-11; and

Whereas, GoTriangle, DCHC MPO and Orange County, among others, are parties to an agreement signed in 2016 titled "Agreement setting Forth the Mutual Understanding of the Parties as to the Scope and Content of the Financial Plan", which defined the creation of the Triangle Tax District; and

Whereas, GoTriangle serves as the regional public transportation authority that administers the Triangle Tax District pursuant to N.C.G.S 105-508; and

Whereas, the Parties to this Agreement, in collaboration with local partners and stakeholders, shall carry out the implementation of the Orange County Transit Multi-Year Vision Plan, which shall include an approved financial plan pursuant to N.C.G.S 105-508.1; and

Whereas, the Parties pursuant to the authority of N.C.G.S. 160A-461 *et seq.* are authorized to enter into this Agreement and joint planning and implementation efforts in order to pursue the above stated goals.

Now Therefore, for and in consideration of the promises and covenants contained in this Agreement and the mutual benefits derived therefrom, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

## Article I

### Purpose and Scope

- 1.01 **Purpose.** The purpose of this Agreement is to provide a plan of governance that will efficiently, effectively, and equitably implement public transit services and projects as set forth in the Orange County Transit Multi-Year Vision Plan (see 2.038 for definition) and associated Orange County Transit Annual Work Programs (see 2.011 for definition). This Agreement will also guide updates and amendments to the Orange County Transit Multi-Year Vision Plan which include the planning, design, funding, implementation, and operation of transit services; reporting expectations; and resolution of issues.
- 1.02 **Scope.** The scope of this Agreement shall be the governance of the planning, financing, and implementation of the Orange County Transit Multi-Year Vision Plan, as it may be amended from time to time as provided for herein.
- 1.03 **Objective.** The objective of this Agreement is to create a governance structure to successfully meet the purposes of this agreement.

## Article II

### Definitions

- 2.01 “Annual Capital Budget” shall mean the upcoming year of the multi-year Capital Improvement Plan (CIP) which is enacted by adoption of the capital projects ordinance pursuant to N.C.G.S. Chapter 159. This budget shall include the allocation of financial resources to specific project sponsors for specific projects. Appropriations that are made pursuant to the Annual Capital Budget shall be budgeted to project elements such as, but not limited to, infrastructure projects or vehicle rolling stock (depreciable items) in a multi-year major fund such that funding does not revert to available capital fund balance at the end of the fiscal year.
- 2.02 “Annual Operating Budget” shall mean the upcoming year of the annual operating program, which is enacted by the adoption of the operating projects ordinance pursuant to N.C.G.S. Chapter 159. This budget shall include the allocation of financial resources to specific project sponsors for specific projects. Appropriations that are made pursuant to the Annual Operating Budget shall be budgeted to elements such as, but not limited to, elements to support the operations, maintenance, and administrative oversight of public transportation services and the overhead costs related to Tax District functions. The annual operating budget shall be budgeted

- by major fund. The annual operating budget shall also contain the annual administrative functions, the details of which shall be provided independently of operating costs associated with transit operating projects.
- 2.03 “Annual Orange Transit Report” shall mean a report that provides information regarding meeting strategic public transit objectives and includes the performance achieved, the strategies being followed, and performance targets and key milestones for capital projects and operating services.
- 2.04 “Annual Work Program Development Calendar” shall refer to the agreed upon schedule that is developed at the start of each fiscal year. This schedule outlines critical milestone-dates for which elements supporting the Annual Work Program are to be developed, drafted, and coordinated for review and approval by the SWG, and presented as information to all governing boards that are parties to this agreement.
- 2.05 “Audited Financial Statements” shall refer to financial statements which have been audited by a Certified Public Accountant and for which an opinion has been expressed to meet US generally accepted accounting principles or principles adopted by Governmental Accounting Standards Board (GASB) and prepared in accordance with N.C.G.S. 159-34.
- 2.06 “Capital Funding Agreement” shall mean an agreement between agencies to provide funding supporting an Implementation Element for specified capital improvements. Any such agreement will include details of the capital improvements to be provided and detail expectations on Orange County Transit Annual Work Program resource funding, responsibilities, schedule, and performance and shall adhere to any and all standards outlined in the supporting ~~Master~~ Comprehensive Participation Agreement.
- 2.07 “Capital Projects” shall mean purchase of land or interests in land; purchase, construction or demolition of buildings or other physical facilities; purchase of services of architects, engineers, as well as other studies; site improvements or development necessary for the implementation of transit projects; purchase or installation of fixed or moveable equipment necessary for the installation and operation of transit services; rolling stock or vehicles as defined by the Federal Transit Administration; corridor and project planning studies; infrastructure projects; and information technology costs that result in a long-term asset.
- 2.08 “Capital Projects Ordinance” shall mean the annual financial ordinance budgeted for the Orange Transit major capital fund pursuant to N.C.G.S Chapter 159., tied to the multi-year Capital Improvement Plan, the Annual Capital Budget and planned capital project funding agreements that implement needed capital projects.
- 2.09 “Component Unit” or “Separate Component Unit” shall refer to a unit of local government within the Tax District if the primary entity has administrative responsibility for the budget adoption and operation and management of transit services provided by the unit. The primary entity shall report in its financial statements information about the relationship between any component unit(s) and the primary entity. The primary entity also is required to report Orange Transit Plan Revenues, including Dedicated Local Transit Funding Sources, expenditures and fund balance in columns separate from the primary entity’s financial data in its annual audited statements.
- 2.010 “Annual Comprehensive Financial Report” (“ACFR”) shall mean the report prepared by governmental entities that complies with the accounting regulations promulgated by the Governmental Accounting Standards Board (GASB).

- 2.011 “Orange County Transit Annual Work Program” or “Work Program” shall mean the comprehensive annual program for transit capital and operations presented by the SWG (see 2.034) which shall include all of the separate components of:
- a. Annual Operating Budget Ordinance. This shall be supplied for the Orange Transit major operating fund which will appropriate funds for the operation, administration, and implementation of projects identified in the Work Program as operating projects;
  - b. Annual Tax District administration budget for the Orange Transit major operating and capital fund;
  - c. Multi-Year Capital Improvement Plan (CIP) supplied for the Orange Transit major capital fund that clearly identifies specific projects, project sponsors responsible for undertaking those projects, project funding sources, and project expenditures. (NOTE: The Multi-year CIP shall be updated annually to coincide with the annual capital budget always being the first year of appropriation of funding for capital projects identified in the CIP. The Multi-year CIP shall be coordinated with the Metropolitan Transportation Plan, Transportation Improvement Program, and annual program of projects developed and maintained by the DCHC MPO designated recipient of federal formula transit grants so as to be consistent with submittal deadlines for the Transportation Improvement Program and the horizon years of the Metropolitan Transportation Plan.);
  - d. Annual Capital Budget Ordinance supplied for the Orange Transit major capital fund that allocates financial resources to specific project sponsors for specific projects and represents the current year of appropriation of funding for capital projects identified in the Multi-Year CIP;
  - e. Annual Operating Program (as defined *supra*.);
  - f. Adjustment of the Current Orange Transit Financial Plan and financial model assumptions and corresponding update of the planning horizon of Orange County Transit Multi-Year Vision Plan future projects not included in the current Multi-year CIP. The Parties shall use good faith efforts to align planning horizon year with the horizon year of the current DCHC MPO MTP. The Financial Model shall contain agreed upon financial assumptions of the SWG (and supporting subcommittees as designated) for the Orange County Transit Annual Work Program revenues involving federal, state, and local sources and multi-year capital and operating costs including liquidity targets and debt ratios relevant to rating agency metrics;
  - g. Multi-year Capital Funding Agreements or ~~GlobalMaster~~ Agreements; and
  - h. Multi-year Operating Agreements or ~~GlobalMaster~~ Agreements.
- 2.012 “Dedicated Local Transit Funding Sources” shall be defined as all revenues derived from transit funding sources in support of the Orange County Transit Multi-Year Vision Plan, which shall include, but not limited to (for potential future need):
- a. Article 43 Half-Cent (0.5 percent) Sales and Use Tax. This is the ½ percent local option sales and use tax as defined by N.C.G.S 105-508;
  - b. Article 51 Three-Dollar (\$3) increase to GoTriangle Regional Vehicle Registration Fee. This is the increased portion of the regional vehicle registration fee assessed by GoTriangle in accordance with N.C.G.S 105-561 *et seq.* allocated to Orange County;

- c. Article 52 Seven-Dollar (\$7) County Vehicle Registration Fee. This is the County vehicle registration fee assessed by the Orange County Board of Commissioners in accordance with N.C.G.S 105-570 *et seq.*; and
  - d. Vehicle Rental Tax. Any portion of vehicle rental tax collected by GoTriangle pursuant to N.C.G.S. 105-550 *et seq.* that is allocated to Orange County by the GoTriangle Board of Trustees. Future allocations of the Vehicle Rental Tax ~~post-execution of this agreement~~after FY23 shall be subject to the sole discretion of the GoTriangle Board of Trustees approval. If the GoTriangle Board of Trustees chooses to suspend any allocations of the Vehicle Rental Tax to Orange County, the Board of Trustees shall provide said county with three (3) months' notice of such suspension.
- 2.013 "Orange County Transit Plan Revenue" shall mean Dedicated Local Transit Funding Sources, any federal or state funds allocated by a designated recipient, debt proceeds, fares, local contributions, and any other sources of revenue used to fund the Orange County Transit Multi-Year Vision Plan
- 2.014 "Equitable Use of Net Proceeds Within or To Benefit the Special District" as that term is used in N.C.G.S. 105-508.1 shall mean:
- a. The revenues collected in Orange County must be spent for the benefit of that County. That does not mean they have to be spent in the County.
  - b. For Cross-County projects, rates that are negotiated on some agreed upon periodic basis by the counties are by definition equitable
- 2.015 "Financial Model" shall mean a long-term financial planning model, that projects revenues and expenditures and includes all Dedicated Local Transit Funding Sources, as well as additional projected sources for projects and planned uses of funds as necessary for both capital projects and operating expenses, and is used to evaluate the impact of operating and funding decisions on the Orange Transit major operating and capital funds' financial condition to ensure the Orange County Transit Multi-Year Vision Plan's policies and objectives are maintained in the long-term, including liquidity targets and debt ratios relevant to rating agency metrics. Only Orange County Transit Plan Revenue, including Dedicated Local Transit Revenues, and expenditures of projects in support of the Orange County Transit Multi-Year Vision Plan shall be included in the Financial Model.
- 2.016 "Financial Plan" as that term is used in N.C.G.S. 105-508.1(2) shall mean:
- a. the Financial Plan requiring approval shall mean the Plan Implementation and Finance components of the most current Orange County Transit Multi-Year Vision Plan as supported by the details of the Orange County Transit Multi-Year Vision Plan and modeled in the associated Financial Model. Approval authority over the Financial Plan by the parties to this agreement only applies to the Dedicated Local Transit Funding Sources. Any other funding sources comprising the Financial Plan should be provided by appropriate project sponsors (as approved by their governing body) during the Annual Work Program and/or Multi-Year Vision Plan development processes.
  - b. **If now or in the future the Special District consists of Orange County and one or more other counties**, the Financial Plan shall only include funds that would be budgeted and reported in the Orange Transit major operating and capital funds, provided that financial plans for other counties in the District, if any, have previously been approved by those counties.

- 2.017 “Financial Statements” shall mean the statement of financial condition prepared in accordance with N.C.G.S 159-25.
- 2.018 “GASB” shall mean the Governmental Accounting Standards Board (GASB) which establishes standards and principles for state and local governmental accounting and financial reporting.
- 2.019 “Implementation Element” shall mean a discrete project, operation or study or a discrete logical grouping of projects, operations or studies tracked separately by the Orange County Transit Annual Work Program.
- 2.020 Local Government Commission (“LGC”) is established by N.C.G.S. 159-3 and provides assistance to local governments and public authorities in North Carolina. It is staffed by the Department of State Treasurer and approves the issuance of debt for all units of local government and assists those units with fiscal management.
- 2.021 “Major Fund” shall be, as defined by the GASB, a fund that is reported in a separated column in the basic fund financial statements and is subject to a separate audit opinion in the independent auditor’s report. As defined, the Tax District shall report at a minimum major fund for the Orange Transit Work Plan Operating Funds and a major fund for the Orange Transit Work Plan Capital Funds.
- 2.022 “~~Global~~Master Agreement” shall mean an Operating or Capital Funding agreement that encompasses a discrete logical grouping of capital projects, transit operations or studies.
- 2.023 “Enhanced Quarter-2 Report” shall mean a report delivered approximately 6 months into the year of current work program implementation that provides information regarding progress toward strategic objectives outlined in the Orange County Transit Annual Work Program and includes the performance achieved, the strategies being followed, and performance targets and key milestones for Capital Projects and operating services identified in the Orange County Transit Annual Work Program.
- 2.024 “Multi-Year Capital Improvement Plan” (“CIP”) shall mean a multi-year document that identifies by year projected capital projects, project sponsors responsible for undertaking these projects, the financial costs, and anticipated sources of funding for those projects, and identifies any projected operating costs associated with those projects. The CIP shall be coordinated with the Metropolitan Transportation Plan, Transportation Improvement Program, and annual program of projects developed and maintained by the DCHC MPO as designated recipient of federal formula transit grants so as to be consistent with submittal deadlines for the Transportation Improvement Program and the horizon years of the Metropolitan Transportation Plan.
- 2.025 “Annual Operating Program” shall mean the annual document describing transit operating programs, which could include the development of local bus, express bus, Bus Rapid Transit, Commuter Rail Transit, or other public transportation-type services not specifically highlighted here to be funded by the Tax District. It will describe service changes planned for the year and preliminary service proposals and financial projection for the subsequent years. A detailed report on the status of each bus and rail route shall also be included, along with performance objectives for the coming year. The document shall also describe administrative, planning, marketing, or other functions that are not directly accounted for in specific infrastructure project delivery or allocated to service delivery, but which are essential to the implementation of the Transit Plan.
- 2.026 “Multi-Year Service Implementation Plan” shall mean a document or documents that detail how transit services will be modified, to include expansion and reduction, operated and maintained

- over a specific number of years. The plan(s) shall detail timing and schedule, justifications for implementation decisions, and public involvement steps. Different transit operators may have different plans for implementation, but the different plans must be coordinated with each other particularly with respect to anticipated funding and public outreach.
- 2.027 “Non-Orange County Revenues” shall mean all revenues collected on behalf of member counties other than Orange County within the Tax District or Special District that are derived from transit funding sources associated with counties other than Orange County.
- 2.028 “Operating Agreement” shall mean an agreement between an agency tasked to provide an Implementation Element, the Tax District and other agencies as needed, or an operating plan if the Implementation Element is to be provided by the Agency. The agreement shall state the details of the service to be provided and detail expectations on funding, responsibilities, schedule, and performance. The agreement shall adhere to any/all standards outlined in the supporting ~~Comprehensive~~ Master Participation Agreement.
- 2.029 “Operating Budget Ordinance” shall mean the annual financial ordinance budgeted for the Orange Transit major operating fund pursuant N.C.G.S. Chapter 159, tied to Operating Agreements, that includes funds for the operations identified in the Orange Transit Work Plan, allocations for reserves, and transfers to other such funds such as other Orange Transit major funds identified by the Component Unit. The Operating Budget Ordinance shall include the general administrative and maintenance expenses of the unit separate from the Project Operating Funds.
- 2.030 “Operating Funds” shall mean funds appropriated in the annual operating budget for the administration, operation and maintenance of the transit system.
- 2.031 “Operating Fund Balance” shall mean the reported amounts restricted by enabling legislation for the Orange Transit major operating fund, presented in the basic financial statements, and disclosed in the notes to the Financial Statements as required under generally accepted accounting standards.
- 2.032 “Project Operating Funds” shall mean funds appropriated in the annual Operating Budget Ordinance to support the operation of projects identified in the Orange County Transit Annual Work Program.
- 2.033 “Quarterly Financial Reports” shall mean the quarterly statement of financial condition prepared in accordance with N.C.G.S. 159-25.
- 2.034 “Special District” shall mean any tax district administered by GoTriangle pursuant to authorizing resolutions and N.C.G.S. 105-508 *et seq.* or N.C.G.S 105-561 *et seq.* to which Orange County is a member, now or in the future.
- 2.035 “Staff Working Group” or “SWG” shall mean a committee created by this Agreement for the purposes enumerated and as defined in Article III herein. The SWG is jointly charged by all parties to this Agreement with coordinating planning and implementation aspects of the Orange County Transit Annual Work Program (as defined in 2.011), as well as facilitating elements of the Orange County Transit Multi-Year Vision Plan (as defined in 2.038) and serving in an advisory role to the Orange County Board of Commissioners, DCHC MPO Executive Board, and GoTriangle Board of Trustees.
- 2.036 “Supplantation” shall mean the opportunity for parties to this agreement to use certain funding sources to replace existing funds or other resources for public transportation systems.

- a. Local Funding Source that allows supplantation: the County Vehicle Registration Tax (N.C.G.S 105-570) which is levied at its maximum amount of \$7.00 per year;
  - b. Local Funding Sources that do not allow supplantation:
    - i. Local Government Sales and Use Taxes for Public Transportation (N.C.G.S. 105-506:514) which is levied at its maximum allowable rate of one-half percent (*non-supplantation cited in N.C.G.S 105-507.3.b*);
    - ii. Regional Transit Authority Registration Tax (N.C.G.S. 105-560:569) which is levied at its maximum amount of \$8.00 per year with \$3.00 of each \$8.00 collected allocated locally to Orange County (*non-supplantation cited in N.C.G.S. 105-564*).
- 2.037 “Tax District” shall mean any tax district administered by GoTriangle pursuant to authorizing resolutions and N.C.G.S. 105-508 *et seq.* or N.C.G.S 105-561 *et seq.* to which Orange County is a member, now or in the future.
- 2.038 “Transit Plan,” or “Multi-Year Vision Plan,” shall mean the comprehensive multi-year vision plan for transit operating and capital needs over a period of time of at least 4 years, through coordination with the DCHC-MPO Metropolitan Transportation Plan adoption process and shall also be prepared by the SWG for approval by appropriate governing boards, which shall include all the separate components of:
- a. Multi-year Capital Improvement Plan
  - b. Annual Operating Program, or Multi-Year Service Implementation Plan, which shall include assumptions for administrative staff needs to support plan implementation efforts across the period of time defined by the Transit Plan
  - c. Financial Plan (as defined in section 2.016)
  - d. Update of the Financial Model Assumptions (if applicable)
- 2.039 “Triangle Tax District” shall mean the tax district, also referred to as the Special District created by GoTriangle on or about May 25, 2016, pursuant to authorizing resolutions and N.C.G.S. 105-508 *et seq.*
- 2.040 “Comprehensive Participation Agreement” shall mean an agreement that formally invites parties to participate in plan implementation elements that are not explicitly parties to this Transit Governance Interlocal Agreement.

Nothing herein shall prevent Orange County from entering a mutually negotiated Cost Sharing Agreement with other jurisdictions for any regional transit projects or systems so long as they are detailed in the Multi-Year Vision Plan.

### Article III

#### Staff Working Group (“SWG”)

- 3.01 SWG Established. The Parties hereby establish the Orange County Staff Working Group (“SWG”). Pursuant to the authority set forth in this Agreement, the SWG shall coordinate planning and oversee the implementation of the Annual Work Program, as well as facilitate development of elements for the Multi-Year Vision Plan. It shall also serve in an advisory role to the Orange County Board of Commissioners, DCHC MPO Board and GoTriangle Board of Trustees.

### 3.02 Membership, Organization and Objectives.

- a. Initial Membership. The initial membership of the SWG shall be comprised in two categories – voting & non-voting.
  - i. Voting members: two (2) staff members shall be appointed by each of the ILA Parties (“ILA Party Members;” each party should consider a planning/administrative representative as well as a finance representative); two (2) staff members shall be appointed by the Town of Chapel Hill (one general representing the Town; the other representing Chapel Hill Transit); and one (1) staff member appointed by each of the following, the Town of Carrboro, Town of Hillsborough and the City of Mebane.
  - ii. Non-Voting members: each party shall appoint one (1) staff member appointed from the following organizations to advise County Transit Plan Implementation efforts. These organizations are: Triangle-J Council of Governments, and University of North Carolina, Chapel Hill
- b. Voting Structure for Initial Membership. When a vote is called by the chair on any issue, each ILA Party Member, as well as the Town of Chapel Hill, shall have two (2) votes; the Town of Carrboro, Town of Hillsborough, and City of Mebane shall have one (1) vote.
- c. Regular Membership. The meeting of the SWG shall be called by the SWG Administrator by way of the DCHC MPO within fifteen (15) days of the execution of this Agreement. The meeting shall abide by rules set forth in this agreement. A Chair and Vice-Chair shall be elected by the voting members at this initial meeting. Prior to June 30, 2023, the SWG should finalize and approve rules, agencies and expectations for regular membership and organizational function. The initial members of the SWG should take into consideration various required skill sets, specifically in local planning, budgeting, finance, project construction and operations.
- d. Operational Rules of SWG. By June 30, 2023, the members of the SWG shall, consistent with the responsibilities outlined in Section 3.03 and the flexibilities outlined in 3.04, submit to the Orange County Board of Commissioners, DCHC MPO Board and GoTriangle Board of Trustees for
  - i. Approval: 1) bylaws including the provisions of Section 3.05; 2) rules dictating the composition, organization, and function of the SWG; 3) rules dictating amendment procedure for both the Annual Work Program and Multi-Year Vision Plan; and
  - ii. Review as information through appropriate timeframe cycles 1) a meeting schedule; 2) a list of deadlines for the submittals defined herein; and 3) identification of the Party to serve as the lead agency for each of the responsibilities enumerated in Section 3.03.
- e. The SWG, which serves as an administrative and advisory arm to the parties of this agreement, shall adhere to public meeting laws as outlined in N.C.G.S. 143-318.9:18 (Article 33 of Chapter 143, “Meetings of Public Bodies”).
- f. Timeliness. The SWG shall develop processes and procedures to allow decision to be made in a timely manner. Duties not specifically denoted under Section 3.03 may be delegated to other groups. The designation and delegation of these duties shall be approved by the appropriate governing boards based on plan elements’ (i.e., Annual

Work Program or the Multi-Year Vision Plan) impacts and shall include the governing boards that represent the parties to this agreement.

- 3.03 Responsibilities. The SWG shall be charged with the development or delegation to a Party as a lead agency of the following:
- a. Annual Work Program, including all the separate elements defined in Section 2.011
  - b. a Multi-Year Vision Plan;
  - c. Templates containing minimum standards for project and financial reports (first version by June 30, 2023)
  - d. Designation of project sponsors (agencies responsible for each respective capital and operating project), including agencies responsible for each Implementation Element;
  - e. A strategy for each Implementation Element or agreement, which shall include scope, geography, estimated budget, sponsoring agency/jurisdiction, purpose, and goals; and
  - f. An articulated strategy for incorporating or account for public outreach, involvement, and communication with the deliverables set forth in a, b, d, and e.
- 3.04 Assignment. The SWG may, by vote or by other mechanism allowed in its bylaws, assign the creation and maintenance of certain documents for which it is responsible to Parties or SWG members. However, the SWG shall not delegate its responsibility to review and present documents and products which are defined in Section 3.03 as SWG responsibilities. All documents related to the duties of Section 3.03 produced on behalf of the SWG must be reviewed and formally approved, by SWG prior to release.
- 3.05 Minimum Quorum and Voting. The Parties to this Agreement agree that the SWG deliberation process must allow decisions to be made in an efficient and timely manner. A quorum shall be when 7 of 11 SWG members appointed by the Parties to this Agreement are present for a SWG meeting.
- 3.06 Right to Inspect. All Parties to this Agreement, or their authorized representative(s), shall have the right to inspect, examine, and make copies of any and all books, records, electronic files, agreements, minutes, and other writings and work products related to the operation and day to day business of the SWG.
- 3.07 Staff Working Group Lead Agency Determination. Any party to this Agreement shall be responsible for hosting, convening and administering (serving as the 'Lead Agency') the Staff Working Group (SWG) and hosting the role of the Staff Working Group Administrator, which is a critical role to facilitate program development and plan implementation. The parties to this Agreement shall determine SWG Administration Lead Agency by June 30, 2023 and shall be reevaluated with each multi-year vision plan update process. DCHC MPO shall continue to serve as the SWG Administrator upon execution of this agreement through the aforementioned deadline. Lead Agency assignment for SWG Administration shall be recommended by the SWG to all three governing boards represented through this Agreement for approval.

#### Article IV

##### Term, Termination, Amendment

- 4.01 Term.
- a. Effective Date. This Agreement shall become effective upon the properly authorized execution of the Agreement by all Parties.

- b. This Agreement shall continue for a period of seventeen (17) years from the Effective Date, unless otherwise amended by the prior express written agreement of the Parties. This term aligns with horizon year of the current County Transit Multi-year Vision Plan at the time of execution of this Agreement.
- c. Any amendment, termination, or renewal of the Term must be in the form of a written instrument properly authorized and executed by the governing boards of each Party.
- d. The Parties agree that the Term shall be extended by mandatory amendment though the final maturity dates of any debt issued and payable from Orange County Transit Tax Revenues seventeen (17) year initial term.

#### 4.02 Termination.

- a. **Material Breach.** If any Party violates a responsibility, duty, or assumption stated in Article V, the other Party(ies) shall give written notice of the breach and request to cure. If such breach is not cured within thirty (30) days of written notice thereof, any non-breaching Party may, without further notice or demand, in addition to all other rights and remedies provided in this Agreement, at law or in equity, terminate this Agreement and recover any damages to which it is entitled because of said breach. In the event of a non-material breach of the Agreement, the termination procedure set forth in 4.02(b) shall apply.
- b. **Termination upon one (1) year's notice.** Any Party may terminate its participation in this Agreement with or without breach by giving written notice to each other Party of intent to terminate, as well as reasons for terminating (which shall be in the sole discretion of the terminating party), at least one (1) year prior to the effective termination date.
- c. **Bankruptcy/Insolvency Special Provisions.** If any Party applies for or consents to the appointment of a receiver, trustee or similar officer for it or any substantial part of its property or assets, or any such appointment is made without such application or consent by such Party and remains discharged for sixty (60) days, or files a petition in bankruptcy or makes a general assignment for the benefit of creditors, then such action shall constitute a material breach of this Agreement not requiring notice and opportunity to cure and the other Party(ies) may terminate effective immediately.
- d. **Cooperation Provisions.** In the event of termination pursuant to any subsection hereunder, the terminating Party shall not be relieved of any existing and underperformed obligations up until the effective date of termination, and the Agreement shall remain in effect as to the non-withdrawing Parties. The non-withdrawing Parties, beginning at the time of notice of termination is received, shall work together in good faith to determine if the intent and purpose of the Agreement can be accomplished by executing any Amendments deemed necessary and/or adding any parties deemed necessary to perform the executory obligations of the withdrawing Party.
- e. **Non-Exclusive Remedies.** No remedy provided in this Agreement shall be considered exclusive of any other remedy in law or in equity.
- f. **Repeal and Dissolution.** Nothing herein shall be construed to restrict Orange County's ability to repeal any transit tax previously enacted and consideration will be given by the County to any transit taxes levied in support of debt service in support of the Orange County Transit Annual Work Program. Nothing herein shall be construed to restrict

Orange County's ability to request dissolution of the special tax district in accordance with N.C.G.S. 105-509.1 and N.C.G.S. 105-473(a).

- g. Notice. Any written or electronic notice required by this section shall be delivered to the Parties at the following addresses:

For Orange County:

Orange County  
Attn: County Manager  
300 West Tryon Street  
PO Box 8181  
Hillsborough, NC 27278

With a copy to:

Orange County Attorney  
300 West Tryon Street  
PO Box 8181  
Hillsborough, NC 27278

For DCHC-MPO:

Durham Chapel Hill Carrboro Metropolitan Planning Organization  
Attn: Executive Director  
101 City Hall Plaza  
Durham, NC 27701

For GoTriangle:

GoTriangle  
Attn: General Manager  
PO Box 13787  
Research Triangle Park, NC 27709

With a copy to

Attn: GoTriangle General Counsel  
PO Box 13787  
Research Triangle Park, NC 27709

- 4.03 Amendment. The Parties will conduct a coordinated review of the Agreement at least every four (4) years to consider any desired updates through the Agreement amendment process. If any Party desires to amend the Agreement outside the (4) four-year review cycle, then the proposed amendment and the reasons for the proposed amendment shall be communicated in writing to the other Parties. If the Parties agree to the proposed amendment, then the amendment shall be affected by entering a written amendment to the Agreement. An amendment that does not change the substantive or financial commitments of the Agreement may be executed by the Orange County Manager, the DCHC-MPO Executive Director, and the GoTriangle Chief Executive Officer. Any other amendment to the terms of this Agreement to be effective must be in the

form of a written instrument properly authorized and executed by the governing boards of each Party to this Agreement.

## Article V

### Responsibilities, Financial Duties and Assumptions of the Parties

The responsibilities of the Parties are as follows:

- 5.01 Orange County shall carry out its legal, contractual, fiscal, and fiduciary duties as government as follows:
- a. Shall provide staff to serve on the SWG;
  - b. Shall enter into Capital Funding Agreements and Operating Funding Agreements to study, plan, and construct public transit infrastructure capital Implementation Elements for which Orange County is a designated project sponsor and/or providing funding in-part or wholly and to deliver such Implementation Elements as identified within the Orange Transit Annual Work Program and or the Orange Transit Multi-Year Vision Plan;
  - c. Shall provide required financial and status reports on Implementation Elements for which Orange County is providing funding in-part or wholly (i.e., serving as a project sponsor);
  - d. Shall coordinate approval of the components of the Annual Work Program identified in Section 2.011 by the Orange County Board of Commissioners;
  - e. Shall coordinate, as needed, to review documents, as defined in Article II or in subsequently developed policies & procedures that support transit plan implementation, and recommend for approval by the Orange County Board of Commissioners when necessary;
  - f. Shall coordinate approval of the Multi-Year Vision Plan identified in Section 2.038 by the Orange County Board of Commissioners;
  - g. Comply with N.C.G.S. 143-6A-4, the "Iran Divestment Act Certification";
  - h. Perform other any other actions consistent with the powers and duties set forth in N.C.G.S. Chapter 153A and N.C.G.S 105-561 *et seq.*; and
  - i. To the extent applicable, shall comply with 23 U.S.C. 134, 49, U.S.C. Chapter 53, and N.C.G.S. Chapter 136;
- 5.02 DCHC-MPO shall carry out its legal, contractual, fiscal, and fiduciary duties as the Metropolitan Planning Organization as follows:
- a. Shall coordinate/align Dedicated Local Transit Funding sources with other transportation investments and state and federal funding;
  - b. Shall provide staff to serve on the SWG
  - c. Shall enter into Operating and Capital Funding Agreements, for which the DCHC MPO is a party to, to study and plan public transit Capital Projects and deliver Implementation Elements as identified within the Orange County Transit Annual Work Program;
  - d. Shall provide required financial and status reports on Implementation Elements for which DCHC MPO is responsible (i.e., serving as a project sponsor) that are funded in-part or wholly by the Tax District;

- e. Shall serve as the coordinating agency between the Parties, N.C. Department of Transportation, and federal agencies including but not limited to the Federal Highway Administration, the Federal Transit Administration, and the Federal Railroad Administration when coordination of regional need is deemed necessary by the SWG;
  - f. Shall coordinate, as needed, to review and approve documents, as defined in Article II or in subsequently developed policies & procedures that support transit plan implementation, by the DCHC-MPO Executive Board;
  - g. Shall coordinate approval of the Multi-Year Vision Plan by the DCHC-MPO Executive Board;
  - h. Shall identify projects using federal transit funding and ensure that the multi-year operating program, the Annual Operating and Capital Budgets including such projects are coordinated with the MPO's annual planning for projects process and Transportation Improvement Program;
  - i. Shall comply with N.C.G.S. 143-6A-4, the "Iran Divestment Act Certification";
  - j. When applicable and appropriate, shall apply for, secure, and direct reasonably available funding toward components of the Orange County Transit Annual Work Program consistent with its other responsibilities within the MPO;
  - k. Shall program and administer funding, including but not limited to grant funding, and perform all required duties to apply for, coordinate, and align transit funding if applicable and appropriate, with other transportation investment and state and federal funding; and
  - l. Shall perform any other actions consistent with the powers and duties set forth in 23 U.S.C. 134 *et seq.*, 49 U.S.C. Chapter 53 and as recognized under the laws of North Carolina pursuant to N.C.G.S. Chapter 136.
- 5.03 GoTriangle shall carry out its legal, contractual, fiscal, and fiduciary duties as a unit of local government as follows:
- a. Shall administer and manage the Tax District, including carrying out its legal, contractual, fiscal, and fiduciary duties;
  - b. Shall comply with the responsibilities of a local government prescribed by the North Carolina Budget and Fiscal Control Act;
  - c. Shall adhere to the Financial Plan as defined by this Agreement, and any amendments authorized thereto;
  - d. Shall adhere to the Equitable Use of Net Proceeds within or to benefit the Special District as defined in this Agreement;
  - e. Shall distribute the Financial Plan to each unit of local government within its jurisdiction in accordance with N.C.G.S. 105-508.1;
  - f. Shall use or expend all Dedicated Local Funding Sources only as specifically budgeted in the approved Orange County Transit Annual Work Program;
  - g. Shall not pledge, represent, appropriate, or covenant to appropriate any portion of the Dedicated Local Funding Sources to cover any debt service, encumbrances, or operating or other expenses that do not arise from the Orange County Transit Annual Work Program;

- h. Shall maintain adequate Operating Fund Balances and Capital Fund Balances in the Orange Transit major operating and capital funds per Financial Policies & Procedures and related guidelines mutually agreed to by SWG;
- i. Shall obtain approval from the Local Government Commission for all issuances of debt, certain capital leases, and other financial agreements as required by law;
- j. Shall not under the provisions of N.C.G.S. 160A-20, create any security interest in real or personal property funded by Orange Transit major operating and capital funds unless 100% of the proceeds of the related financing are for projects in the Orange County Transit Annual Work Program, unless such security interest and financing are approved by the Orange County Board of Commissioners;
- k. Shall ensure that any proceeds from the sale, transfer, and disposition of property, or from insurance proceeds for projects funded by Orange Transit major operating and capital funds be used for Orange Transit projects in accordance with the Orange County Transit Annual Work Program;
- l. Shall include provisions in all applicable financing documentation to the effect that GoTriangle has entered into an Agreement prohibiting the use of Dedicated Local Funding Sources to fund debt service or other expenses that do not arise from the Orange County Transit Annual Work Program unless otherwise agreed to or approved by the Orange County Board of Commissioners or included in the Orange County Transit Annual Work Program or the Orange County Transit Multi-Year Vision Plan;
- m. Shall, ~~unless otherwise agreed to by Orange County or included in the Orange County Transit Annual Work Program, in connection with the financing of capital facilities outside of Orange County, unless such financing is agreed to or approved by the Orange County Board of Commissioners through project/umbrella agreements (for projects that are debt eligible) between the County, GoTriangle and/or project sponsor (if not GoTriangle) in connection with the financing of capital facilities outside of Orange County,~~ and include provisions in all applicable financing ~~and agreement-related~~ documentation to the effect that ~~GoTriangle these funds does shall not be used to intend to~~ pay debt service or fund operating expenses or other costs associated with such capital facilities or the operation thereof from ~~Orange County Tax Revenues~~ Dedicated Local Transit Funding Sources and that GoTriangle has entered into an ~~a~~ Agreement prohibiting the use of ~~Orange County Tax Revenues~~ Dedicated Local Transit Funding Sources for such purpose;
- n. Shall maintain such books, records, and systems of accounts so that the expenditures of Dedicated Local Transit Funding Sources and Orange Transit Plan Revenue are accounted for as expended on the Orange County Transit Annual Work Program as budgeted and reported in the Orange Transit major operating and capital funds;
- o. Shall provide any and all Financial Statements, accountings, reports, and information to SWG within thirty (30) days of request, and produce drafts of documents created on behalf of the SWG for review and feedback from SWG prior to GoTriangle's issuance, approval, and release of Comprehensive Annual Financial Reports, adopted budget documents, and applications for Grant Funding approval;
- p. Shall not issue or authorize the issuance of any Preliminary Official Statement, Official Statement, or similar securities offering documents in connection with the financing of

- improvements by GoTriangle unless such document has previously been submitted to Orange County for review and comments regarding the nature of the security and sources of payment of the amounts due in connection with the financing;
- q. Shall provide staff to serve on the SWG;
  - r. Shall enter into Operating or Capital Funding Agreements to study and plan public transit infrastructure Capital Projects and deliver Implementation Elements as identified within the Orange County Transit Annual Work Program;
  - s. Shall provide required financial and status reports on Implementation Elements for which GoTriangle is responsible (i.e., serving as project sponsor) that are funded in-part or wholly by the Tax District, and reported for the Orange Transit major operating and capital funds;
  - t. Shall annually review and approve required documents and perform any other actions consistent with the terms of this Agreement or powers authorized by a process to be established by SWG;
  - u. Shall coordinate approval of the components of the Orange County Transit Annual Work Program identified in Section 2.011 by the GoTriangle Board of Trustees;
  - v. Shall coordinate, as needed, to review and approve documents, as defined in Article II or in subsequently developed policies & procedures that support transit plan implementation, by the GoTriangle Board of Trustees;
  - w. Shall coordinate approval of the Multi-Year Vision Plan by the GoTriangle Board of Trustees;
  - x. Shall comply with N.C.G.S. 143-6A-4 regarding submissions or award of any bid or proposals to vendors, and contractors or subcontractors for any and all operating and project agreements;
  - y. Perform other any other actions consistent with the powers and duties set forth in N.C.G.S. 160A, Article 26;
  - z. Comply with N.C.G.S. 143-6A-4, the "Iran Divestment Act Certification"; and
  - aa. To the extent applicable, shall comply with 23 U.S.C. 134, 49 U.S.C. Chapter 53, and N.C.G.S. Chapter 136.

## Article VI

### Roles of Transit Service Providing Entities and Non-Transit Service Providing Entities

- 6.01 Transit Service Providing Entities. The Parties contemplate that the Transit Service Providing Entities, meaning any municipality or agency that directly or through contract provides public transportation services in Orange County, including but not limited to Orange County, Town of Chapel Hill and GoTriangle (when functioning as a transit provider), may participate at a minimum as follows:
- a. Provide staff to serve on the SWG;
  - b. Enter into ~~GlobalMaster~~/Capital Funding Agreements and ~~GlobalMaster~~/Operating Agreements to deliver Implementation Elements as identified within the Orange County Transit Annual Work Program (which includes the approved annual budget);

- c. Provide required financial and status reports on Implementation Elements funded in-part or wholly by the Tax District; and
  - d. Perform any other responsibility it agrees to undertake consistent with statutory authority and the terms of this Agreement.
- 6.02 Non-Transit Service Providing Entities. The Parties that the Non-Transit Service Providing Entities, meaning any entity located in Orange County that does not provide public transportation services, may participate, if and when invited through SWG membership, at a minimum as follows:
- a. Provide staff to serve on the SWG in a non-voting role;
  - b. Enter into ~~GlobalMaster~~/Capital Funding Agreements and ~~GlobalMaster~~/Operating Agreements to deliver Implementation Elements as identified within the Orange County Transit Annual Work Program if identified as a project sponsor'
  - c. Provide required financial and status reports on Implementation Elements funded in-part or wholly by the Tax District; and
  - d. Perform any other responsibility consistent with statutory authority and the terms of this Agreement.

## Article VII

### Process for Recommendation, Approval, and Development of Orange County Transit Annual Work Program and Operating and Capital Project Ordinances and Agreements

- 7.01 The Annual Work Program shall consist of the component documents outlined in Section 2.011. It shall be assembled and reviewed in accordance with the Annual Work Program Development Calendar
- 7.02 The SWG shall recommend the Annual Work Program to the Orange County Board of Commissioners and the GoTriangle Board of Trustees for approval in accordance with the Annual Work Program Development Calendar. The schedule shall allow each agency adequate time to review documentation. Each of the parties will receive the plan in the order identified in 7.03 & 7.05 and identify any concerns or issues prior to the commencement of the fiscal year covered by the plan. Included in the schedule shall be a procedure for the SWG to plan for and schedule elements of public outreach and involvement. At the time when the Orange County Board of Commissioners receives the recommended Annual Work Program, GoTriangle may also provide comments during the County's official business meeting processes. The SWG may present the Annual Work Program to the DCHC MPO for review and comment at an official MPO Board meeting if time/schedule allows.
- 7.03 Upon receipt of the draft Orange County Transit Annual Work Program, the Orange County Board of Commissioners, shall review it, and can take the following actions:
- a. Approve the Orange County Transit Annual Work Program as submitted;
  - b. Deny, while providing a list of minor issues, technical corrections, or a specific listing of Significant Concerns with the Orange County Transit Annual Work Program.
- 7.04 If the Orange County Board of Commissioners denies the work program and creates a detailed listing of minor issues, technical corrections, or Significant Concerns for the recommended Orange County Transit Annual Work Program, Orange County staff shall coordinate with other

SWG members to make corrections and then submit for a second review and recommendation of approval by the SWG. Upon recommendation of the SWG, the Orange County Board of Commissioners will then vote on the revised work program.

- 7.05 Upon approval action taken by the Orange County Board of Commissioners, GoTriangle will then receive for review and take one of the following actions:
- a. Approve the Orange County Transit Annual Work Program as recommended by the SWG and approved by the Orange County Board of Commissioners;
  - b. Deny, while providing a list of minor issues, technical corrections, or a specific listing of Significant Concerns with the Orange County Transit Annual Work Program.
- 7.06 All parties in this Agreement, or their authorized representative, shall have the right to inspect, examine, and make copies of any and all books, accounts, invoices, records, electronic files, agreements, minutes, and other writings and work products related to the funding of Tax District operations or projects. The cost of any audit or review conducted under the authority of this Section is the responsibility of the Party requesting the audit or review unless a material breach is detected, in which case the breaching party shall be responsible for the reasonable costs of audit or review.
- 7.07 Implementation. An Operating or Capital Project Funding Agreement shall be consistent with the requirements outlined in the supporting ComprehensiveMaster Participation Agreement. Parties to this Interlocal Agreement shall endeavor to develop globalMaster-level agreements with appropriate timeframes for each project sponsor seeking to implement operating or capital projects. These agreements must be prepared prior to distributing funds and starting the Project(s). All Operating or Capital Project Funding Agreements shall have at least two signatories from appropriate parties and shall also adhere to the following:
- a. MPO Role with Managed Funding: If a project is covered by a globalmaster operating or capital funding agreement that involves federal or state funding that is otherwise under the distribution and program management responsibility of DCHC MPO, or regardless of funding source, constitutes a regionally significant project as defined in 23 CFR § 450.104, DCHC MPO shall be a party to the agreement.
  - b. Tax District Administrator Role: The tax district administrator shall always be a party to each agreement.
  - c. County Role: In addition to being a party to any agreement where the County serves as the project sponsor, the County shall be a party to each agreement where the tax district administrator is also the project sponsor.
  - d. Agreement where a special case exists. Parties to an operating or capital project agreement shall be brought to the tax district administrator as a recommendation for review and approval by the SWG when a special case arises outside the three categories described in 7.08.a-c
  - e. Standalone Agreement Need: When an operating or capital project of significant cost is programmed and approved, members of the SWG shall review and determine a significant-cost threshold that requires a standalone agreement to be developed and signed by all appropriate parties.
- 7.08 Interim Work Program. In the event a resolution cannot be met to address the list of issues or technical corrections upon a vote of denial from either party highlighted in 7.03 & 7.05, an

interim work program will be utilized for the upcoming fiscal year, pursuant to N.C.G.S. 159-13, until such time as a new work program is adopted by the parties identified in 7.04 and 7.05. In the case that an interim budget goes into effect, the current year operating budget will be assumed for the upcoming fiscal year. No additional capital expenses will be approved, nor any additional reimbursements paid for capital projects, until such time that a new work program is adopted by the parties identified in 7.04 and 7.05. This interim budget does not require approval of either body in 7.04 or 7.05. In the event an Interim Work Program is enacted, and specialized fiscal analysis is required to further inform achieving a new Annual Work Program, the tax district administrator shall bring such request to the SWG for review & approval.

#### Article VIII

##### Process for Recommendation, Approval, and Development of Orange County Transit Multi-year Vision Plan

- 8.01 The Multi-year Vision Plan shall include the component documents outlined in Section 2.038. The plan shall be assembled and reviewed in accordance with the Annual Work Program Development Calendar or other agreed upon schedule based on timing and need for multi-year plan adoption.
- 8.02 The SWG shall recommend the Multi-Year Vision Plan to the Orange County Board of Commissioners, DCHC MPO Board and the GoTriangle Board of Trustees for approval in accordance with the Annual Work Program Development Calendar or agreed upon schedule to meet the needs for the Multi-year plan adoption. The schedule shall allow each agency adequate time to review documentation, identify concerns and coordinate issues. Included in the schedule shall be a procedure for the SWG to plan for and schedule elements of public outreach and involvement.
- 8.03 Upon recommendation from the SWG, the Orange Transit Multi-year Vision Plan shall go before each governing board (Orange County Board of Commissioners, DCHC MPO Board and GoTriangle Board of Trustees) for review and the opportunity to take the following actions:
- a. Approve the Orange Transit Multi-year Vision Plan as recommended;
  - b. Deny, while providing a list of minor issues, technical corrections, or a specific listing of Significant Concerns with the Orange Transit Multi-year Vision Plan.
- 8.04 If any of the three governing boards denies the Multi-Year Vision Plan and creates a detailed listing of minor issues, technical corrections, or Significant Concerns for the recommended Orange Transit Multi-Year Vision Plan, SWG staff members who represent the dissenting board shall communicate the issues to other staff representatives of the other governing board(s) and coordinate with other SWG members to revise the plan and then submit for an additional review and approval by all three governing boards.

## Article IX

### Process for Capital, Non-Capital, Infrastructure, and Service Delivery Projects Reporting

- 9.01 The Tax District shall be reported as a Component Unit and shall include the Orange Transit major operating and capital funds separate from any and all major funds and/or other special tax districts within the Tax District, in the body of annually audited financial statements as required by GASB standards for major funds reported by blended component units. As administrator of the Tax District, GoTriangle shall present an annually audited financial statement for the separate component unit by December 15<sup>th</sup> of the subsequent fiscal year to the Orange County Board of Commissioners, DCHC MPO Board, and GoTriangle Board of Trustees.
- 9.02 At the time of the presentation of the annually audited financial statements, GoTriangle shall present an update of the Orange County Transit Annual Work Program projects including project milestones and timelines and operations of the system. This presentation shall be considered an Annual Orange Transit Report.
- 9.03 GoTriangle, as administrator of the Tax District, shall issue the following to the parties of this agreement, as well as any associated project sponsors:
- a. Enhanced Quarter-2 Report for half-year period ending December 31<sup>st</sup>. to the SWG for the Orange Transit major operating and capital funds. This Report will be due to the SWG Administrator by March 15<sup>th</sup>. The format of this report shall be agreed upon by the Parties to this Agreement by June 30, 2023.
  - b. Quarterly Financial Condition Report. This report will be due 45 days after the end of each quarter which provides statement of financial condition of all program/plan implementation elements prepared in accordance with N.C.G.S. 159-25. Quarterly Financial Condition Report shall apply for all quarters but shall also be incorporated elements into the Enhanced Quarter-2 and Annual Reports.
- 9.04 At the time of the submittal of the Enhanced Quarter-2 reports, each agency that has a project funded in that fiscal year through the annual work program shall also submit an update of projects including project milestones and timelines and transit operations. The format of the Enhanced Quarter-2 Report and Quarterly Financial Condition Report shall be agreed upon by the Parties of this agreement by September 1, 2023.

## Article X

### Agreement Related Dispute Resolution

It is the desire and intent of the Parties to resolve any disputes in a collaborative manner and to avoid, if possible, the expense and delay of litigation. In the event that any Party cannot resolve an issue with another Part under this Agreement, the affected party shall engage in the following process:

- 10.01 Any Party may give written notice to another Party or Parties of any dispute not resolved in the ordinary course of business. Within ten (10) business days after delivery of the written notice by regular or electronic mail, the receiving Party(ies) shall submit a written response to the disputing Party and designate in the notice a representative who will represent that Party in

the negotiation to resolve the dispute. If a third-party mediator is necessary, the Party providing initial written notice will indicate as such in the notice and seek confirmation/approval by the receiving parties in written response. It shall be the responsibility of the Party giving notice to cover any costs related to any third-party mediator once confirmed/approved by the receiving parties.

- 10.02 Within ten (10) business days of receiving the response, the appointees of the disputing and receiving Parties shall meet at a mutually acceptable time and place, and thereafter, as often as necessary to resolve the dispute.
- 10.03 All reasonable requests for information made by one Party to the other shall be honored in a timely fashion to permit constructive discussion.
- 10.04 The duty to engage in dispute resolution is a material part of this Agreement enforceable by equitable relief.
- 10.05 Upon failure to resolve a dispute through the steps outlined in this Agreement, any Party may engage in other dispute resolutions processes agreed upon by the Parties or pursue any legal or equitable remedies available.

## Article XI

### Non-Assignment

#### Delegation of Duty

- 11.01 No Party shall assign any portion of this Agreement or the rights and responsibilities hereunder to another person or entity who is not a party to this Agreement without the prior written consent of the other Parties. Notwithstanding the above, nothing herein shall restrict the rights of any party to contract with any third parties for the implementation of the Orange County Transit Annual Work Program as contemplated herein.
- 11.02 Except as expressly stated herein, this Agreement shall not change the delegation of any duty previously delegated to Party by federal law, state statute, local ordinance, or resolution, and shall not create any new duty which does not exist under federal law, state statute, local ordinance, or resolution.
- 11.03 Nothing herein shall modify, abridge, or deny any authority or discretion of Orange County with regard to calling for a special election as set forth in N.C.G.S. 163-287 or considering authorization to conduct a referendum by vote as set forth in N.C.G.S. Chapter 105, Article 43, Part 3.
- 11.04 Nothing herein shall modify, abridge, or deny any authority or discretion of any Party or municipality to independently develop, administer, or control transportation projects pursuant to enumerated authority or funding sources separate from the authority and funding sources outlined in this Agreement.

## Article XII

### Other Provisions

- 12.01 No Third-Party Beneficiaries. This Agreement is not intended for the benefit of any third party. The rights and obligations contained herein belong exclusively to the Parties hereto and shall not confer any rights or remedies upon any person or entity other than the Parties hereto.
- 12.02 No Waiver of Qualified Immunity. No officer, agent or employee of any party shall be subject to any personal liability 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 this Agreement 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.
- 12.03 Ethics Provision. The Parties acknowledge and shall adhere to the requirements of N.C.G.S. 133-32, which prohibits the offer to, or acceptance by any state or local employees of any gift from anyone with a contract with the governmental entity or from a person seeking to do business with the governmental entity.
- 12.04 Governing Law, Venue. The Parties acknowledge that this Agreement shall be governed by the laws of the State of North Carolina. Venue for any disputes arising under this Agreement shall be in the courts of Orange County, North Carolina.
- 12.05 Entire Agreement. The terms and provisions herein contained constitute the entire agreement by and between the parties hereto and shall supersede all previous communications, representations, or agreements, either oral or written between the Parties hereto with respect to the subject matter hereof.
- 12.05 Severability. If any provision of this Agreement shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Agreement.
- 12.06 Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original.
- 12.07 Verification of Work Authorization. The extent applicable, all parties and any subcontractors hired for purposes of fulfilling any obligations under this Agreement or any Operating Agreement or Funding Agreement contemplated by this Agreement, will comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," and will provide documentation or sign affidavits or any other documents requested by either party demonstrating such compliance.

The Transit Governance Interlocal Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and Research Triangle Regional Public Transportation Authority was \_\_\_\_\_ by the Orange County Board of Commissioners by a vote of \_\_\_\_\_ on \_\_\_\_\_, 2023.

**ATTEST:**

**ORANGE COUNTY, NORTH CAROLINA**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: Chairperson, Board of County Commissioners

The Transit Governance Interlocal Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and Research Triangle Regional Public Transportation Authority was \_\_\_\_\_ by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board by a vote of \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_.

**ATTEST:**

**DURHAM-CHAPEL HILL-CARRBORO  
METROPOLITAN PLANNING ORGANIZATION**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: Chairperson, Durham-Chapel Hill-Carrboro  
Metropolitan Planning Organization Board

The Transit Governance Interlocal Agreement between Orange County, Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, and Research Triangle Regional Public Transportation Authority was \_\_\_\_\_ by the Research Triangle Regional Public Transportation Authority d/b/a GoTriangle by a vote of \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_.

**ATTEST:**

**RESEARCH TRIANGLE REGIONAL PUBLIC  
TRANSPORTATION AUTHORITY D/B/A  
GOTRIANGLE**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: Chairperson, Board of Trustees

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: February 21, 2023**

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

**SUBJECT:** North Carolina Local Government Commission Contract Amendment #2

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**DEPARTMENT:** Finance and Administrative Services

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**ATTACHMENT(S):**

1. Local Government Commission  
Contract Amendment #2

**INFORMATION CONTACT:**

Gary Donaldson, (919) 245-2453

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**PURPOSE:** To amend the contract with the North Carolina Local Government Commission (LGC) for the County's audit to modify of the audit fee to reflect additional audit hours required to complete the audit and the Local Government Employer Retirement System (LGERS) examination.

**BACKGROUND:** The North Carolina Local Government Commission (LGC) requires that all local governments receive approval for contracts and amendments. The auditors submitted an initial contract amendment approved at the Board's December 13, 2022 Business meeting which reflected the two additional programs being audited and the commensurate amount of \$15,000 (the increase from \$96,000 to \$111,000).

Staff was notified by the State after the adoption of the FY 2022-23 Budget that the County was selected for the LGERS examination.

This second contract amendment in the amount of \$41,500 reflects the additional hours required to complete the audit and the cost of the Local Government Employer Retirement System (LGERS) examination.

**FINANCIAL IMPACT:** The additional contract amounts of \$56,500 is fully offset by excess interest income that the County has received in FY 2022-23 and reported in the second quarter financial report. The funding is included Budget Amendment #6 on this same meeting agenda.

**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 with approval of this action.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the attached LGC Contract Amendment #2.

Whereas	Primary Government Unit Orange County, North Carolina
and	Discretely Presented Component Unit (DPCU) (if applicable)
and	Auditor Mauldin & Jenkins, LLC

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending 06/30/22	and originally to be submitted to the LGC on	Date 10/31/22
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hereby agree that it is now necessary that the contract be modified as follows.

<input checked="" type="checkbox"/> Modification to date submitted to LGC	Original date 10/31/22	Modified date 01/18/23
<input checked="" type="checkbox"/> Modification to fee	Original fee \$ 96,000.00	Modified fee \$ 141,000.00

Primary Other  
(choose 1)(choose 0-2)

**Reason(s) for Contract Amendment**

- Change in scope
- Issue with unit staff/turnover
- Issue with auditor staff/workload
- Third-party financial statements not prepared by agreed-upon date
- Unit did not have bank reconciliations complete for the audit period
- Unit did not have reconciliations between subsidiary ledgers and general ledger complete
- Unit did not post previous years adjusting journal entries resulting in incorrect beginning balances in the general ledger
- Unit did not have information required for audit complete by the agreed-upon time
- Delay in component unit reports
- Software - implementation issue
- Software - system failure
- Software - ransomware/cyberattack
- Natural or other disaster
- Other (please explain)

**Plan to Prevent Future Late Submissions**

If the amendment is submitted to modify the date the audit will be submitted to the LGC, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years. Audits are due to the LGC four months after fiscal year end. Indicate NA if this is an amendment due to a change in cost only.

The County and the audit firm have discussed changes to the audit process for June 30, 2023 including: (1) the County is filling an accounting manager position; (2) if an accounting manager is not able to be hired, the County will retain additional accounting support to assist with close out and audit prep; and (3) detailed weekly status check-in throughout the entire duration of the audit.

**Additional Information**

Please provide any additional explanation or details regarding the contract modification.

Modification to the audit fee is being made to address both the change in scope (additional federal/state programs that were required to be audited as major) as well as cost overruns resulting from additional hours to address audit adjustments.

**By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.**

**SIGNATURE PAGE**

**AUDIT FIRM**

Audit Firm* Mauldin & Jenkins, LLC	
Authorized Firm Representative* (typed or printed) Timothy M. Lyons	Signature* <i>Timothy M. Lyons</i>
Date* 01/24/23	Email Address tlyons@mjcpa.com

**GOVERNMENTAL UNIT**

Governmental Unit* Orange County, North Carolina	
Date Primary Government Unit Governing Board Approved <b>Amended</b> Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed)	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

**GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE**  
**\*ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT\***  
*(Pre-audit certificate not required for hospitals)*

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

*This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.*

Primary Governmental Unit Finance Officer*	Signature*
Date of Pre-Audit Certificate*	Email Address*

**SIGNATURE PAGE – DPCU  
(complete only if applicable)**

**DISCRETELY PRESENTED COMPONENT UNIT**

DPCU	
Date DPCU Governing Board Approved <b>Amended</b> Audit Contract <small>(If required by governing board policy)</small>	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

**DPCU – PRE-AUDIT CERTIFICATE**  
**\*ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT\***  
*(Pre-audit certificate not required for hospitals)*

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

*This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.*

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** February 21, 2023

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

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

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**DEPARTMENT:** Animal Services

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**ATTACHMENT(S):**

Current Unified Animal Control Ordinance  
Divisions with Tracked Changes  
Resolution

**INFORMATION CONTACT:**

Sandra Strong, Animal Services Director,  
919-932-4963

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**PURPOSE:** To present for second reading proposed revisions and changes to the Wild and Dangerous Animal provisions in the Orange County Unified Animal Control Ordinance, and adopt the attached resolution approving the revisions.

**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 is presented for two readings prior to adoption. The first reading occurred at the Board's February 7, 2023 Business meeting.

**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 adopt and authorize the Chair to sign the attached resolution approving on second reading the recommended changes to the Unified Animal Control Ordinance.

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 ANIMALS

Sec. 4-131. - Repealed

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

Sec. 4-132. - Display of wild, wild and dangerous, or ~~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, Wild and Dangerous 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, Wild and Dangerous 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, Wild and Dangerous 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, Wild and Dangerous 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, Wild and Dangerous 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, Wild and Dangerous 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 Animal, Wild and Dangerous Animal,s 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.

~~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.

~~(2)~~(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)*

## Animal Control Ordinance

### 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.

## Animal Control Ordinance

- (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.

## Animal Control Ordinance

~~(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.

## Animal Control Ordinance

### ~~Animal Control Ordinance~~

- ~~(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.

## Animal Control Ordinance

~~(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<sup>[SS1]</sup> physical harm human*: Any physical injury that results in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.

## Animal Control Ordinance

~~(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.

(jj) Page

~~(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

## Animal Control Ordinance

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~~

## Animal Control Ordinance

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.

## Animal Control Ordinance

~~— 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~~~~

## Animal Control Ordinance

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

## Animal Control Ordinance

~~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)~~

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**RESOLUTION OF AMENDMENT**

**A RESOLUTION AMENDING CHAPTER 4 OF THE ORANGE COUNTY CODE OF ORDINANCES**

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

WHEREAS, the Board of Commissioners has determined, upon recommendation of the Animal Services Advisory Board and Animal Services Director, that modifications to multiple sections of the Animal Control Ordinance are necessary; and

WHEREAS, the Board of Commissioners has determined changes should be made involving, among other things, what constitutes wild animals, the definition of what constitutes wild and dangerous animals, updates to violations and civil penalties regarding wild and wild and dangerous animals, updates to exemptions, and updates to what constitutes serious physical harm to humans and animals.

NOW THEREFORE BE IT ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 4, is hereby amended by amending sections §4-37, §4-131 through §4-134, §4-181 through §4-186 which amended sections read as shown in the attached revised Ordinance.

This Amendment shall become effective upon adoption.

Adopted by the Orange County Board of Commissioners this 21<sup>st</sup> day of February, 2023.

By:

Attest:

\_\_\_\_\_  
Jamezetta Bedford, Chair  
Orange County Board of Commissioners

\_\_\_\_\_  
Laura Jensen, Clerk to the Board

[SEAL]

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date:** February 21, 2023

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

**SUBJECT:** Amendment to the Code of Ordinances – Emergency Proclamations

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**DEPARTMENT:** County Attorney

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**ATTACHMENT(S):**

Draft Ordinance  
Resolution

**INFORMATION CONTACT:**

John Roberts, County Attorney, 245-  
2318

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**PURPOSE:** To present changes to Chapter 14 (Emergency Management and Emergency Services) of the Code of Ordinances for second reading and adopt the attached resolution approving the revisions.

**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, which authorizes the Chair to issue “superseding proclamations” and includes the authority to extend a state of emergency, the state of emergency was extended multiple times to address the ongoing pandemic. Ultimately the emergency proclamation, through those amendments, was continued for more than two years. The attached amendment to Section 14-40 clarifies that the Chair has the authority to extend states of emergency through “superseding proclamations.”

This 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. The first reading occurred at the Board’s February 7, 2023 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 adopt and authorize the Chair to sign the attached resolution approving on second reading the recommended changes to Chapter 14 (Emergency Management and Emergency Services) of the Code of Ordinances.

ORD-2023-008

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)

RES-2023-013

**RESOLUTION OF AMENDMENT**

**A RESOLUTION AMENDING CHAPTER 14 OF THE ORANGE COUNTY CODE OF ORDINANCES**

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

WHEREAS, the Board of Commissioners has determined a clarification is necessary to the Emergency Management Ordinance.

NOW THEREFORE BE IT ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 14, is hereby amended by amending section §14-40, which amended section reads as shown in the attached revised Ordinance.

This Amendment shall become effective upon adoption.

Adopted by the Orange County Board of Commissioners the 21<sup>st</sup> day of February, 2023.

By:

Attest:

\_\_\_\_\_  
Jamezetta Bedford, Chair  
Orange County Board of Commissioners

\_\_\_\_\_  
Laura Jensen, Clerk to the Board

[SEAL]

**DRAFT**

**INFORMATION ITEM**

Date Prepared: 02/08/23

Date Revised: 02/16/23

**BOCC Meeting Follow-up Actions**

<b>Meeting Date</b>	<b>Commissioner/ Sponsor</b>	<b>Description</b>	<b>Target Date</b>	<b>Department</b>	<b>Department Director Assigned</b>	<b>Status</b>	<b>Date Completed</b>
2/7/2023	BOCC	Pursue opportunities to integrate trails and nature into the Summer 2023 UPROAR Arts event as well as with the Visitors Center	8/2023	Environment, Agriculture, Parks & Recreation	David Stancil	Opportunities to be pursued	
2/7/2023	BOCC	Present the revisions to the Unified Animal Control Ordinance for second reading approval at the February 21, 2023 Business meeting	2/2023	Animal Services	Sandra Strong	Completed - Item scheduled for second reading at February 21, 2023 Business meeting	2/16/23
2/7/2023	BOCC	Present the minor revisions approved regarding Emergency Declarations for second reading approval at the February 21, 2023 Business meeting	2/2023	County Attorney	John Roberts	Completed - Item scheduled for second reading at February 21, 2023 Business meeting	2/16/23
2/7/2023	BOCC	Present the proposed changes to Emergency Declarations related to Reporting at a future BOCC Business meeting for consideration	5/2023	County Attorney	John Roberts	Item to be scheduled for a future BOCC Business meeting	



SOCIAL SERVICES

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Nancy Coston, Director | 113 Mayo Street, Hillsborough, NC 27278 | 919.245.2800

**MEMORANDUM**

TO: Board of County Commissioners

FROM: Nancy Coston, Director  
Brittany Mann, Social Work Program Manager

DATE: February 21, 2023

SUBJECT: Annual Report of the Community Child Protection Team (CCPT)

Per North Carolina General Statute 7B-1406, each local Community Child Protection Team should submit an annual report to the Board of County Commissioners. This report outlines the activity of the team for 2022. The 2022 Orange County CCPT report is attached.

## **Orange County Community Child Protection Team 2022 Annual Report**

### **Overview**

The 1991 General Statute 7-B-Article 14 of the North Carolina Juvenile Code established a Community Child Protection Team (CCPT) in every county in North Carolina to review active cases as selected by the team in which abuse, neglect or dependency is found. Each local team consists of representatives of public and nonpublic agencies in the community such as law enforcement, Guardian Ad Litem, health departments, among others that provide services to children and their families.

The case reviews are to ensure that families have resources available to them, to enhance their ability to provide safe environments for their children, to inform the community regarding child protection issues that impact the ability of families to protect their children, to facilitate collaboration of team and community resources in order to protect vulnerable children, and to make recommendations for legislative changes.

### **Activities and Findings**

The CCPT reviewed the cases of nine families with 18 children who were recently or actively involved with Child Protective Services (CPS). These reviews occurred over five separate meetings. The team assisted in identifying resources for children. Recommendations were made regarding follow up.

- a. Substance abuse was an issue for five families.
- b. Domestic violence was an issue for two families.
- c. Three families involved near fatalities.
- d. One family involved a child fatality.

### **Actions and Accomplishments**

- Met five times in 2022 to review child protection and child fatality cases. In depth discussion with identification of needs and subsequent recommendations occurred.
- Participated in training opportunities related impaired sleep as well as toxicology findings in pediatric deaths.
- Researched and discussed material provided to children in school settings related to child abuse, neglect, and social-emotional health.

### **Recommendations**

1. Increase education to school-aged children related to child abuse and neglect, as well as social-emotional health.
2. Increase education with families and parents surrounding the safe storage of medications, firearms, and other legal or illegal substances (edibles).
3. Increase parent's access to healthcare and insurance in order to access services to address their needs in order to prevent further maltreatment.

**MEMORANDUM**

**To:** Board of County Commissioners  
Bonnie Hammersley, County Manager

**From:** Marabeth Carr, Landscape Architect

**Copies:** David Stancil, Director, Department of Environment, Agriculture, Parks & Recreation

**Date:** February 13, 2023

**RE:** Perry Hills Mini-Park - Project Progress Update

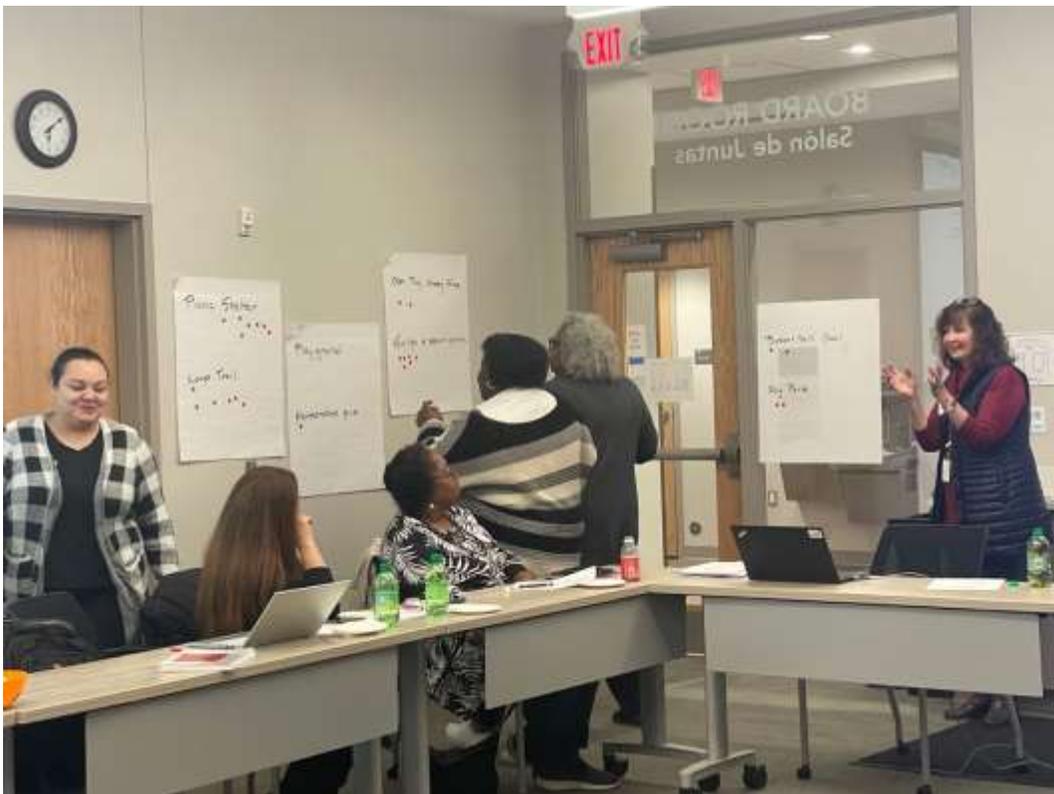
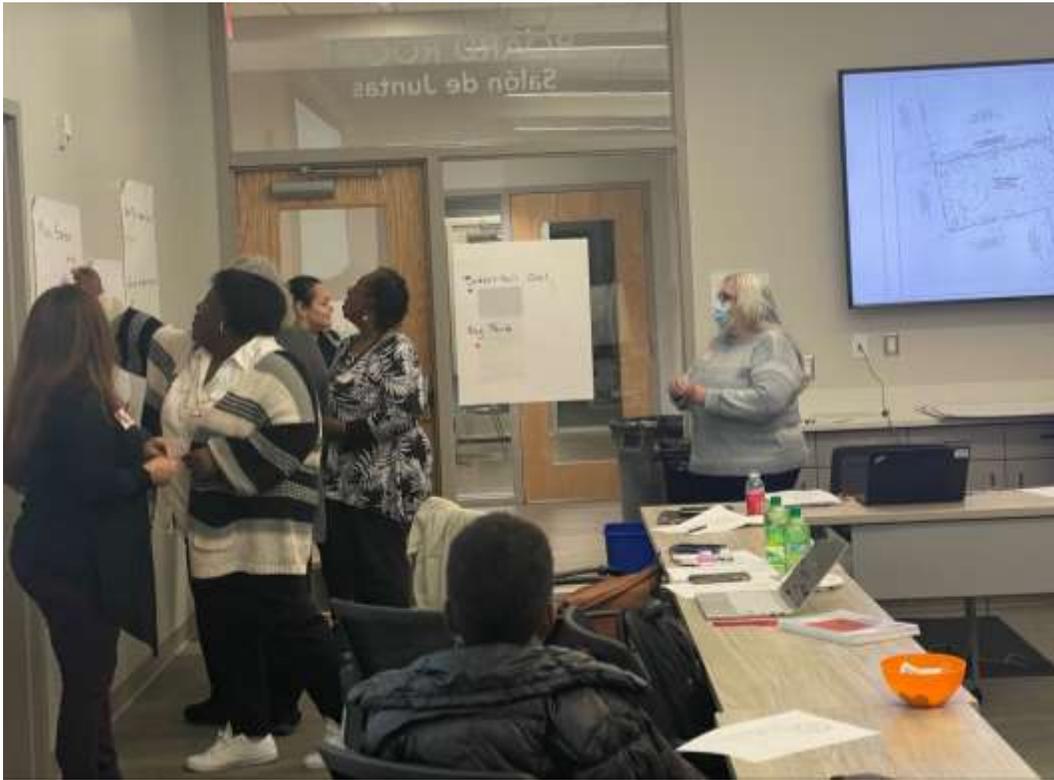
The purpose of this memo and update is to provide a status report on the ongoing planning effort for the Perry Hills Mini-Park project.

**Project Description:** In June 2022 as part of the approved 2022-23 Capital Investment Plan; the Board of County Commissioners approved \$100,000 in funding for the planning and development of a mini-park for the Perry Hills neighborhood.

**Work to date:** In July 2022 topographic survey proposals were solicited from area surveying firms to provide boundary; topographic and tree location documents needed to develop plans for the proposed park. In August 2022 the county contracted with Landmark Surveying of Graham NC to provide these services for \$7,250. The completed survey work was delivered to the County in October. That same month the first planning meeting was organized and sixteen members of the community attended. At that meeting the group visited the site and learned about how the planning process would work. On January 9<sup>th</sup>, 2023 a second meeting was held where 8 members of the community attended and the opportunities and constraints of the site were presented by staff and discussed with the group. At this meeting the group also discussed the budget and listed and ranked desired amenities for the park. Ranked from highest to lowest the amenities included a small picnic shelter with required parking; a natural surface loop trail; swings or individual play pieces; a basketball goal; an open play area; and a dog park. Currently a charette design meeting is scheduled for late February 2023. At this meeting the community group will break into small groups; put on their designer hats and design what they envision their park to look like. Then at a future meeting the community generated designs will be developed into workable schemes for the group to discuss pros and cons of each and then flag ideas they like and dislike on each scheme. These pieces and parts will then be combined to make the ultimate design for implementation.

**Attachments:** Attachment A- Photos of the Community Work Group at the January meeting

Attachment A:





FINANCE *and* ADMINISTRATIVE SERVICES

Gary Donaldson, CTP, Chief Financial Officer | gdonaldson@orangecountync.gov | PO Box 8181, Hillsborough, NC 27278 | 919.245.2453

**MEMORANDUM**

To: Board of County Commissioners  
 From: Gary Donaldson, Chief Financial Officer  
 Date: February 21, 2023  
 Re: Financial Report- Second Quarter FY 2022-23

Please find attached a summary of FY 2022-23 second quarter financial report for the General Fund, Enterprise Funds, and Special Revenue Funds that begins on the third page.

The Key County Economic table below is an update from the first quarter of metrics that provide additional insight on the local economic base and revenues. The trends remain stable with positive overall tax base metrics.

As the County metrics indicate the two largest General Fund revenue streams of property tax and sales tax are performing well, and will support General Fund revenues meeting expenditure projections. The higher interest rate environment has continued to result in less real estate closings, refinancings and subsequent excise stamp recordings.

Key County Economic Indicators	FY 2022-23 Second Quarter	FY 2021-22 Second Quarter	Comments
Sales Tax % Change	22%	15%	Includes all Articles 39, 40, 42, 43 and 46.
Property Tax Billings versus Collections	96.5%	95.7%	Includes real, personal and motor vehicle.
Excise Stamp Recordings	1314	1756	Volume of real estate transfers (mortgages and refinancings).
Permits Issued			
County Permits	4780	4354	This includes building, electrical and HVAC permits.
Hillsborough Permits	1216	965	This includes building, electrical and HVAC permits.
Unemployment Rate	2.5%	2.2%	County rate is the lowest in North Carolina.

The attached link below to the UNC-Charlotte economic forecast provides additional economic data for reference.  
[https://issuu.com/belkcollege/docs/2022-12-7\\_economicforecastreport.pptx](https://issuu.com/belkcollege/docs/2022-12-7_economicforecastreport.pptx)

## General Fund Summary

	GENERAL FUND	FY 2023				FY 2022			FYs 2023 vs 2022	
		Original	Revised	YTD Actual*	Percentag	Revised	YTD Actual*	Percentag	YTD	%
Revenue	Property Tax	\$186,165,129	\$186,165,129	\$146,700,101	78.80%	\$177,661,825	\$146,990,678	82.74%	-\$290,577	-3.94% <sup>1</sup>
	Sales & Use Tax	\$35,616,489	\$35,616,489	\$7,412,747	20.81%	\$28,952,047	\$6,180,811	21.35%	\$1,231,936	-0.54%
	Licenses and Permits	\$274,200	\$274,550	\$60,943	22.20%	\$274,550	\$65,602	23.89%	-\$4,659	-1.70%
	Charges for Services	\$14,029,092	\$14,226,117	\$6,857,614	48.20%	\$12,662,171	\$6,642,448	52.46%	\$215,166	-4.25% <sup>2</sup>
	Intergovernmental	\$18,428,977	\$20,280,401	\$6,948,159	34.26%	\$20,792,680	\$7,196,194	34.61%	-\$248,035	-0.35%
	Transfers In	\$76,740	\$76,740	\$0	0.00%	\$95,337	\$20,833	21.85%	-\$20,833	-21.85%
	Miscellaneous	\$910,064	\$1,046,971	\$1,104,704	105.51%	\$1,441,082	\$469,727	32.60%	\$634,977	72.92% <sup>3</sup>
	Appropriated Fund Balance	\$2,608,888	\$2,735,454	\$0	0.00%	\$7,673,175	\$0	0.00%	\$0	0.00%
	<b>Total</b>	<b>\$258,109,579</b>	<b>\$260,421,851</b>	<b>\$169,084,268</b>	<b>64.93%</b>	<b>\$249,552,867</b>	<b>\$167,566,293</b>	<b>67.15%</b>	<b>\$1,517,975</b>	<b>-2.22%</b>
Expenditure	Community Services	\$14,690,753	\$15,481,038	\$6,863,070	44.33%	\$14,216,710	\$6,406,185	45.06%	\$456,885	-0.73%
	General Government	\$13,451,262	\$14,049,624	\$7,006,631	49.87%	\$10,380,822	\$5,631,617	54.25%	\$1,375,014	-4.38% <sup>4</sup>
	Public Safety	\$31,919,210	\$33,228,487	\$15,861,038	47.73%	\$28,827,819	\$13,331,684	46.25%	\$2,529,354	1.49% <sup>5</sup>
	Human Services	\$43,038,664	\$45,994,292	\$18,445,162	40.10%	\$44,008,794	\$18,866,868	42.87%	-\$421,706	-2.77%
	Education	\$98,201,672	\$98,450,310	\$47,624,573	48.37%	\$95,583,514	\$45,515,959	47.62%	\$2,108,614	0.76%
	Support Services	\$12,295,327	\$9,773,135	\$8,191,926	83.82%	\$15,282,833	\$8,388,588	54.89%	-\$196,662	28.93% <sup>6</sup>
	Debt Service	\$38,077,170	\$38,077,170	\$22,998,610	60.40%	\$40,208,373	\$24,789,805	61.65%	-\$1,791,195	-1.25%
	Transfers Out	\$6,435,521	\$6,551,001	\$0	0.00%	\$1,044,002	\$0	0.00%	\$0	0.00%
	<b>Total</b>	<b>\$258,109,579</b>	<b>\$261,605,057</b>	<b>\$126,991,010</b>	<b>48.54%</b>	<b>\$249,552,867</b>	<b>\$122,930,706</b>	<b>49.26%</b>	<b>\$4,060,304</b>	<b>-0.72%</b>

### Notes:

\* - Actual amounts include Encumbrances.

+ - Based on percentage.

1 - Property tax actuals is a timing variance; large mortgage escrow payment of \$16 million did not transfer until January 10, 2023.

2 - Charges for Services includes Register of Deeds Excise Fees, EMS Charges and Medicaid revenue.

3- Miscellaneous includes Donations, Leases and Investment Earnings; Investment earnings increased \$397K through investment in higher yield securities.

4- General Government increase reflects the reclass of Outside Agencies cost to this category and additional seasonal Election employees and voting precincts.

5- Public Safety increase reflects additional personnel and related non-personnel for Emergency Services and Sheriff's Office as approved in the original budget.

6- Reflects allocation of 3% wage increase at beginning of year to departments rather than at the end of fiscal year.

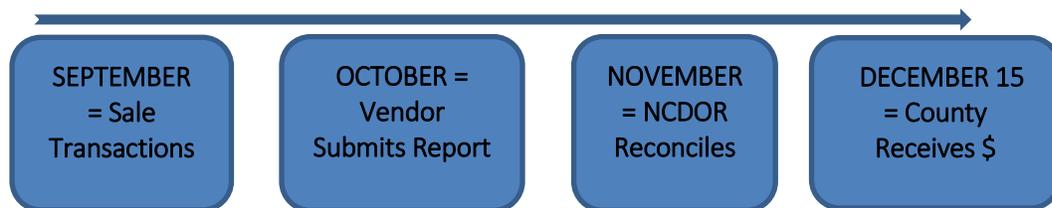
## General Fund Revenues

General Fund revenues are 64.9% of budgeted revenues compared to 67.1% the prior fiscal year. The primary reason for the variance is a property tax timing variance.

- Property Tax collections are 78.8% of the total Property tax budget compared to 82.7% the prior fiscal year; this represents a timing variance in collections. Two large mortgage escrows transferred \$16 million in January instead of December which accounts for the percent variance. Real and personal taxes were due September 1. Tax collections peak at the end of December due to the January 6<sup>th</sup> assessment of interest. The FY 2022-23 Budget increased the tax rate by 1.25 cents from 81.87 cents to 83.12 cents per \$100 of assessed value. One cent is dedicated to support the current expenses for the school districts which increased by \$4.2 million. The remaining 0.25 cents increase is to support debt service expense.
- Motor vehicles taxes which are included in the Property Tax category on the table above are 55.3% of the Motor Vehicle budget as compared to 57.1% in the prior fiscal year. This slight variance is attributed to a timing variance and the higher budgeted amount from the 1.25 cent tax rate increase.

- Motor vehicle taxes are payable on the vehicle renewal date and the tax is based on the market value of the vehicle. The State remits this tax to the County on a monthly basis. FY 2022-23 Motor Vehicles are \$6.3 million as compared to \$5.9 million the prior fiscal year.
- Sales Tax for Articles 39, 40, 42 and Hold Harmless amounts are recorded in the General Fund. The second quarter sales tax are for July, August and September collections due to a three-month lag detailed further below. The year-to-date sales tax trend remains strong and factors in inflation and specifically food inflation that is taxable on Articles 39, 40 and 42. NC Department of Revenue (NCDOR) has indicated that collections yet to be distributed to the County have increased at a rate of 22% over the prior fiscal year. However it is important to note that later in the fiscal year, NCDOR will issue taxpayer refund adjustments that may decrease the current percentage growth rate by the end of the fiscal year.

As illustrated on the flowchart below, there is a three-month lag means from the point the North Carolina Department of Revenue NCDOR collects the tax and remits each months' receipts to local governments.



- Charges for services are 48.2% of the budget as compared to 52.4% the prior fiscal year. Three key revenue sources in this category are Emergency Charges, Register of Deeds Excise Stamps and Building, Electrical and HVAC Permits.

*Emergency Medical Charges.* Emergency Medical Charges collections are \$2.9 million or 77.6% of budget as compared to \$1.6 million or 54.6% the prior fiscal year. The stronger collections the second quarter are attributed to the FY 2022-23 rate increases. County rates in the prior fiscal years for transporting were significantly lower than other jurisdictions with Medicare and private insurance accounting for more than 50% of the rate base. The strong performance has offset the additional EMS personnel.

*Excise Stamps (Real Estate Transfers).* Excise Stamps have decreased to \$792,259 or 45.3% of the budget compared to \$1.3 million or 98% of the budget through the second quarter in the prior fiscal year.

Mortgage rates have more than doubled from 3% last year to 7% this year, therefore the number of refinancing transactions and real estate transfers decline results is indicative of the interest rates inverse relationship and its impact on excise stamp revenue.

*Permits.* Permits have increased which provides a good indicator for segments of the construction industry. Planning and Inspection revenue remain stable at \$946,063 or 49.8% of the budget through the second quarter of this fiscal year compared to \$907,029 or 52.2% the prior fiscal year.

- Miscellaneous revenue variance of 105.5% of budgeted revenues as compared to 32.6% the prior fiscal. This category includes donations, investment earnings. This is attributed to increased investment earnings from prudent cash management emphasizing Safety, Liquidity and Yield in that priority order. Through the second quarter of this fiscal year investment earnings are \$397,742 compared to \$2,610 the prior fiscal year. The investment portfolio consist primarily of U.S. Treasuries, Federal Agencies and Overnight Repurchase Agreements which are all highly rated securities which comply with the North Carolina Permitted Investments statutes. The higher interest rate environment results in the yield performance.

### **General Fund Expenditures**

General Fund expenditures are 48.5% of budgeted expenditures as compared to 49.2% the prior fiscal year. Expenditures are historically straight-lined with no functional leadership team budget are of concern.

- General government represented 49.8% of total general government as compared to 54.2% the prior fiscal year. This is a timing variance attributed to property casualty and workers compensation premium being paid in installments as compared to upfront payments in the prior fiscal year.
- Support Services revised budget from \$12.2 million to \$9.7 million reflects the allocation of the 3% wage increase to departments. The wage increase was originally budgeted in a non-departmental account.
- The remaining Functional Leadership teams are consistent with historical spending rates.
- Education appropriations are 48.3% of its budget as compared with 47.6% the prior fiscal year. School appropriations are paid to both School systems by the 15<sup>th</sup> of each month. The remaining Education budget includes School Health and Safety Contracts, School Equity Training, Deferred Maintenance, Durham Tech Current Expense and Recurring Capital.

- Second Quarter debt service represents 60.4% of total debt service as compared to 61.6% the prior fiscal year. Debt service includes payments for Limited Obligation Bonds and General Obligation Bonds.

## Summary of Other Funds

	OTHER FUNDS	FY 2023				FY 2022			FYs 2023 vs 2022	
		Original Budget	Revised Budget	YTD Actual*	Percentage	Revised Budget	YTD Actual*	Percentage	YTD	% Variance <sup>+</sup>
Revenue	29 - Annual Grants Project Fund	\$159,216	\$179,216	\$43,208	24.11%	\$153,943	\$28,704	18.65%	\$14,504	5.46%
	33 - Housing Fund	\$4,762,156	\$4,967,994	\$2,812,035	56.60%	\$4,628,077	\$2,581,966	55.79%	\$230,069	0.81%
	35 - Emergency Telephone Fund	\$775,459	\$775,459	\$196,164	25.30%	\$759,757	\$316,568	41.67%	-\$120,404	-16.37%
	37 - Visitor's Bureau Fund	\$2,201,691	\$2,387,110	\$1,299,192	54.43%	\$1,940,585	\$954,387	49.18%	\$344,805	5.24% <sup>7</sup>
	38 - Spay/Neuter Fund	\$72,350	\$72,350	\$27,147	37.52%	\$75,651	\$31,252	41.31%	-\$4,105	-3.79%
	50 - Solid Waste Enterprise Fund	\$11,797,140	\$11,797,140	\$8,174,214	69.29%	\$12,545,384	\$9,072,856	72.32%	-\$898,642	-3.03%
	53 - Sportsplex Fund	\$4,178,094	\$4,178,094	\$1,962,845	46.98%	\$3,766,562	\$1,818,340	48.28%	\$144,505	-1.30%
70 - Employee Health & Dental Fund	\$15,395,128	\$15,395,128	\$5,621,984	36.52%	\$12,343,842	\$5,413,528	43.86%	\$208,456	-7.34% <sup>8</sup>	
Expenditure	29 - Annual Grants Project Fund	\$159,216	\$179,216	\$63,043	35.18%	\$153,943	\$53,722	34.90%	\$9,321	0.28%
	33 - Housing Fund	\$4,762,156	\$4,967,994	\$2,774,880	55.86%	\$4,628,077	\$2,413,257	52.14%	\$361,623	3.71%
	35 - Emergency Telephone Fund	\$775,459	\$775,459	\$220,127	28.39%	\$759,757	\$226,470	29.81%	-\$6,343	-1.42%
	37 - Visitor's Bureau Fund	\$2,201,691	\$2,387,110	\$1,303,585	54.61%	\$1,940,585	\$1,226,866	63.22%	\$76,719	-8.61%
	38 - Spay/Neuter Fund	\$72,350	\$78,488	\$26,777	34.12%	\$75,651	\$24,245	32.05%	\$2,532	2.07%
	50 - Solid Waste Enterprise Fund	\$11,797,140	\$12,854,134	\$6,046,500	47.04%	\$12,545,384	\$5,614,268	44.75%	\$432,232	2.29%
	53 - Sportsplex Fund	\$4,178,094	\$4,254,000	\$1,909,380	44.88%	\$3,766,562	\$1,474,920	39.16%	\$434,460	5.73%
70 - Employee Health & Dental Fund	\$15,395,128	\$15,395,128	\$4,959,918	32.22%	\$12,343,842	\$5,933,475	48.07%	-\$973,557	-15.85% <sup>9</sup>	

### Notes:

\* - Actual amounts include Encumbrances.

+ - Based on percentage.

7- Reflects rebound in occupancy tax revenues.

8- Reflects additional premium rate adjustment included in the original budget.

9-This is pending a posting of additional expenses from the General Fund to the Health and Dental Fund.

## Enterprise Funds

### Sportsplex Fund

Sportsplex revenues are at \$1.9 million or 46.9% of budget as compared to \$1.8 million or 48.2% the prior fiscal year. The first quarter report referenced the Ice Rink during September for repairs and the potential impact on revenues given it is the largest revenue stream. This revenue concern is lowered as income statement performance has returned following the re-opening of the Ice Rink. FY 2022-23 expenditures are \$1.9 million or 44.8% of budget as compared to \$1.4 million or 39.6% of budget.

## Solid Waste Fund

Solid Waste revenues are \$8.1 million or 69.2%74.2% of the budget as compared to \$9 million or 72.3% of the budget in the prior fiscal year. The solid waste program fee of \$142 is billed as a line item on the Property Tax bill. As noted previously, peak collections occur by the end of December. Solid waste expenditures are \$6 million or 47% of expenditures as compared to \$5.6 million 44.7% the prior fiscal year.

## Functional Leadership Teams by Department

**Community Services** - Animal Services, NC Cooperative Extension, Department of Environment, Agriculture, Parks and Recreation (DEAPR), Economic Development, Orange Public Transportation, Planning and Inspections.

**General Government** - Board of Elections, Clerk to the Board, County Attorney, County Manager, Register of Deeds and Tax Administration

**Public Safety** – Courts, Emergency Services, Criminal Justice Resource Department, and Sheriff’s Office

**Human Services** – Department on Aging, Child Support, Housing, Human Rights, and Community Development, Library, Public Health and Social Services

**Support Services** - Asset Management Services, Community Relations, Finance, Human Resources, and Information Technology

Thanks to the Budget and Finance Offices for their assistance in the preparation of this report.

cc: Bonnie Hammersley, County Manager  
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Department Directors