



**Orange County  
Board of Commissioners**

**Agenda**

**Virtual Business Meeting**

March 2, 2021

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on March 2, 2021. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at [orangecountync.gov/967/Meeting-Videos](http://orangecountync.gov/967/Meeting-Videos) and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

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

**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. Resolution Supporting the CROWN Act and Amending Chapter 12 of the Orange County Civil Rights Ordinance
- b. Resolution Recognizing March 3, 2021 as a Day of Reflection, Commemorating the First North Carolinian Diagnosed with COVID-19
- c. Presentation on Orange County Bail Reform Initiatives

**5. Public Hearings**

**6. Regular Agenda**

- a. 203 South Greensboro Project – Southern Branch Library and Skills Development Center

**7. Reports**

**8. Consent Agenda**

- Removal of Any Items from Consent Agenda
  - Approval of Remaining Consent Agenda
  - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
  - b. Motor Vehicle Property Tax Releases/Refunds
  - c. Property Tax Releases/Refunds
  - d. Applications for Property Tax Exemption/Exclusion
  - e. Fiscal Year 2020-21 Budget Amendment #8
  - f. Updates to the Assistance Policies for the 2020 North Carolina Housing Finance Agency (NCHFA) Urgent Repair Program (URP20) and Essential Single-Family Rehabilitation Loan Pool (ESFRLP20)
  - g. Robert & Pearl Seymour Center Corporate Water Easement and Dedication Letter with Orange Water and Sewer Authority (2551 Homestead Road, Chapel Hill)
  - h. Women's History Month Proclamation

**9. County Manager's Report**

**10. County Attorney's Report**

**11. \*Appointments**

**12. Information Items**

- February 16, 2021 BOCC Meeting Follow-up Actions List



- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100

### 13. Closed Session

### 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).

## **Public Comment Instructions**

### **Public Comment – Written (for Items not on the Agenda, Agenda Items and Public Hearings)**

Members of the public may provide written public comment by submitting it to the [ocbocc@orangecountync.gov](mailto:ocbocc@orangecountync.gov) email address by 3:00 PM on the afternoon of the meeting.

When submitting the comment, include the following:

- The date of the meeting
- The agenda item (example: 6-a) you wish to comment on
- Your name, address, email and phone number

The Orange County Board of Commissioners, County Manager, County Attorney and Clerk to the Board, will be copied on all of the emails that are submitted.

### **Public Comment – Verbal (for Items not on the Agenda, Agenda Items and Public Hearings)**

Members of the public will be asked to contact the Clerk to the Board using the email address [ocpubliccomment@orangecountync.gov](mailto:ocpubliccomment@orangecountync.gov) no later than 3:00 PM on the day of the meeting and indicate they wish to speak during the meeting.

When submitting the request to speak, include the following:

- The date of the meeting
- The agenda item (example: 6-a) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone



Prior to the meeting, speakers will be emailed a participant link to be able to make comments during the live meeting. Speakers may use a computer (with camera and/or microphone) or phone to make comments. Speakers using the phone for comments must use the provided PIN/Password number.

The public speaker's audio and video will be muted until the BOCC gets to the respective agenda item(s). Individuals who have pre-registered will then be brought into the public portion of the meeting one at a time.

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Resolution Supporting the CROWN Act and Amending Chapter 12 of the Orange County Civil Rights Ordinance

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**DEPARTMENT:** Human Rights and Relations

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**ATTACHMENT(S):**

Resolution  
Ordinance Amendment

**INFORMATION CONTACT:**

Renee Price, Chair, BOCC, (919) 245-2130  
Annette Moore, Human Rights and Relations, (919) 245-2317

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**PURPOSE:** To consider a Resolution supporting local, state, and federal laws that prohibit discrimination based on a person's hair texture or hairstyle if that style or texture is commonly associated with a particular race, religion, or national origin; and also approving an amendment to the Orange County Civil Rights Ordinance prohibiting this discrimination.

**BACKGROUND:** The Resolution and Amendment support local, state, and federal laws that prohibit discrimination based on a person's hair texture or hairstyle if that style or texture is commonly associated with a particular race, religion, or national origin. Specifically, if those laws prohibit discrimination based on hair texture or hairstyle when participating in federally, state, and local assisted programs, housing programs, public accommodations, and employment.

While a wide range of hair textures are typical among people of African descent, the decision to wear one's hair in a particular style is highly personal. The reason behind the decision may differ depending on the individual. Some wearers adapt styles designed as "protective" to maintain hair health, or as part of cultural identity, and or a variety of other personal, financial, medical, religious, or spiritual reasons.<sup>1</sup> There has been a widespread belief that Black hairstyles are not suited for formal settings, maybe unhygienic, messy, disruptive, or unkempt.<sup>2</sup> In 2014, the U.S. Department of Defense generally prohibited Black hairstyles. After a backlash by Black women serving in the Armed Forces, the ban was reversed in 2017, and the terms "matted and unkempt" were removed from the appearance regulations. These changes reflected a reevaluation of longstanding bias and discriminatory impact and the harms they caused on the military troops.

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<sup>1</sup> Locs may also be worn by some Black people for religious purposes, such as Rastafarians. See generally Brief for NAACP Legal Defense and Educational Fund, Inc. et al., as Amici Curiae Supporting Appellants, EEOC v. Catastrophe Mgmt. Solutions, No. 14-13482 (11th Cir. Dec. 28, 2016), [https://www.naacpldf.org/files/about-us/EEOC\\_v\\_CMS\\_Final.pdf](https://www.naacpldf.org/files/about-us/EEOC_v_CMS_Final.pdf).

<sup>2</sup> Petition for Writ of Certiorari, supra note 17, at \*6-7; see also NAACP Legal Defense and Educational Fund, Inc. & American Civil Liberties Union, Letter to Florida Department of Education, ACLU (Nov. 29, 2018), <https://www.aclu.org/legal-document/florida-department-education-complaint-chargerace-discrimination>

A 2019 Joy Collective Study CROWN Research Study found that discrimination based on hairstyles has a real, measurable social and economic impact on Black women. The Crown Study also found that Black women were 80% more likely to agree with the statement that they had to change their hair from its natural state to fit in at the office than White women. Wearing one's hair in a natural or protective style may also have significant physical and psychological harm to those who have to choose between maintaining their livelihood and education or their cultural identity and hair health.<sup>3</sup> Black women have faced significant socio-economic pressure to conform to white or European beauty standards by straightening or relaxing their hair, which can cause emotional distress, including dignitary and stigmatic harm. Because of this stress, Black women are likely to spend more money on their hair, spend more money on professional hair styling appointments and products, and experience anxiety related to hair. These experiences highlight the consequences of being compelled to conform to the standards of White and European beauty standards or stigmatized for wearing one's hair in a natural style.

The North Carolina Supreme Court, in 2003, declared the employment law section of the Orange County Civil Rights Ordinance (the Civil Rights Ordinance") unconstitutional. Later that year, the Board of Commissioners attempted to get statewide legislation passed that would allow counties to pass local ordinances protecting the rights of residence against employment discrimination. The legislation passed the House but stalled in the Senate. Today, North Carolina does not have a statewide Fair Employment Law, nor does it allow localities to protect its residents from employment discrimination.

Staff recommends the following:

1. Supporting H.R 5309, Creating a Respectful and Open World for Natural Hair (CROWN) Act of 2020 prohibiting discrimination based on the individual's hair texture or hairstyle. (See [Report Accompany H.R. 5309](#))
2. Supporting a similar CROWN Act legislation in North Carolina AND a North Carolina Fair Employment law to support the enforcement of the CROWN Act and other employment discrimination laws in North Carolina
3. Amending Chapter 12 of the Civil Rights Ordinance to prohibit discrimination based on a individual's hair texture or hairstyle, if the hair texture or hairstyle is commonly associated with the person's race, national origin, or religion (including a hairstyle in which hair is tightly coiled, locs, cornrows, twists, braids, Bantu knots, and Afros)

The terms "national origin" and "religion" have the same meaning as in §12-6 of the Orange County Civil Rights Ordinance. The terms "national origin," "religion," and "race" include discrimination based on hair texture or hairstyle commonly associated with a particular race, national origin, or religion (including a hairstyle in which hair is tightly coiled, locs, cornrows, twists, braids, Bantu knots, and Afros).

**FINANCIAL IMPACT:** The financial impact associated with this action is unknown. Enforcement of this Ordinance could lead to the need for more investigative personnel in the Human Rights and Relations Department.

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<sup>3</sup> See generally Dr. Gillian Scott-Ward, Moving Past Racist Grooming Standards Terrorizing our Children, Medium (Jan. 10, 2018), <https://medium.com/@gillianscottward/moving-past-racist-groomingstandards-terrorizing-our-children-40df73b9ecb3>.

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

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUALITY**

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; or familial, residential, or economic status

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the Resolution and adopt the Ordinance and authorize the Chair to sign the Resolution amending the Code of Ordinances.

## ORANGE COUNTY BOARD OF COMMISSIONERS

### RESOLUTION OF AMENDMENT

#### RESOLUTION IN SUPPORT OF ADOPTION OF *THE CROWN ACT* OR OTHER LEGISLATION PROHIBITING RACE-BASED HAIR DISCRIMINATION IN ORANGE COUNTY AND THE STATE OF NORTH CAROLINA

**WHEREAS**, Orange County is a community that prides itself on being composed of people who value diversity of backgrounds, cultures, beliefs, traditions and experiences; and

**WHEREAS**, appreciation for diversity in all forms strengthens a community, fosters a welcoming environment, and is critical to a thriving, successful city; and

**WHEREAS**, discrimination based upon natural hair texture and styles remains a source of racial bias, impacting educational and employment opportunities for people of color, particularly women and men of Black African descent; and

**WHEREAS**, Orange County has developed a locally applicable non-discrimination ordinance that will prohibit discrimination in employment, public accommodations, and fair housing access against individuals who wear “protected hairstyles,” which is defined in the pending ordinance as “any hairstyle, hair type, or hair texture historically associated with race such as, but not limited to, braids, locks, twists, tight coils or curls, cornrows, Bantu knots, and afros”; and

**WHEREAS**, current state and federal law prohibit discrimination on the basis of race and ethnicity in employment, public accommodations, housing and schools, yet offers no protection to individuals with specific hair styles or textures related to race or ethnicity; and

**WHEREAS**, a national movement to address the effects of long-term, insidious race discrimination in reaction to hairstyles and textures commonly associated with communities of color is being spearheaded by the CROWN Coalition, a national alliance founded by Dove, the National Urban League, Color of Change, and the Western Center on Law & Poverty; and

**WHEREAS**, with the assistance of the Coalition, a wave of legislation has been enacted across the United States over the past eighteen months, both at the federal and state level, which specifically adds race-based hair discrimination to the legal definition of race discrimination; and

**WHEREAS**, beginning in California in July 2019, *The CROWN Act* (“Creating a Respectful and Open Workplace for Natural Hair”) now has been adopted in seven states and legislation is under consideration in more than twenty other states, as well as in Congress; and

**WHEREAS**, at the federal level, the “CROWN Act of 2019” has been introduced by Representative Cedric Richmond (LA-2) in the form of H.R. 5309 in December 2019 and by Senator Cory Booker (NJ) in the form of S. 3167 in January 2020, and would amend a panoply of existing federal civil rights law prohibiting race discrimination in federally assisted

programs, housing programs, public accommodations, employment, and access to equal rights under the law; and

**WHEREAS**, the stated purpose of the identical bills is “to institute definitions of race and national origin for Federal civil rights laws that effectuate the comprehensive scope of protection Congress intended to be afforded by such laws and Congress’ objective to eliminate race and national origin discrimination in the United States”; and

**WHEREAS**, the pending federal bills include an initial section of Congressional “findings” providing an eloquent and compelling argument for the necessity of the proposed Act, as follows:

- (1) Throughout United States history, society has used, in conjunction with skin color, hair texture and hairstyle to classify individuals on the basis of race.
- (2) Like one’s skin color, one’s hair has served as a basis of race and national origin discrimination.
- (3) Racial and national origin discrimination can and do occur because of longstanding racial and national origin biases and stereotypes associated with hair texture and style.
- (4) For example, routinely, people of African descent are deprived of educational and employment opportunities because they are adorned with natural or protective hairstyles in which hair is tightly coiled or tightly curled, or worn in locks, cornrows, twists, braids, Bantu knots, or Afros.
- (5) Racial and national origin discrimination is reflected in school and workplace policies and practices that bar natural or protective hairstyles commonly worn by people of African descent.
- (6) For example, as recently as 2018, the United States Armed Forces had grooming policies that barred natural or protective hairstyles that servicewomen of African descent commonly wear and that described these hairstyles as “unkempt”.
- (7) In 2018, the United States Armed Forces rescinded these policies and recognized that this description perpetuated derogatory racial stereotypes.
- (8) The United States Armed Forces also recognized that prohibitions against natural or protective hairstyles that African-American servicewomen are commonly adorned with are racially discriminatory and bear no relationship to African-American servicewomen’s occupational qualifications and their ability to serve and protect the Nation.
- (9) As a type of racial or national origin discrimination, discrimination on the basis of natural or protective hairstyles that people of African descent are commonly adorned with violates existing Federal law, including provisions of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 1977 of the Revised Statutes (42 U.S.C. 1981), and the Fair Housing Act (42 U.S.C. 3601 et seq.). However, some Federal courts have misinterpreted Federal civil rights law by narrowly interpreting the meaning of race or national origin, and thereby permitting, for example, employers to discriminate against people of African descent who wear natural or protective hairstyles even though the employment policies involved are not related to workers’ ability to perform their jobs.
- (10) Applying this narrow interpretation of race or national origin has resulted in a lack of Federal civil rights protection for individuals who are discriminated against on

the basis of characteristics that are commonly associated with race and national origin.

- (11) In 2019, State legislatures and municipal bodies throughout the United States have introduced and passed legislation that rejects certain Federal courts' restrictive interpretation of race and national origin, and expressly classifies race and national origin discrimination as inclusive of discrimination on the basis of natural or protective hairstyles commonly associated with race and national origin; and

**WHEREAS**, the Orange County Board of County Commissioners has the responsibility to advocate on behalf of all of residents, and recognizes, as espoused by the CROWN Act of 2019, that "clear, consistent, and enforceable legal standards must be provided to redress the widespread incidences of race and national origin discrimination based upon hair texture and hairstyle in schools, workplaces, housing.....and other contexts" and to "explicitly prohibit the adoption or implementation of grooming requirements that disproportionately impact people of African descent";

**NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of County Commissioners hereby:

1. Supports the passage of H.R. 5309 Creating a Respectful and Open World for Natural Hair Act of 2020 into law;
2. Requests the North Carolina General Assembly pass legislation similar to H.R. 5309 and a Fair Employment law that will protect all North Carolinians from all forms of employment discrimination; and
3. Support the inclusion of religious discrimination as a category of protected class in federal and state law.

BE IT FURTHER RESOLVED that the Clerk to the Board is directed to send copies of this resolution to the Orange County delegation to the North Carolina Legislature, Governor Roy Cooper, North Carolina Senators Richard Burr and Thom Tillis, and US Representative David Price; and

BE IT FURTHER RESOLVED that the Code of Ordinances, Orange County, North Carolina, Chapter 12, Section 54(c) be amended to add the following numbered section 12-54(c)(3), which section reads as shown in the attached revised ordinance to prohibit discrimination in Orange County.

This the 2<sup>nd</sup> day of March 2021.

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Renee Price, Chair  
Orange County Board of Commissioners

**An Ordinance Prohibiting Discrimination Throughout Orange County****Sec. 12-54. – Prohibited acts.**

(c) It shall be unlawful for any person to intentionally or knowingly:

(3) Discriminate based on the individual's hair texture or hairstyle, if that hair texture or hairstyle is commonly associated with a particular race, national origin, or religion (including a hairstyle in which hair is tightly coiled, locs, cornrows, twists, braids, Bantu knots, and Afros).

The terms "national origin" and "religion" have the same meaning as in §12-6 of the Orange County Civil Rights Ordinance. The terms "national origin," "religion," and "race" throughout this Chapter include discrimination based on hair texture or hairstyle commonly associated with a particular race, national origin, or religion (including a hairstyle in which hair is tightly coiled, locs, cornrows, twists, braids, Bantu knots, and Afros).

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Resolution Recognizing March 3, 2021 as a Day of Reflection, Commemorating the First North Carolinian Diagnosed with COVID-19

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**DEPARTMENT:** County Commissioners

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**ATTACHMENT(S):**

Resolution

**INFORMATION CONTACT:**

Quintana Stewart, Orange County  
Health Director, 919-245-2412

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**PURPOSE:** To consider a resolution recognizing March 3, 2021 as a day of reflection, commemorating the first North Carolinian diagnosed with COVID-19.

**BACKGROUND:** On March 3, 2020, Governor Roy Cooper identified the first case of COVID-19 as a person who had traveled to Washington State and was exposed at a long-term care facility. The second case in NC was identified on March 6, 2020 in a person who had traveled to Italy. By March 7<sup>th</sup>, NC had five new additional cases. On March 10<sup>th</sup>, Governor Cooper issued an executive order declaring a State of Emergency.

As of February 24, 2021, Orange County has administered 26,716 first doses and 17,911 second doses COVID vaccinations. Frontline Healthcare workers, essential workers, first responders, and a host of community volunteers continue to work tirelessly to vaccinate the community.

**FINANCIAL IMPACT:** There is no financial impact associated with consideration of the resolution.

**SOCIAL JUSTICE IMPACT:** There is no Orange County Social Justice Goal impact associated with consideration of the resolution.

**ENVIRONMENTAL IMPACT:** There is no Orange County Environmental Responsibility Goal impact associated with consideration of the resolution.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Chair to sign the attached resolution recognizing March 3, 2021 as a day of reflection, commemorating the first North Carolinian diagnosed with COVID-19.

## **ORANGE COUNTY BOARD OF COMMISSIONERS**

### **A RESOLUTION RECOGNIZING MARCH 3, 2021 AS A DAY OF REFLECTION, COMMEMORATING THE FIRST NORTH CAROLINIAN DIAGNOSED WITH COVID-19**

WHEREAS, North Carolina reported its first case of COVID-19 on March 3, 2020; and

WHEREAS, since the start of the COVID-19 pandemic, North Carolina has experienced nearly 845,000 COVID cases and 11,000 deaths; and

WHEREAS, Orange County has experienced over 7,500 COVID cases and 93 deaths over the past year; and

WHEREAS, the United States has recently surpassed over 500,000 deaths from COVID-19; and

WHEREAS, our frontline health care and essential workers have faced incredible challenges as we battled the pandemic and continue providing the services our residents need; and

WHEREAS, the COVID-19 pandemic has taken a physical, mental and emotional toll on our frontline health care and essential workers and residents; and

WHEREAS, our county, state and nation are grieving the hundreds of thousands lives lost as well as personal, financial, economic and other impacts of the pandemic; and

WHEREAS, we continue to fight the pandemic by caring for those battling the virus, continuing our research on treatment and prevention, and vaccinating our residents; and

WHEREAS, we will continue working together as a community until we can bring an end to the COVID-19 pandemic;

NOW THEREFORE BE IT RESOLVED by the Orange County Board of Commissioners that March 3, 2021 is declared a Day of Reflection for the lives lost and severely impacted by the COVID-19 pandemic. This day will also recognize the hard work, dedication and sacrifices of our frontline health care and essential workers that have selflessly served our community during this time.

This the 2<sup>nd</sup> day of March, 2021.

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Renee Price, Chair  
Orange County Board of Commissioners

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Presentation on Orange County Bail Reform Initiatives

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**DEPARTMENT:** Criminal Justice Resource

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**ATTACHMENT(S):**

RES-2018-025 - Resolution in Support of  
3DaysCount  
Report of the Orange County Pretrial  
Working Group  
PowerPoint Presentation

**INFORMATION CONTACT:**

Caitlin Fenhagen, 919-245-2303  
Judge Allen R. Baddour  
Judge Samantha H. Cabe

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**PURPOSE:** To receive a presentation regarding the ongoing Bail Reform Initiatives in Orange County facilitated by Jessica Smith, W.R. Kenan, Jr. Distinguished Professor and Director of the Criminal Justice Innovation Lab at UNC's School of Government.

**BACKGROUND:** In April 2018, the Orange County Board of Commissioners unanimously adopted a Resolution Supporting 3 Days Count – A Nationwide Effort to Make Communities Safer and Ensure Better Outcomes for All by Applying Common Sense Solutions to Widespread Pretrial Justice Challenges. The Resolution recognized that pretrial detention, even for a few days, is destabilizing to people's lives and can have severe consequences. The money bail system in North Carolina disproportionately impacts people of color and those with insufficient financial resources and does not adequately address true risk to the community. While Orange County has implemented many of the evidence-based best pretrial practices including an internalized Pretrial Services program in the Criminal Justice Resource Department (CJRD), the use of an empirical risk assessment tool, providing defense counsel at the first appearance, the increased use of pre-arrest diversion and citations in lieu of arrest, Orange County was still incarcerating individuals on secured bonds in the majority of cases.

Since 2019, Orange County senior court stakeholders and the Criminal Justice Resource Department have collaborated to implement new bail reform initiatives that build on the efforts that have been underway here for many years. A Pretrial Work Group was established and led by Senior Resident Superior Court Judge Allen R. Baddour. In addition to court, law enforcement and pretrial services stakeholders, the Work Group includes Commissioner Renee Price and bail reform advocates in Orange County. The Work Group received funding from the County Manager, the CJRD and the District 18 Judicial Bar to contract with Professor Smith to facilitate the design and implementation of these new initiatives. The goal of the Working Group is to eliminate the unnecessary pretrial detention of individuals who do not present a significant risk but who are detained pretrial because they are unable to afford money bonds imposed in their cases.

The Work Group decided on two critical reforms to address initially:

- A new structured decision-making tool to guide magistrates' bail decisions; and
- A new decision-making process for responding to non-appearances in District Court.

Following many meetings and the support of all stakeholders, the decision-making tool became effective in October 2020. The Non-Appearance policy became effective in January 2021. The District 18 Local Bond Policy was amended to include these new reforms.

The CJRD supported the Criminal Justice Innovation Lab's application for grant funding to complete an evaluation of the impact of these reforms. The grant funding was awarded and the evaluation will examine the impact of the reforms on release conditions being imposed, jail bookings, non-appearance rates, new pretrial criminal activity and other justice system metrics. The funding also will support a validation of the County's pretrial risk assessment tool and assistance to the Work Group and Judge Baddour in issuing a new, comprehensive local bail policy. The Lab's first quarterly evaluation report is scheduled to be released in May 2021.

**FINANCIAL IMPACT:** There is no additional financial impact. The County Manager's Office previously dedicated \$2,800 to the CJRD for the facilitation contract with the Criminal Justice Innovation Lab at the School of Government. The CJRD dedicated an additional \$2,400 to the Lab when more work was needed to complete the new reform initiatives.

**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 use and domestic violence.

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

**RECOMMENDATION(S):** The Manager recommends that the Board receive the presentation and provide any comments or questions.

## ORANGE COUNTY BOARD OF COMMISSIONERS

### RESOLUTION SUPPORTING 3DaysCount™ – A NATIONWIDE EFFORT TO MAKE COMMUNITIES SAFER AND ENSURE BETTER OUTCOMES FOR ALL BY APPLYING COMMON SENSE SOLUTIONS TO WIDESPREAD PRETRIAL JUSTICE CHALLENGES

WHEREAS, nearly 12 million people are booked into United States jails each year, mostly for nonviolent misdemeanors; and

WHEREAS, more than 60 percent of people in jail are not convicted – detained before trial largely because they are too poor to post even small money bond amounts – costing local governments a nationwide aggregate of nearly \$14 billion annually in incarceration expenses; and

WHEREAS, pretrial detention is deeply disruptive to people's lives and can have serious consequences, from interrupted education and medical treatment to lost jobs, housing, and even custody of children; and

WHEREAS, the money bail system places a disproportionate and unfair burden on people of color, who, on average, face higher bail amounts even as they have fewer resources as a result of chronic, systemic exclusion from economic opportunity; and

WHEREAS, research shows that when people who are most likely to appear in court and stay out of trouble are detained for even three days, they become more likely to be arrested for new criminal activity during the pretrial period compared to similar individuals released within just 24 hours; and

WHEREAS, the money bail system allows nearly half of those least likely to succeed on pretrial release to quickly buy their release from jail with little to no meaningful support or supervision, without regard for the needs of victims, witnesses, and the broader community; and

WHEREAS, the goals of 3DaysCount™ are to help states reduce unnecessary arrests by expanding the use of citations or summons, replace money bail with non-financial, least restrictive conditions, restrict detention to the small number of people for whom no condition or combination of conditions can reasonably assure appearance in court and public safety, and reduce disparity within the pretrial justice system; and

WHEREAS, Orange County has already implemented many of the recommendations of the Pretrial Justice Institute including internalizing the Pretrial Release program in the Criminal Justice Resource Department, using an evidence-based pretrial risk assessment tool, ensuring the presence of defense counsel at first appearances, increasing opportunities for pre-arrest diversion, employing mental health professionals to work directly with individuals incarcerated at our jail to assess and refer to treatment in the community and continuing to collect data and measure performance on our efforts;

NOW, THEREFORE BE IT RESOLVED, that the Orange County Board of Commissioners hereby endorses the goals of 3DaysCount™; and

BE IT FURTHER RESOLVED, that Orange County Board of Commissioners strongly urges our state-level stakeholders and government leaders to apply to join the Pretrial Justice Institute's 3DaysCount™ initiative.

This the 17<sup>th</sup> day of April 2018.



Mark Dorosin, Chair  
Orange County Board of Commissioners

# Report of the Orange County Pretrial Working Group<sup>1</sup>

May 2020 (Revised Sept. 2020)<sup>2</sup>

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This report summarizes the work of the Pretrial Working Group and its recommendations to promote public safety and a fair and effective pretrial justice system in Orange County.

## Background

Orange County has implemented a number of reforms to improve its pretrial system. Among other things, it has a county-funded pretrial services program, adopted an empirical risk assessment tool to inform judges’ decision-making about pretrial conditions, established a “strike order court” affording relief from court non-appearances in appropriate cases, instituted pre-arrest diversion with law enforcement support, and established specialized courts to more effectively address the needs of those who enter the criminal justice system because of underlying issues such as poverty, homelessness, substance use and mental health concerns. Additionally, local police departments and the sheriff’s department have implemented policing practices, such as citation in lieu of arrest, to promote the county’s pretrial goals. Notwithstanding these efforts and the statutory mandate that conditions other than secured bond must be imposed unless the judicial official finds certain factors,<sup>3</sup> data show that secured bonds are the most common condition of pretrial release used in the county, even in misdemeanor cases.<sup>4</sup> Additionally, stakeholders reported concerns that low-risk individuals were being unnecessarily detained pretrial on money bonds they could not pay.

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<sup>1</sup> This report was prepared for the Working Group by Jessica Smith, W.R. Kenan Jr. Distinguished Professor and Director, Criminal Justice Innovation Lab, UNC School of Government.

<sup>2</sup> September 2020 revisions include non-substantive adjustments to the magistrates’ tool to address issues identified prior to implementation, ensure necessary data collection for the planned empirical evaluation, and ensure that existing local policy guidance is preserved in the tool; and deletion of the draft Implementation Plan, which became an internal working document.

<sup>3</sup> G.S. 15A-534(b). The statute provides that in granting pretrial release, the judicial official “must” impose a written promise, custody release or unsecured bond “unless he determines that such release will not reasonably assure the appearance of the defendant as required; will pose a danger of injury to any person; or is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses.”

<sup>4</sup> In 2019, secured bonds were imposed in 58% of highest charge misdemeanor cases. See JESSICA SMITH AND ROSS HATTON, 2019 NORTH CAROLINA CONDITIONS OF RELEASE REPORT (2020), <https://cjil.sog.unc.edu/files/2020/02/2019-Conditions-of-Release-Report.pdf>.

Against this backdrop, the Pretrial Working Group came together in 2019 to explore what additional steps the county could take to further improve its pretrial system. A primary focus of discussion was eliminating the negative consequences that flow from unnecessary pretrial detention of individuals who do not present any significant risk but who remain detained pretrial because they are unable to afford money bonds imposed in their cases. After that convening, a subcommittee identified two priority areas for reform: (1) a structured decision-making tool for use by the magistrate at the initial appearance; and (2) a more nuanced approach for dealing with first time non-appearances in district court by individuals charged with misdemeanors. The County and District 18 Judicial Bar subsequently engaged Professor Smith from the UNC School of Government to help the Working Group develop tools to address these priority areas. In 2020, Smith worked with the subcommittee and the larger Working Group, facilitating their development of the tools described in this report.

Working Group participants included:

- Superior Court Judge Allen Baddour
- District Court Judge Samantha Cabe
- Chief Magistrate Tony Oakley
- Orange County Commissioner Renee Price
- District Attorney James Woodall
- Assistant District Attorney Byron Beasley
- Assistant Public Defender Phoebe Dee
- Chapel Hill Chief of Police Chris Blue
- UNC Police Chief David Perry
- Orange County Sheriff Charles Blackwood
- Clerk of Superior Court Mark Kleinschmidt
- Caitlin Fenhagen, Criminal Justice Resource Director, Criminal Justice Resource Department
- Ted Dorsi, Orange County Pretrial Services, Criminal Justice Resource Department
- Jeff Hall, Orange County Bail Bond Justice Project
- Probation and Parole Chief Mike Rakouskas
- Hathaway Pendergrass, Board Representative, Justice Initiatives
- Jennifer Marsh, Self-Help Credit Union
- Madison Burke, Director of Court Advocacy, Compass Center for Women and Families

## Recommended Reforms

### Magistrate's Structured Decision-Making Tool

In Orange County, Pretrial Services interviews in-custody individuals and performs a release assessment using the VPRAI-R risk assessment tool.<sup>5</sup> This information is provided to the district court judge presiding over the first appearance and to the public defender and prosecutor involved in that proceeding. Local resourcing does not allow for use of the VPRAI-R at the first bail determination, the initial appearance held before the magistrate. Although the existing local bail policy contains strong language favoring conditions other than secured bond, secured bonds are being imposed in the majority of cases, including highest charge misdemeanor cases.<sup>6</sup> Additionally, there was some concern that the lack of detailed guidance for magistrates allows for inconsistent pretrial decisions in similar cases. Other North Carolina jurisdictions have adopted structured decision-making tools for use at the magistrate stage. Eight North

<sup>5</sup> Virginia Pretrial Risk Assessment Instrument-Revised.

<sup>6</sup> See SMITH AND HATTON, *supra* note 4.

Carolina counties already use such tools.<sup>7</sup> The first jurisdiction to adopt such a tool was Judicial District 30B, which in January 2019 implemented a set of reforms, including a structured decision-making tool for use at the magistrate stage. An empirical evaluation of that effort showed promising results. Specifically, in 2019 the percentage of cases in the District receiving a condition other than secured bond increased 43.79%. In that same time period, the district experienced only a 1.10 percentage point increase in the number of defendants incurring a new criminal charge during the pretrial period, and only a 1-2 percentage point increase in court non-appearance rates.<sup>8</sup> These results caused Working Group members to focus on adapting the structured decision-making tool used in Judicial District 30B to local needs and circumstances. The result of that effort is the structured decision-making tool for Orange County magistrates presented in Appendix A. Key features of the tool include:

- Creating a presumption for conditions other than secured bond for non-DWI Class 1-3 misdemeanors.
- Screening for all other offenses using an easily implemented checklist of defendant- and offense-specific factors designed to quickly identify other low-risk defendants who can be released on conditions other than secured bond.
- Expressly incorporating into the magistrate’s decision-making process the statutory determination under G.S. 15A-534(b), requiring imposition of a written promise, custody release, or unsecured bond unless the decision-maker finds that such conditions will not reasonably assure appearance, will pose a danger of injury to any person, or are likely to result in the destruction of evidence, subornation of perjury, or intimidation of potential witnesses.
- Allowing for release to Pretrial Services at the magistrate stage as an alternative to a secured bond, when such release sufficiently mitigates pretrial risk.
- Requiring documentation of reasons for imposing a secured bond.
- Requiring that ability to pay be considered when setting a secured appearance bond, and that the ability to pay determination be made as to the total amount of the bond, not the percentage paid for a bail bond.
- Requiring a detention bond hearing when a defendant is detained pretrial.
- Providing a maximum bond table.
- Preserving the magistrate’s discretion to deviate from the tool’s recommendations.

#### Responses to Non-Appearances in Criminal District Court

Stakeholders reported that the most common response to a non-appearance in district court was issuance of an Order for Arrest and imposition of a secured bond, even for first missed court dates in lower level misdemeanor cases. Pretrial Services reported that a significant number of lower level misdemeanor defendants were in jail on such conditions. Understanding that non-appearances can occur for a variety of reasons, including lack of notice of court dates, transportation or childcare issues, or an inability to get time off from work, the Working Group desired a process that encouraged a “second chance” for lower level defendants who miss a single court date or have good cause for their

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<sup>7</sup> The relevant counties include: Haywood, Jackson, Forsyth, Washington, Beaufort, Hyde, Terrell, and Martin. See JESSICA SMITH, NC JUDICIAL DISTRICT 21 BAIL REFORM PROJECT (2019), <https://cjil.sog.unc.edu/files/2020/01/Project-Report-JD-21.pdf>; JESSICA SMITH, NC JUDICIAL DISTRICT 2 BAIL REFORM PROJECT (2019), <https://cjil.sog.unc.edu/files/2020/01/Project-Report-JD2.pdf>; JESSICA SMITH, NORTH CAROLINA JUDICIAL DISTRICT 30B PRETRIAL JUSTICE PILOT PROJECT, FINAL REPORT, PART I: BACKGROUND, PROCESS & IMPLEMENTED REFORMS (2020), <https://cjil.sog.unc.edu/files/2020/04/March-2020-Final-Report-30B-Project-Part-1.pdf>.

<sup>8</sup> See UNC School of Government Criminal Justice Innovation Lab, *District 30B Bail Reform*, <https://cjil.sog.unc.edu/areas-of-work/bail-reform-2-0/district-30b-bail-reform/>.

failure to appear as required. They thus recommend adoption of the decision-making process set forth in Appendix B for responding to non-appearances in district court. The proposed decision-making process is designed to encourage consideration of alternatives to orders for arrest in appropriate, lower-level misdemeanor cases. Key features include:

- Application in district court only.
- Focus on lower-level misdemeanor charges.
- Preservation of the judge's discretion.
- Simple and fast execution.

Stakeholders discussed whether driving while license revoked (DWLR) charges should be treated as an exception to the new decision-making process for responding to non-appearances. Although they decided that the new process *should* apply to those offenses, they developed special procedures for DWLR charges to integrate them with the new decision-making process. Their consensus recommendations on this issue are included in this report as Appendix C.

### Next Steps

The Working Group recommends that these tools be adopted into the local Bail Policy or by Standing Administrative Order. To facilitate implementation, the Working Group has crafted a detailed Implementation Plan. Finally, the Working Group proposes that if these recommendations are adopted, that it collaborate with Smith to pursue grant funding allowing the UNC Criminal Justice Innovation Lab to conduct an empirical evaluation of the impact of these reforms. An empirical evaluation will provide important feedback to stakeholders and community members regarding whether or not the proposed reforms achieve desired criminal justice metrics and/or create unintended consequences.

## Appendix A: Magistrate's Structured Decision-Making Tool

### Orange County Magistrate's Pretrial Decision-Making Process

#### Instructions:

1. This process supplements and provides structure for the magistrate's application of G.S. 15A-534. Specifically, it requires compliance with G.S. 15A-534(b), requiring a written promise, custody release or unsecured bond unless certain factors are found, creates presumptions for certain release conditions and emphasizes certain factors in the decision-making process. G.S. 15A-534(c) specifies factors that must be considered when setting pretrial conditions. A number of those factors are incorporated into this decision-making process. In deciding whether to follow recommended release conditions or to deviate, magistrates should consider other factors specified in G.S. 15A-534(c) including the weight of the evidence against the defendant; the person's family ties, employment, character, mental condition, and length of residence in the community; and any other relevant evidence.
2. This form must be used in all cases except where a statute or local policy prescribes a different process/result.
3. When a defendant is charged with multiple offenses arising out of a continuous transaction, only one form should be completed for all offenses.
4. For defendants arrested for probation violations, do not use this process; instead proceed directly to table below entitled, Maximum Secured Appearance Bond Amounts -- Probation Violations.

Date: \_\_\_\_\_

Magistrate's Name (first initial, last—no commas): \_\_\_\_\_

Defendant's Name (first, middle, last—no commas): \_\_\_\_\_

Case #: (no commas): \_\_\_\_\_

Highest Charged Offense: \_\_\_\_\_

#### STEP 1: Is the defendant before you on an OFA after a FTA or after arrest in a 48-hour case with judge setting conditions by phone?

- No. **[GO TO STEP 2]**
- Yes **[IF CHECKED ALSO CHECK ONE OF THE OPTIONS IMMEDIATELY BELOW]**
- Set conditions as ordered by judge in OFA or by phone:
    - written promise
    - custody release
    - pretrial services
    - unsecured bond \$ \_\_\_\_\_
    - secured bond \$ \_\_\_\_\_ **[FORM COMPLETE]**
  - Bond doubling rule in G.S. 15A-534(d1) applies; secured bond \$ \_\_\_\_\_ **[FORM COMPLETE]**

#### STEP 2: Is the highest charged offense a non-DWI Class 1-3 misdemeanor?

- No **[GO TO STEP 3]**
- Yes
- Follow policy recommendation: Impose a  written promise  custody release or  unsecured bond. (Note: Per local policy, written promise & custody release are preferred over unsecured bond) **[FORM COMPLETE]**
- Follow alternative recommendation: Where defendant's impairment presents a risk of injury to a person, impose a "disappearing" secured bond for up to 8 hours or until sober, to convert to a written promise after that time. **[FORM COMPLETE]**
- Deviate from recommendation to impose written promise, custody release or unsecured bond. **[GO TO STEP 3]**

**STEP 3: Do any sidebar factors apply?**

- Yes **[GO TO STEP 4]**
- No
- Follow policy recommendation: Impose  written promise  custody release or  unsecured bond. (Note: Per local policy, written promise & custody release are preferred over unsecured bond) **[FORM COMPLETE]**
- Deviate from recommendation to impose written promise, custody release or unsecured bond. **[GO TO STEP 4]**

**STEP 4: Assess the statutory risk factors.**<sup>12</sup> Release on written promise, custody release or unsecured bond (*check any that apply*)

- will not reasonably assure defendant's appearance as required  
Explain: \_\_\_\_\_
- poses a danger of injury to any person  
Explain: \_\_\_\_\_
- is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses  
Explain: \_\_\_\_\_

**STEP 4, continued**

- No boxes checked
- Follow policy recommendation: Impose  written promise  custody release or  unsecured bond. (Note: Per local policy, written promise & custody release are preferred over unsecured bond) **[FORM COMPLETE]**
- Deviate from recommendation to impose written promise, custody release or unsecured bond. **[GO TO STEP 5]**
- Any boxes checked
- If release on written promise, custody release or unsecured bond poses a danger of injury to any person and that risk is created *only* by the defendant's impairment, impose a "disappearing" secured bond for up to 8 hours or until sober, to convert to a written promise after that time **[FORM COMPLETE]**; *otherwise*
- [GO TO STEP 5].**

**STEP 5: Can Step 4 risk factor/reason for deviation be addressed by custody release/release to pretrial supervision services?**

- Yes. Impose a custody release and order release to  custodian or  pretrial services. **[FORM COMPLETE]**
- No
- Follow policy: Impose secured bond<sup>13</sup> in the amount of: \$\_\_\_\_\_  
Explanation for imposing a secured bond: \_\_\_\_\_  
**[If amount within maximum bond table, FORM COMPLETE; if in excess of that table COMPLETE NEXT LINE]**  
Explanation for secured bond in excess of maximum bond table: \_\_\_\_\_. **[FORM COMPLETE]**
- Deviate from policy & impose written promise, custody release or unsecured bond. (Note: Per local policy, written promise & custody release are preferred over unsecured bond) Explanation: \_\_\_\_\_. **[FORM COMPLETE]**

**Sidebar Factors [CHECK ANY THAT APPLY]**

- Charged offense is Class A-E felony (*if checked, check Yes in Step 3 & proceed immediately to Step 4*)
- Defendant has recent history of FTAs<sup>1</sup>
- Defendant has prior record of at least one violent felony conviction
- Defendant has prior record of felony or misdemeanor convictions within the last five years demonstrating a pattern of conduct<sup>2</sup>
- Charged offense committed when defendant was on pretrial release, supervised probation, parole or post-release supervision
- Charged offense involves domestic violence<sup>3</sup>
- Charged offense involves violence<sup>4</sup> or injury to a person<sup>5</sup>
- Charged offense requires sex offender registration<sup>6</sup> or is a failure to register as a sex offender offense<sup>7</sup>
- Charged offense is a drug trafficking offense<sup>8</sup> or involves distribution of drugs<sup>9</sup>
- Charged offense is DWI and defendant has at least 1 DWI conviction within the last seven years
- Defendant is impaired such that immediate release is likely to cause harm to self/others/property<sup>10</sup>
- Charged offense involved defendant's use of a firearm or deadly weapon<sup>11</sup>

**Notes:**

1. There must be more than one prior FTA for this factor to apply. FTAs within the last two years are most relevant, as are OFAs for FTAs in cases other than minor traffic. Impaired driving is not a minor traffic case. Notwithstanding the word “recent” in this sidebar factor, magistrates may deviate from recommendations based on an older FTA history, for example, when a person has an older FTA history but was only recently released from incarceration for that offense.

2. The pattern of conduct must relate to the present offense. For example: the current charge involves drug possession and the Defendant has three priors within the last five years for misdemeanor drug or drug paraphernalia possession.

3. An offense involves domestic violence when the relationship between the parties is one of the following:

- Current or former spouses
- Currently or formerly lived together as if married
- Currently or formerly in a dating relationship
- Have a child in common
- Parent (or one in parental role)/child
- Grandparent/grandchild
- Current or former members of the same household

Note: this list is drawn from G.S. 15A-534.1, the 48-hour domestic violence hold statute.

4. For example, robbery, assault, assault by pointing a gun, and assault by strangulation.

5. This factor applies when the offense involved harm to a person (e.g., assaultive conduct). It does not apply to offenses in which property is taken or harmed (e.g., larceny, embezzlement, obtaining property by false pretenses, etc.).

6. For a list of offenses requiring sex offender registration, see JAMIE MARKHAM AND SHEA DENNING, NORTH CAROLINA SENTENCING HANDBOOK 2018 (UNC School of Government, 2018).

7. See G.S. 14-208.11(a); JESSICA SMITH, NORTH CAROLINA CRIMES: A GUIDEBOOK ON THE ELEMENTS OF CRIME 268 (7th Ed. 2012) (discussing this offense).

8. G.S. 90-95(h); SMITH, NORTH CAROLINA CRIMES, *supra* note 8, at 721–739 (discussing trafficking offenses).

9. For example, sale and delivery of a controlled substance and possession with intent to manufacture, sell, or deliver.

10. For defendants in impaired driving cases, follow impaired driving procedures. In all other cases if a secured bond is imposed only because of this factor and the defendant remains detained, conditions must be revised without consideration of this factor when the defendant’s impairment no longer presents a danger of physical injury to himself or herself or others or of damage to property, but in any event, no later than 24 hours after secured bond was set.

11. As a general rule, for this factor to apply the defendant must have actively used the firearm or deadly weapon during the charged offense, for example, pointing a gun during a robbery. Carrying concealed is an exception to this general rule. Although a single carrying concealed violation does not satisfy this factor, multiple such violations may satisfy it.

12. G.S. 15A-534(b). When making this inquiry, judicial officials should consider whether pretrial restrictions (e.g., restrictions on travel, associations, conduct or place of abode, as well as abstention from alcohol consumption, as verified by the use of an approved continuous alcohol monitoring system), which can be imposed with a written promise, custody release or unsecured bond, can sufficiently mitigate pretrial risk. See G.S. 15A-534(a).

13. If a secured appearance bond is imposed: (1) the judicial official must consider—among other relevant factors—the defendant’s ability to pay; and (2) the amount of the secured appearance bond should not exceed the amounts listed the tables shown below; if a secured bond is set in excess of these recommended maximums, reasons for doing so must be documented. Ability to pay should be assessed as to the total bond amount, not 10% that would be paid for a commercial bail bond.

If a secured bond is used to detain (“detention bond”), a detention bond hearing that affords the defendant appropriate procedural protections must be held before a judge on motion by the defense.

**Maximum Secured Appearance Bond Amounts – Felonies and Misdemeanors (Other than DWI)**

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

These suggested maximum bond amounts are not mandatory and do not replace the use of the Magistrate's Tool and judicial discretion.

	Offense Class	Maximum Bond
Felony	A	By Judge
	B	\$200,000
	C	\$100,000
	D	\$75,000
	E	\$25,000
	F	\$15,000
	G	\$10,000
	H	\$5,000
	I	Written Promise
Misdemeanor	A1	\$2,500
	1	\$500
	2	Written Promise
	3	Written Promise

**Maximum Secured Appearance Bond Amounts –DWI**

If a bond is set in excess of these recommendations, reasons for doing so must be documented.

These suggested maximum bond amounts are not mandatory and do not replace the use of the Magistrate's Tool and judicial discretion.

No prior DWI convictions	Written Promise
1 prior DWI conviction within 7 years	\$500
2 prior DWI convictions within 7 years	\$2,500
3 or more prior DWI convictions within 7 years	\$15,000

**Maximum Secured Appearance Bond Amounts—Probation Violations**

Bail conditions and bond amounts must be set for probation violations based on the nature of the violation, not the offense class of the underlying offense, using the table immediately below. If a bail condition or bond is set in excess of these recommendations, reasons for doing so must be documented.

Type of Violation	Maximum Bond
Technical violation	Written Promise
Violation is a new crime – Class 2 or 3 misdemeanor	Written Promise
Violation is a new crime – Class 1 or A1 misdemeanor or Class H or I felony	\$5,000
Violation is absconding <sup>9</sup> or a new crime – Class G felony and above	Double the maximum bond allowed for the new offense in the tables above

**Other Bond Amount Guidelines**

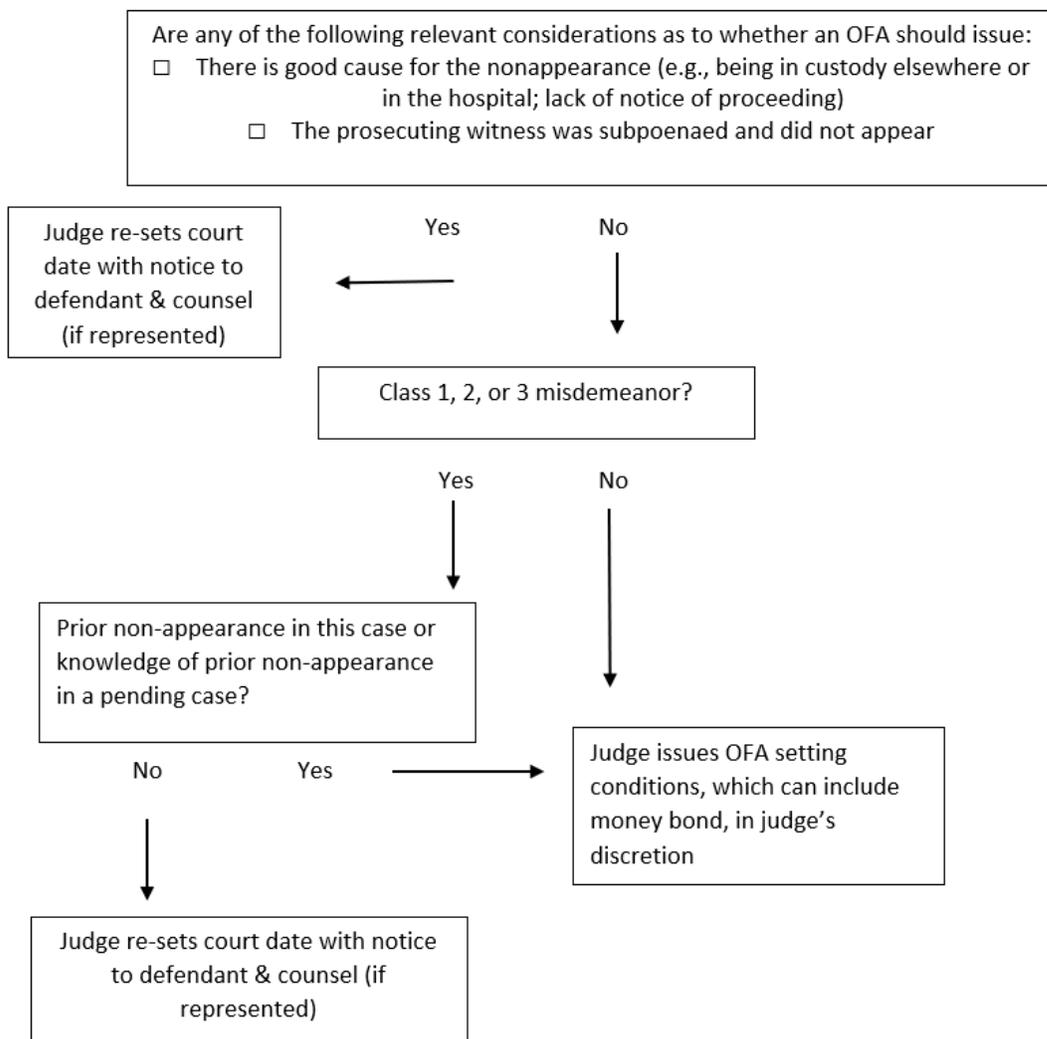
Fugitive Warrant	Set amount appropriate for underlying offense
Governor's Warrant	No bond
Parole Warrant	No bond
Drug Trafficking	Suggested maximum bond: An amount that is double that listed in table above for other offenses of the same class

<sup>9</sup> As defined by G.S. 15A-1343(b)(3a) and interpreting cases.

## Appendix B: Responses to Non-Appearances in Criminal District Court

### Responses to Non-Appearances in Criminal District Court

Orange County adopts the following decision-making flowchart for responding to non-appearances in district court for all class 1-3 misdemeanors that are not subject to exception by other district policies. This flowchart is designed to encourage consideration of alternatives to orders for arrest (OFA) and bond doubling in appropriate and lower-level misdemeanor cases. Judges always retain discretion to deviate from this flowchart.<sup>10</sup>



<sup>10</sup> In exercising this discretion, judges may deviate from the recommendation to re-set the court date after a first non-appearance if the non-appearance occurred for a trial date and the witness was subpoenaed and present.

The Clerk of Court will provide the notice required by this process by letter or card. All Chapter 20 cases except Impaired Driving and Driving While License Revoked (DWLR) will go to the "20-day failure box." DWLR cases are subject to the additional procedures set out in Appendix C. Strike Order court will continue to be held every Thursday morning.

## Appendix C: DWLR Procedures

This proposal integrates treatment of Driving While License Revoked (DWLR) charges into the new Responses to Non-Appearances policy for Criminal District Court.

Current policy addresses non-appearances on DWLR charges under the 20-day Failure to Appear system, in which the Clerk of Court sends notice to the Department of Motor Vehicles (DMV) 20 days after the non-appearance. The DMV then sends notice to the defendant, 60 days after which the defendant's license will be suspended if the matter is not resolved. Under the current policy, an OFA is not issued for a DWLR charge.

Integration into the new Responses to Non-Appearance policy will create a better mechanism to encourage defendants charged with DWLR to appear in court to resolve the matter, which in turn will help to avoid the accumulation of driver's license consequences. This policy does not modify treatment of any other Chapter 20 charge; other Chapter 20 charges which currently fall under the 20-day Failure to Appear system will continue to do so.

Under the Responses to Non-Appearance policy the following steps will result from a non-appearance on a DWLR:

1. Defendant has first non-appearance for DWLR charge.
2. Judge re-sets court date with notice sent to defendant & counsel (if represented). Notice includes Restoration Legal Counsel Information as well as educational information about missed court dates.
3. If Defendant misses the new court date, an Order for Arrest (OFA) is issued with a Written Promise to Appear (WPA). When arrested, Defendant will be taken to Magistrate for a review of the release conditions and receive a new court date. Magistrate will provide Defendant with Restoration Legal Counsel information.
4. If Defendant has a third non-appearances, then an OFA and cash bond issues.

Under this system, Defendants still will be able to make use of the Strike Order Hearing system if an OFA is issued for a second or subsequent missed court date.

In both the notice of new court date letter and appearance before the magistrate, information will be provided about Orange County Restoration Legal Services, which is available to assist in getting defendants information about their driving records and helping to restore their driver's licenses. The following information also will be provided in the notice of new court date letters to educate on the financial and license consequences of missed court appearances:

- If you are charged with Driving While License Revoked-Not Impaired and go to your court date, then your license will NOT be suspended further if you are found guilty of or plead guilty to this charge.
- If you are worried about being able to pay court costs and fines if you are found guilty of or plead guilty to this charge, contact Restoration Legal Counsel for assistance.
- If you miss your court date a second time, the clerk will enter a Failure to Appear on your record. This will add a \$200 fine to the amount you will owe to the court if you are found guilty of or plead guilty to this charge. If you cannot pay that \$200 fine, an additional suspension could be placed on your license.
- If you miss your court date a second time, the DMV will receive notice of this miss and will contact you. 60 days after they contact you, an additional suspension will be added to your

license if you do not handle the case in court. Your license will then stay suspended until you handle this case, and it will become more difficult for you to restore your license.

- If you continue to miss your court dates on this case, you risk being arrested and incarcerated if you cannot pay a cash bond.

# Bail Reform Initiatives in Orange County

Presentation to Orange County Board of Commissioners  
March 2, 2021 Business Meeting

Caitlin Fenhagen, CJRD Director  
Judge Allen R. Baddour, Senior Resident Superior Court Judge  
Judge Samantha H. Cabe, Chief District Court Judge



**ORANGE COUNTY**  
NORTH CAROLINA

# Inequities in Pretrial Release Practices

- ▶ Reliance on only a money-based pretrial system is racially and economically biased. It automatically disadvantages people of color, who are less likely to afford money bond.
- ▶ African-Americans are 66% and Latino individuals are 91% more likely to remain in jail pretrial than similarly situated White individuals.
- ▶ Compared to White men charged with the same crime and with the same criminal histories, African-American men receive bail amounts 35% higher; Latino men receive bail amounts 19% higher.

\*Data from Pretrial Justice Institute



# Impacts of Pretrial Detention

- ▶ De-stabilization: employment, housing, family, health, later recidivism
- ▶ Worse Case Outcomes:
  - 4 x more likely to receive sentence of incarceration
  - 3 x more likely to receive a longer sentence
  - More likely to accept a plea when innocent

\* Data from the Pretrial Justice Institute

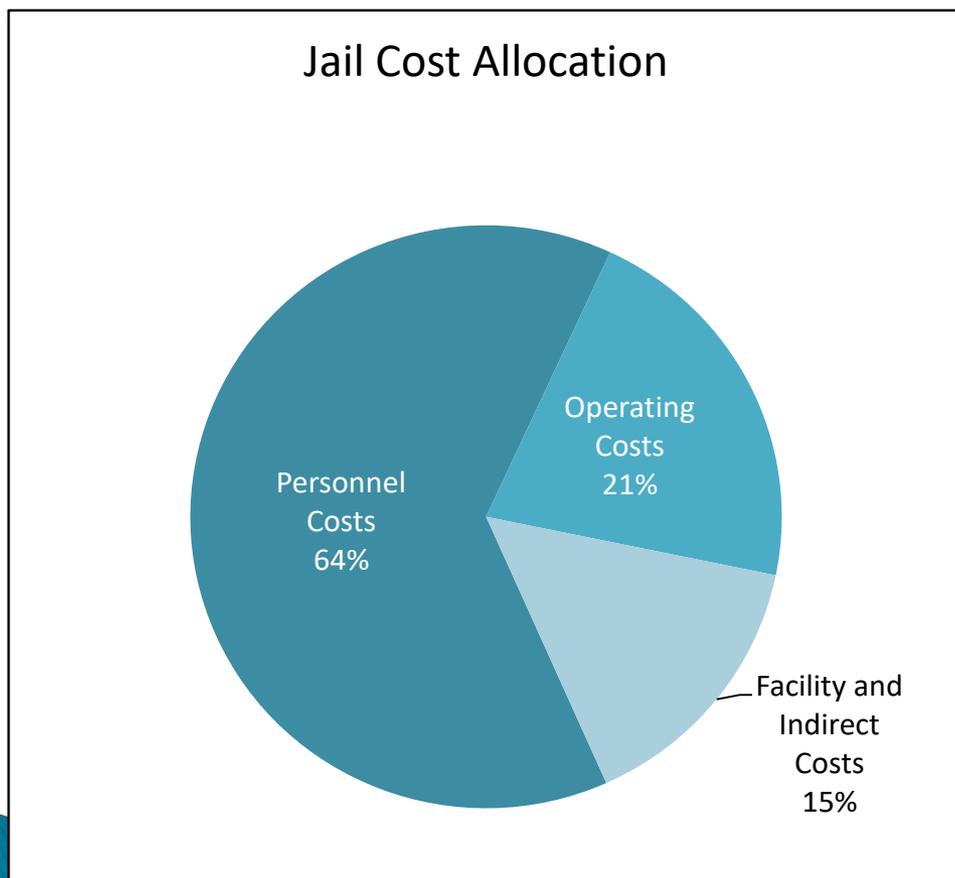


# Benefits of Pretrial Reform for Orange County

- ▶ Reduce Inequities and Disparities
  - ▶ Reduce Explicit and Implicit Bias
  - ▶ Using an Evidence-Based Tool to Assess Risk Promotes Safety
  - ▶ Pretrial Supervision and Accountability Allows for an Opportunity to Address Needs and Enhance Court Appearance Rates
  - ▶ Increase Stability and Improve Outcomes for Justice-Involved Individuals
  - ▶ Reduce Pretrial Population and Costs to County
- 

# Understand the Costs

## ▶ Daily Cost of Incarceration – \$111+ per day



<b>Jail Costs</b>		
Personnel Costs	\$	3,238,000
Operating Costs	\$	1,086,000
Facility and Indirect Costs	\$	770,000
<b>Total Annual Cost</b>	<b>\$</b>	<b>5,094,000</b>
<i>Inmate Fee Revenue</i>	\$	<i>(171,000)</i>
<b>Net Annual Cost</b>	<b>\$</b>	<b>4,923,000</b>
Average Daily Population		121.5
Annual Cost Per Inmate	\$	40,519
<b>Daily Cost per Inmate</b>	<b>\$</b>	<b>111.02</b>

# Orange County Pretrial Practices

- Internalized Pretrial Services under CJRD
- Dedicated Case Manager with supporting behavioral health specialists to assist with case management needs
- Everyone booked is seen in-person by Case Manager and Intake Completed. Risk and Needs Assessed.
- Empirical Risk Assessment tool completed; information verified; summaries and recommendation provided prior to court
- First Appearances held at 2:00pm Mon – Fri on Misdemeanors, Felonies and Orders for Arrest
- District Attorney and PD Present
- GPS monitoring available only for higher risk individuals
- No cost to individuals for Pretrial supervision or GPS
- Court date notification and check-ins are automated
- Data collected by Jail dashboard and CJRD Pretrial software
- Shrink the Funnel: Increased Use of Citations, Pre-Arrest Deflection Programs, Decriminalization
- COVID-19 Urgent Measures
- Strike Order Hearings held Thursdays

# New Bail Reform Initiatives

- Pretrial Work Group created in early 2019
- Mission: Eliminate unnecessary pretrial detention for individuals who do not pose a significant risk but are unable to afford a money bond
- Members Include: Judge Baddour, Judge Cabe, DA Jim Woodall, Asst. PD Phoebe Dee, Chief Magistrate Tony Oakley, Commissioner Renee Price, CJRD Director and Pretrial Case Manager, Sheriff Charles Blackwood, Chapel Hill Police Chief Chris Blue, Clerk of Court Mark Kleinschmidt, community bail reform advocates
- Facilitation by UNC School of Government Criminal Justice Innovation Lab and professor Jessica Smith (support from County Manager, CJRD and District Bar)

# Core Reforms

## New Structured Decision-Making Tool to Guide Magistrates' Initial Bail Decisions

[Link Here](#)

- Flowchart Matrix with Checklist
- Presumption for conditions other than a secured bond for Class 1–3 Misdemeanors
  - Allows for Release to Pretrial Services
- Requires documentation for a secured (money) bond
  - Form completed in every case
  - Preserves magistrate discretion

**Implemented October 2020**

# Core Reforms

## New Decision-Making Process for Responding to Non-Appearances in District Court

[Link Here](#)

- Encourages alternatives to Orders for Arrest for Non-Appearance
  - Applies only in District Court
- Suggests rescheduled court date for first non-appearance in low level misdemeanor cases
  - Preserves judicial discretion
- Judge completes form for each non-appearance explaining decision

**Implementation January 2021**

## Evaluation and Next Steps

- ❖ The Criminal Justice Innovation Lab was awarded a grant to execute an evaluation of the impact of these changes over the next year. The first report will be released in May 2021
  - ❖ The Lab will work with Judge Baddour and key stakeholders to finalize a new, comprehensive Local Bail Policy
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# Questions / Concerns

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: March 2, 2021**

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

**SUBJECT:** 203 South Greensboro Project – Southern Branch Library and Skills Development Center

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**DEPARTMENT:** County Manager  
Asset Management Services  
(AMS)

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**ATTACHMENT(S):**

- 1 – Schematic Design Estimate
- 2 – Schematic Design Cost Reduction Summary
- 3 – Schematic Design Construction Cost Matrix
- 4 – Orange County Southern Branch Library Page from Approved Capital Investment Plan (CIP)

**INFORMATION CONTACT:**

Travis Myren, Deputy County Manager,  
919-245-2308  
Steven Arndt, Asset Management  
Services Director, 919-245-2658

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**PURPOSE:** To review options and authorize the approach necessary to reconcile the budget for the 203 Greensboro Project which, at the completion of the Schematic Design phase, is estimated to be \$1,807,160 over the approved budget.

**BACKGROUND:** At the March 10, 2020 Orange County Board of Commissioners Business meeting, the Board approved a final scope and budget for the construction of the 203 Project, named for its address at 203 South Greensboro Street, Carrboro, NC. This project is a joint venture between the Town of Carrboro and Orange County that is intended to construct an Orange County Southern library branch as well as permanent facilities for the Skills Development Center. The Town of Carrboro's portion of the project includes meeting spaces, a small theater, and office space. The proposed site of the development is an existing Carrboro municipal parking lot.

The design process began in April 2020 and involved a series of interviews and meetings with the proposed building occupants. This work continued through the year and culminated in the development of a Schematic Design (SD) including a detailed cost estimate. As shown in the chart below, the total SD cost estimate was **\$2,592,533** over budget. Orange County's portion of the project was estimated to be **\$2,409,812** over the authorized budget of \$15.6 million. *Attachment 1* provides the detailed Schematic Design estimate for the project.

Approved Project Budget	\$22,282,000.00
Schematic Design Estimate	\$24,874,533.00
Deficit	<b>-\$2,592,533.00</b>

Of the total estimated deficit, **\$2** million can be attributed to parking deck costs that exceeded initial budget assumptions. The approved budget anticipated the construction of a pre-cast parking deck costing \$25,000 per parking stall. However, the limited size of the building site

imposed constraints that required the construction of a “cast in place” parking deck costing \$36,170 per parking stall. In addition, the original budget was based upon the construction of 83 Orange County parking stalls while the deck design requested by the building occupants increased that total to 112 stalls. The following chart summarizes this information.

	# of stalls	Cost per stall	Parking Cost
Original Parking Budget	83	\$25,000	\$2,075,000
Schematic Design Estimate	112	\$36,170	\$4,075,274

During December 2020, the project team conducted a Value Engineering (VE) exercise in an effort to close the funding gap. A number of reduction strategies were employed, resulting in a reduction of Orange County’s portion of the deficit to **\$1,807,160**. *Attachment 2*, the 203 Schematic Design Cost Reduction Summary, provides details regarding the VE efforts taken to date. *Attachment 3* provides a cost allocation matrix that divides the VE savings between the Town of Carrboro and Orange County.

Several strategies can be used to reduce the remaining \$1.8 million deficit. The following table outlines different strategy combinations in five different options.

<b>203 Project Budget Options</b>					
	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>	<b>Option 4</b>	<b>Option 5</b>
Eliminate 20 stalls from parking deck to Town Ordinance minimums	\$ (401,970)	\$ (401,970)	\$ (401,970)		
Eliminate an additional 20 stalls from parking deck and replace with offsite leased spaces	\$ (780,788)	\$ (780,788)			
Transfer FFE to construction budget	\$ (447,775)	\$ (375,000)	\$ (84,390)		
Reduce STC rating in window glazing in 57% of windows, opt 1 and 36% opt 3	\$ (117,827)	\$ (74,824)			
Reduce Construction Contingency from 5% to 4.5%	\$ (58,800)	\$ (58,800)	\$ (58,800)		
Shell Out Library and Eliminate Library FFE			\$(1,262,000)		
Shell Out Orientation Room		\$ (63,000)			
Remove Outdoor Terrace and Green Roof		\$ (52,778)			
<b>Total Cost Reduction Strategies</b>	<b>\$(1,807,160)</b>	<b>\$(1,807,160)</b>	<b>\$(1,807,160)</b>		
<b>Debt Finance Total Project Deficit</b>				<b>\$1,807,160</b>	
<b>Debt Finance with \$950,000 in Project Offsets</b>					<b>\$857,160</b>

## Option #1

- **Reduce parking stalls to the number required under the Town's Land Use Ordinance - \$401,970**  
 Through the design process, the facility occupants requested 20 more parking stalls than the number that would be required under the Town's Land Use Ordinance. This request was made prior to knowing the very high cost of the cast in place structure. Since these parking spaces would be considered excess, this reduction can be accomplished without replacing those spaces.
- **Reduce and replace an additional 20 parking spaces - \$780,788**  
 The Town's ordinance would allow the County to replace constructed parking spaces on site with leased spaces in the surrounding area. The elimination of 20 additional spaces in the parking deck would result in a construction cost savings of \$780,778 and an addition of approximately \$6,000 to the annual operating budget to lease off site spaces.
- **Reduce furniture, fixtures, and equipment (FFE) - \$447,775**  
 The total FFE budget is \$1,250,000. A portion of the FFE budget (\$447,775) could be transferred to the construction budget. This reduction would leave \$802,225 for FFE and result in reusing some of the existing classroom furniture, office furniture, and AV equipment.
- **Reduce Sound Transmission Class (STC) rating of the window glazing in 57% of the windows - \$117,827**  
 Sound Transmission Class (STC) is an integer rating of how well a building partition or window attenuates sound. A reduction in the STC rating of window glazing will make the building noisier. The windows will transmit more outside noise from traffic into the building.
- **Reduce construction contingency from five percent (5%) of construction costs to four point five percent (4.5%) - \$58,800**  
 Reducing the project contingency to 4.5% would accomplish the remaining savings. Since this project is using a Construction Manager at Risk construction method, the need for a robust owner's contingency is slightly reduced.

## Option #2

- **Option #1 Parking Reductions - \$1,182,758**  
 Utilize the same parking reduction strategies contained in Option #1
- **Smaller reduction of FFE - \$375,000**  
 A smaller FFE reduction would reduce the reuse of existing furniture and equipment. This reduction would leave \$875,000 for FFE.
- **Reduce the STC rating of fewer windows - \$74,824**  
 This option reduces the STC rating on thirty-six percent (36%) versus fifty-seven percent (57%) in Option #1.
- **Maintain construction contingency reduction from five percent (5%) to (4.5%) – 58,800**

This option maintains the same contingency reduction as Option #1.

- **Shell out orientation room - \$63,000**

The facility design currently includes an orientation room that is intended to support the Skills Development Office as they introduce new clients to services offered by the office. This option would shell out that room meaning that interior mechanical, electrical, structural, life safety, and finishes would not be constructed at this time. Rather, the space would be ready for renovation should funds become available.

- **Remove outdoor terrace and green roof - \$52,778**

The facility design currently includes an outdoor terrace that would be used for outdoor social gatherings. Removal of the third floor outdoor terrace would eliminate a building amenity, but it would not impair the services provided in the facility.

### **Option #3**

The third reduction option would reduce the scope of the overall project that was approved by the Board. It is included only to represent the full range of options available to eliminate the estimated project deficit.

- **Reduce parking stalls to the number required under the Town's Land Use Ordinance - \$401,970**

This option only reduces the number of parking stalls to the minimum required under the Town's ordinance. This option does not contemplate replacing an additional 20 spaces with leased stalls.

- **Shell out library and eliminate the library FFE budget - \$1,262,000**

This option would defer construction of the library portion of the facility but preserve the buildout of the library at a future date when funds become available. Shelling out the space would save \$512,000. Since the library would not be functional, this option also eliminates \$750,000 associated with the library's FFE budget.

- **Smaller reduction of FFE for Skills Development - \$84,390**

This reduction would leave \$415,610 for FFE in the Skills Development Center which would be sufficient to eliminate or minimize the reuse of furniture and equipment.

- **Maintain construction contingency reduction from five percent (5%) to (4.5%) – 58,800**

This option maintains the same contingency reduction as Option #1.

### **Option #4**

This option would increase the budgeted amount for the project to accommodate the schematic design cost estimate. It would add \$1,807,160 to the project budget. This option would require a budget amendment. Borrowing an additional \$1,807,160 would add up to \$160,000 in annual debt service payments.

### **Option #5**

This option increases the project budget by \$1,807,160 but also provides \$950,000 in offsetting project reductions in the Capital Investment Plan (CIP) to reduce the overall impact on the

County's debt requirements to \$857,160. Specifically, the Board could choose to eliminate the conservation easement project budgeted in Year 1 of the CIP and eliminate the Justice Center generator project. The conservation easement project is funded by \$500,000 in debt financing while the generator project is funded with \$450,000 in debt financing. This option would also require a budget amendment.

### **Next Steps**

Assuming that the library space is constructed and fully functional, it will require an increase in annual operating costs of approximately \$538,000. This new resource may also shift library usage from the Chapel Hill library to the County's Southern Branch site. Since FY 14-15, Orange County has contributed \$568,139 annually to support library services to Orange County residents who live outside the municipal limits of the Town of Chapel Hill. When the Southern Branch Library is open, County staff will evaluate the impact the new branch has on the demand for services at the Chapel Hill Library. This analysis will inform funding decisions that will be necessary to operate the Southern Branch Library.

**FINANCIAL IMPACT:** The financial impacts of the Options are as follows

- Options #1 and #2 would impact future operating budgets with an increase of \$6,000 to \$12,000 to accommodate the leasing of additional parking.
- Option #3, which involves the shell out of the Library, would also defer \$537,668 in anticipated library operating costs
- Option #4 would increase the County's debt by \$1,807,160 and debt service payments by up to \$160,000.
- Option #5 would increase the County's debt by \$857,160 or up to \$85,000 in debt service payments by eliminating \$500,000 in conservation easements and \$450,000 for Justice Center Generator currently budgeted in Year 1 of the CIP.

**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.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**  
Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

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

- **ENERGY EFFICIENCY AND WASTE REDUCTION**

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

- **CLEAN OR AVOIDED TRANSPORTATION**

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

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

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

The design of the 203 Project embraces many energy efficiency technologies and green construction methodologies. The building site is located on a public transportation route and includes a bus stop.

**RECOMMENDATION(S):** The Manager recommends that the Board approve one or more of the 203 Greensboro Street Project options outlined above to eliminate a projected \$1,807,160 project deficit.

If the Board chooses to increase the project budget and/or eliminate projects from the Capital Investment Plan, the Manager further recommends that the Board authorize staff to present a budget amendment at an upcoming meeting to appropriate the necessary funds.

# Attachment 1 – Schematic Design Estimate

## SD Estimate Variance

7



November 11, 2020

The 203 Project

Carrboro, NC

		TOTAL COSTS		
		Barnhill	Bree	Delta to Previous
	Division 1: General Work	\$ 1,082,067	\$ 1,050,000.00	\$ (32,067)
	Division 3: Concrete	\$ 5,541,323	\$ 5,576,030	\$ 34,707
	Division 4: Masonry	\$ 1,257,050	\$ 1,283,803	\$ 26,753
	Division 5: Steel	\$ 447,325	\$ 423,549	\$ (23,776)
	Division 6: Wood & Plastics	\$ 248,240	\$ 191,339	\$ (56,901)
	Division 7: Thermal & Moisture	\$ 1,241,655	\$ 1,032,687	\$ (208,968)
	Division 8: Doors & Glass	\$ 1,712,425	\$ 1,632,365	\$ (80,060)
	Division 9: Finishes	\$ 1,766,474	\$ 1,727,426	\$ (39,048)
	Division 10: Specialties	\$ 148,655	\$ 95,073	\$ (53,582)
	Division 11: Equipment	\$ 35,400	\$ 35,000	\$ (400)
	Division 12: Furnishings	\$ 56,280	\$ 20,000	\$ (36,280)
	Division 14: Conveying Systems	\$ 400,000	\$ 465,000	\$ 65,000
	Division 21: Fire Suppression	\$ 320,006	\$ 337,422	\$ 17,416
	Division 22: Plumbing	\$ 275,500	\$ 309,738	\$ 34,238
	Division 23: Heating, Ventilating, Air Conditioning	\$ 1,919,148	\$ 1,948,383	\$ 29,235
	Division 26: Electrical	\$ 2,982,219	\$ 2,902,216	\$ (80,003)
	Division 31: Earthwork	\$ 363,633	\$ 467,974	\$ 104,341
	Division 32: Exterior Improvements	\$ 195,577	\$ 445,283	\$ 249,707
	Division 33: Site Utilities	\$ 36,201	\$ 137,880	\$ 101,680
<b>SUBTOTAL TRADE PACKAGES</b>		<b>\$ 20,029,177</b>	<b>\$ 20,081,169</b>	<b>\$ 51,992</b>
	SUBGUARD BONDING	\$ 280,408	\$ 240,974	\$ (39,434)
<b>SUBTOTAL COST OF WORK</b>		<b>\$ 20,309,585</b>	<b>\$ 20,322,143</b>	<b>\$ 12,558</b>
	CONSTRUCTION CONTINGENCY	\$ 406,192	\$ 406,443	\$ 251
	DESIGN/ESTIMATE CONTINGENCY	\$ 1,015,479	\$ 1,016,107	\$ 628
	ESCALATION	\$ 1,015,479	\$ 1,016,107	\$ 628
<b>SUBTOTAL</b>		<b>\$ 22,746,735</b>	<b>\$ 22,760,799</b>	<b>\$ 14,064</b>
	CMAR GENERAL CONDITIONS	\$ 700,000	\$ 682,824	\$ (17,176)
	CMAR INSURANCES	\$ 495,003	\$ 261,749	\$ (233,254)
	BONDS	\$ -	\$ 191,191	\$ 191,191
	CM FEE	\$ 932,795	\$ 853,530	\$ (79,265)
<b>TOTAL</b>		<b>\$ 24,874,533</b>	<b>\$ 24,750,094</b>	<b>\$ (124,439)</b>

Building Gross Area

131,696 sqft

\$

131,696

\$

-

**THE 203 PROJECT: SCHEMATIC DESIGN COST REDUCTION SUMMARY**

12/28/2020

Project Budget (based on precast parking deck)	\$22,282,000
Schematic Design Estimate (based on CIP parking deck)	\$24,874,533
	Delta (\$2,592,533)
	% Delta -11.6%
Premiums Associated with CIP Deck	\$2,207,580
	9.9%

Item #	Description	Total	Pending	Rejected	Accepted 1	Accepted 2	Remarks
<b>SITE WORK VE ITEMS</b>							
Site 1	Options to use brush finished concrete sidewalk ILO Riverstone Paver at ground level entrances	(\$30,142)			(\$30,142)	(\$30,142)	
Site 2	Option to use segmented block site wall	(\$6,360)		(\$6,360)			Technically not feasible
<b>SITWORK SUBTOTAL</b>		<b>(\$36,502)</b>	<b>\$0</b>	<b>(\$6,360)</b>	<b>(\$30,142)</b>		
<b>FINISHES VE ITEMS</b>							
F 1	Option to utilized lower cost ACT	(\$40,591)			(\$40,591)	(\$40,591)	Per Barnhill, allows for 2'X2' tegular 'Optima' grade tile
F 2	Option to utilized lower grade Quartz ILO Premium	(\$5,084)			(\$5,084)	(\$5,084)	
F 3	Option to utilized lower cost porcelain tile	(\$15,457)			(\$15,457)	(\$15,457)	
F 4	Option to utilized lower cost brick	(\$86,907)	(\$86,907)			(\$86,907)	Pending final brick selection
F 5	Option to replace curtain wall with storefront by adding steel & brick to reduce spans	(\$134,557)	(\$20,184)		(\$114,373)	(\$114,373)	Accepted but exact savings pending further study
F 6	Option to utilize ptd. perf. mtl. railings for monumental stair ILO glass	(\$101,555)			(\$101,555)	(\$101,555)	
F 7	Options to utilize painted picket railing at terrace ILO glass	(\$38,759)			(\$38,759)	(\$38,759)	
F 8	Option to remove skylights	(\$80,847)		(\$80,847)			
F 9	Remove terrazzo and utilize polished concrete	(\$228,156)			(\$228,156)	(\$228,156)	Pending further study
F 10	Reduce STC ratings in glazing	(\$206,715)	(\$206,715)				Pending CM clarifications
F 11	Use gyp. bd. clgs ILO metal soffit	(\$37,555)			(\$37,555)	(\$37,555)	
F 12	Reduce gyp bd clgs from 9,805sf to 8,129sf and add 1,676sf of dryfall to exposed clgs	(\$25,682)			(\$25,682)	(\$25,682)	Trish confirming internally
F 13	Reduce ACT from 24,394sf to 9,335sf, add 15059sf of dryfall paint to exposed clgs	(\$67,869)			(\$67,869)	(\$67,869)	Trish confirming internally
F 14	Add 2,161sf of baffled ceiling at \$25/sf	\$51,943			\$51,943	\$51,943	
<b>FINISHES SUBTOTAL</b>		<b>(\$1,017,791)</b>	<b>(\$313,806)</b>	<b>(\$80,847)</b>	<b>(\$623,138)</b>	<b>(\$710,045)</b>	
<b>MEP VE ITEMS</b>							
MEP 1	Use compact aluminium conductors ILO copper conductors	(\$4,807)		(\$4,807)			(\$4,807)
MEP 2	Use MC cable where approved by engineers	(\$13,220)			(\$13,220)	(\$13,220)	
MEP 3	Decrease HVAC spec, possibly negating LEED Gold Status	(\$120,183)			(\$120,183)	(\$120,183)	Per Barnhill: we can maintain VRF but don't over design svtsens (controls/diffusers/etc)
MEP 4	Look for savings in lighting and elec. Gear, TBD amount of potential VE savings	(\$120,183)	(\$60,092)		(\$60,092)	(\$60,092)	Savings pending more detailed lighting package
MEP 5	Conduit to j-hooks	(\$26,080)			(\$26,080)	(\$26,080)	
MEP 6	Move cost of fiber duct bank to other funding source	(\$76,917)	(\$76,917)				Trish confirming with internal IT (Andy Vogel and Jim Northrup)
<b>MEP SUBTOTAL</b>		<b>(\$361,390)</b>	<b>(\$137,009)</b>	<b>(\$4,807)</b>	<b>(\$219,575)</b>	<b>(\$219,575)</b>	
<b>GENERAL VE ITEMS</b>							
G 1	Eliminate top partial ramp of parking deck, east side reducing parking by 20 spaces	(\$401,970)		(\$401,970)		(\$401,970)	
G 2	Use barrier cable ILO precast spandrels at parking deck	(\$40,021)	(\$40,021)				Pending Trish's feedback. Renderings provided with and without barrier cable
G 3	Remove banner hangers at precast in parking deck	(\$33,741)			(\$33,741)	(\$33,741)	
G 4	Reduce parking by an additional 20 spaces - 4th floor (in additoin to G1)	(\$780,788)		(\$780,788)		(\$780,788)	
G 5	Reduce parking by an additional 20 spaces - 3rd floor (in additoin to G1 + G4)	(\$494,809)		(\$494,809)			
G 6	Reduce building height by 2ft - reduce qty of brick, CIP, glazing and spandrel panel	(\$128,296)			(\$128,296)	(\$128,296)	
G 7	Reduce core height by 4 ft -- reduce qty of brick and CIP	(\$50,958)			(\$50,958)	(\$50,958)	
G 8	Remove Terrace and green foors and prelace with regular roof with no slap fold	(\$94,266)		(\$94,266)			
G 9	She only ILO finish - performance space	(\$318,726)		(\$318,726)			
G 10	Shell only ILO finish - WCOM	(\$58,842)		(\$58,842)			
G 11	Shell only ILO finish - Multipurpose room	(\$153,152)		(\$153,152)			
G 12	Shell only ILO finish - East half of ground floor	(\$359,589)		(\$359,589)			
G 13	Shell only ILO finish - 6,256sf of Level 3 Offices	(\$450,000)				(\$450,000)	Maintain perimeter wall, code minimum lighting, sprinklers, fire alwrm, etc
<b>GENERAL SUBTOTAL</b>		<b>(\$3,365,158)</b>	<b>(\$40,021)</b>	<b>(\$2,662,142)</b>	<b>(\$212,995)</b>	<b>(\$1,845,753)</b>	

## ALTERNATES

ALT 1	Use Mass Timber (CLT) for building only ILO post tension conc-parking deck remains CIP pot tension	\$1,009,540		\$1,009,540		
ALT 2	Option to use steel for building ILO post tension	\$471,119		\$471,119		
ALT 3	Option to ad electrochromic glass at west façade on levels 2/3 curtainwall	\$226,684	\$226,684			Manual shades in base bid; maintain as alternate
ALT 4	Optipon to use motorazid shades ILO Manual	\$147,826	\$147,826			Manual shades in base bid; maintain as alternate
	ALTERNATES SUBTOTAL	\$1,855,169	\$374,510	\$1,480,659	\$0	\$0
	TOTAL DEDUCTS	(\$4,832,784)	(\$490,835)	(\$2,754,156)	(\$1,137,793)	(\$2,827,316)
	TOTAL ADDS	\$1,907,112	\$374,510	\$1,480,659	\$51,943	\$51,943
	<b>TOTAL</b>	<b>(\$2,925,672)</b>	<b>(\$116,325)</b>	<b>(\$1,273,497)</b>	<b>(\$1,085,850)</b>	<b>(\$2,775,373)</b>

THE 203 SCHEMATIC DESIGN CONSTRUCTION COST ALLOCATION MATRIX

1/21/2021

	Town	WCOM	County	Shared Bldg	Site Site	Parking
Percent of Space	42.62%	1.76%	55.62%			
# of cars	56	3	111	3		
Cars In Excess of LUO						
portion of shared parking	1.28	0.05	1.67			
Shared Costs				11,212,039	1,290,170	6,257,581
<b>Dedicated</b>	2,340,455	143,028	2,555,097			
<b>Shared</b>	4,778,571	197,332	6,236,136			
<b>Site</b>	549,870	22,707	717,593			
<b>Parking</b>	2,071,824	110,423	4,075,335			
<b>TOTAL CONSTRUCTION COST*</b>	<b>\$9,740,720</b>	<b>\$473,490</b>	<b>\$13,584,160</b>			
<b>% of Base Cost</b>	<b>40.93%</b>	<b>1.99%</b>	<b>57.08%</b>			
<b>BUDGETS</b>	<b>\$10,505,000</b>	inc w/ Town	<b>\$11,777,000</b>			
delta - (over)/under	\$290,790		(\$1,807,160)			
<b>BUDGET % ASSUMPTIONS</b>	44%	inc w/ Town	56%			
	1.08%		-1.08%			

NOTES:

**Construction Costs** The construction costs are for all base construction costs. This does not include furniture, AV equipment, specialized performance space seating and equipment, IT fiber, parking management system, rooftop photo voltaic panels, land acquisition, and soft costs. Construction costs include just over \$1M in accepted value engineering (VE) options.

**Dedicated:** The construction costs associated with the building out of dedicated tenant areas.

**Shared:** The construction costs associated with shared areas of the builing. This includes structure, building envelope, central utilities, stairs, elevators, risers, common lobby, cirtulation spaces, etc. Shared costs are allocated to tenants on a prorated basis based on percentage of net area in the building.

**Site:** The construction costs associated with site including street utilities, hardscape, landscape, site lighting lighting, etc. Shared costs are allocated to tenants on a prorated basis based on percentage of net area in the building.

**Parking:** The construction costs associated with the parking structure allocated on the spaces required by each tenant. The costs of shared parking spaces are allocated to tenants on a prorated basis based on percentage of net area in the building. Spaces above and beyond the LUO required parking spaces is allocated to the Town of Carrboro as a Town decision to include the additional parking.

**Subject to Change** As the design progresses and plans are modified, there may be small adjustments to the percent of net space allocated to each tenant.

**Owners' Budgets** Owners's budgets are per the "Option 1 - budget Allocation with Skills Development" table provided by Orange County. There is a \$1.114M owner's contingency that is *not* included in the above noted budgets.

## Orange County Southern Branch Library

<b>Project Category</b>	County	<b>Project Status:</b>	Active	<b>Project Type</b>	
<b>Functional Service Area:</b>	Support Services	<b>Proposed Bid Date:</b>	TBD	New	X
<b>Department:</b>	Asset Management Services	<b>Starting Date:</b>	7/1/2018	Expansion	
<b>Project Number:</b>	10050	<b>Completion Date:</b>	6/30/2021	Renovation	
				Replacement	

### Project Description/Justification:

In October 2017, the County entered into a development agreement with the Town of Carrboro to collaborate on a building project at 203 S Greensboro Street that would house the Orange County Southern Branch Library and Town of Carrboro offices. Funding for construction was originally approved in FY2018-19. In early 2020, the Board of Commissioners endorsed expanding the original project scope to include a replacement for the Skills Development Center, its associated parking facilities, and other costs related to completing the project. These changes increased the total project budget to \$15.6 million. Additional design services will be incurred in FY 2020-21 while construction costs will start to be incurred in FY2021-22, as well as additional professional services. This location will replace the Cybrary and McDougle facilities and permanently house the Skills Development Center.



### FINANCIAL SUMMARY

Project Budget	Prior Years Funding	Current Fiscal Year 2019-20	Year 1 Fiscal Year 2020-21	Year 2 Fiscal Year 2021-22	Year 3 Fiscal Year 2022-23	Year 4 Fiscal Year 2023-24	Year 5 Fiscal Year 2024-25	Five Year Total	Year 6 to Year 10
<b>Appropriation</b>									
<i>Professional Services</i>	1,172,500		400,000	414,993				814,993	
<b>Construction/Repairs/Renovations</b>									
<i>Skills Development</i>				3,969,000				3,969,000	
<i>Common Area Construction</i>				1,008,000				1,008,000	
<i>Library Construction w/ Contingency</i>	4,625,000			688,850				688,850	
<i>Parking Construction</i>	1,000,000			1,075,000				1,075,000	
<i>Equipment/Furnishings</i>				1,250,000				1,250,000	
<b>Appropriation Total</b>	6,797,500		400,000	8,405,843				8,805,843	
<b>Revenues/Funding Source</b>									
<i>Debt Financing</i>	6,533,500		400,000	8,405,843				8,805,843	
<i>Available Project Balances</i>	264,000								
<b>Revenues/Funding Source Total</b>	6,797,500		400,000	8,405,843				8,805,843	
<b>Impact on Operating Budget</b>									
<i>Personnel</i>					514,054	514,054	514,054	1,542,162	2,570,270
<i>Operations</i>					145,000	145,000	145,000	435,000	725,000
<b>Impact on Operating Budget Total</b>					659,054	659,054	659,054	1,977,162	3,295,270

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

**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

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**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 22 and 23, 2021 Virtual Retreat

**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.

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**MINUTES  
ORANGE COUNTY  
BOARD OF COMMISSIONERS  
VIRTUAL RETREAT  
JANUARY 22, 2021  
2:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Retreat on Tuesday, January 22, 2021 at 2:00 p.m.

**COUNTY COMMISSIONERS PRESENT:** Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Jean Hamilton, Mark Dorosin (joined at 2:05 p.m.), Sally Greene, and Earl McKee (joined at 2:30 p.m.)

**COUNTY COMMISSIONERS ABSENT:** NONE

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Clerk to the Board Laura Jensen

(All other staff members will be identified appropriately below.)

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Special Meeting on Friday, January 22, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

**Welcome & Context setting for the Retreat –**

Chair Price welcomed the attendees, and thanked the planning committee and department staff for making this retreat happen.

**Call to Order**

Chair Price called the meeting to order at 2:04 p.m. and asked Commissioners to accept a roll call.

Roll Call ensued.

Commissioners McKee and Dorosin were not present at the start of the meeting.

Chair Price said the focus of the retreat will be 2 pandemics: COVID-19 and racism, and she asked the group to take the risks necessary to bring justice. She said the culture is on the precipice of a brave new world, and needs courage and innovation to move from relief to recovery to resilience. She said she would really like to address racism, and talk about equity and inclusion. She said it is time to face the facts and deal with it. She said impossible to solve all problems in 6 hours, but the Board of County Commissioners (BOCC) can begin with policies, priorities, and how it will impact the budget season that is fast approaching.

**Review agenda & Working agreements**

Maggie Chotas, Facilitator, said the Chair's words offer a powerful framing for the day, and the two pandemics the group is working in.

1 Maggie Chotas reviewed the agenda, and the following ground rules and parameters for  
2 the day:

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- Begin and adjourn on time
  - One speaker at a time
  - Listen attentively
  - Focus on learning and inquiry
  - Stay on topic – use the parking lot to record items for future discussion
  - Share the time available for discussion
  - It is OK to disagree...please do so respectfully
  - Use the parking lot
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13 Chair Price said the chat box will be visible to the public.

14 Maggie Chotas said other virtual environments will be visible to the public as well.

15 Maggie Chotas asked the Commissioners to use the raised hand feature, but also to try  
16 to get her attention, if not recognized.

17  
18 **Icebreaker: Commissioner Trivia**

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- Two truths about yourself – think about unusual or esoteric facts others might not know
  - Something untrue or made up about yourself
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22 Maggie Chotas lead the BOCC in the icebreaker.

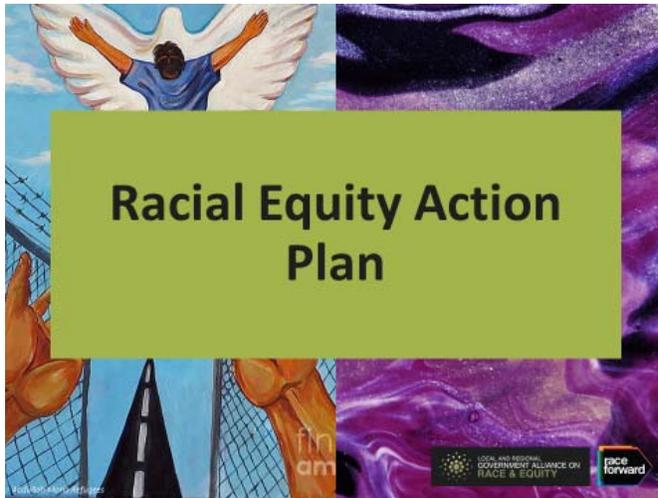
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24 **Where are we?**

25 Annette Moore, Director of Human Rights and Relations, made the following PowerPoint  
26 presentation:

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28 Slide #1



## 1 Slide #2

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## Slide #3

### Jurisdiction and Team Members

**Orange County - One Orange**

- Annette Moore, (Co-Lead), Human Rights and Relations
- Nancy Coston, (Co-Lead), Social Services
- Brenda Bartholomew, Human Resources
- Melvyn Blackwell, Human Rights and Relations
- Erica Bryant, Child Support Enforcement
- Brennan Bouma, Asset Management Services
- Diogenes DeLosSantos, Information Technology
- Desmond Frierson, Criminal Justice Resource
- Jennifer Galassi, Sherriff's Office
- Sarah Pickhardt, Emergency Services
- Rachel Raper, Board of Elections
- Juliet Sheridan, Health
- Quintana Stewart, Health
- Robert Williams, Solid Waste

3 RACIAL EQUITY ACTION PLAN

LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

face forward

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## Slide #4

### Racial Equity Vision Statement

One Orange is a commitment by Orange County leaders and staff to uncover and address implicit racial biases in our institution to ensure that race can no longer be used to predict life outcomes in our community.

4 RACIAL EQUITY ACTION PLAN

LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

face forward

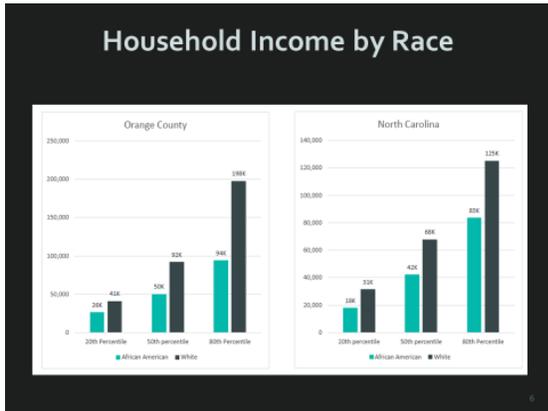
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1 Annette Moore related background information about the impact of racism on the quality  
 2 of people's lives in the community. She resumed the PowerPoint presentation:

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 4 Slide #5

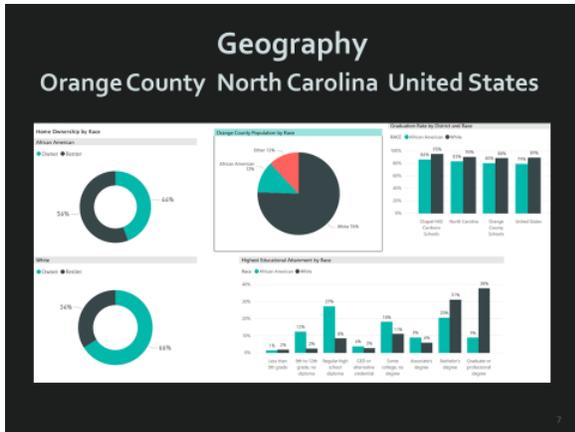


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 10 Annette Moore said there is wide disparity of opportunity in Orange County. She  
 11 resumed the PowerPoint presentation:

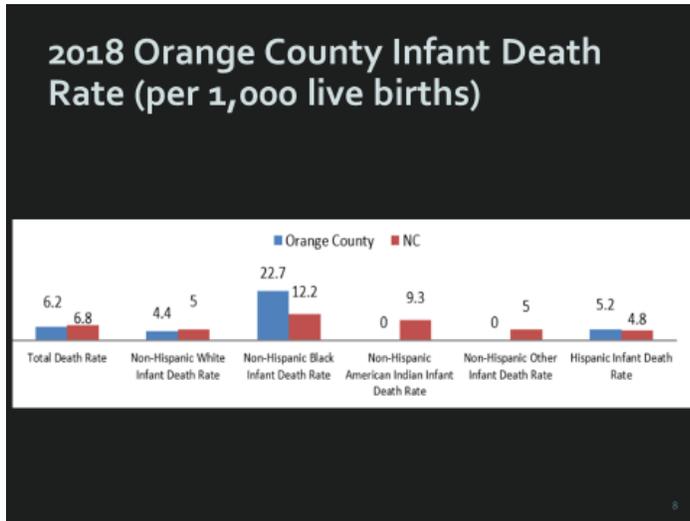
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 13 Slide #7  
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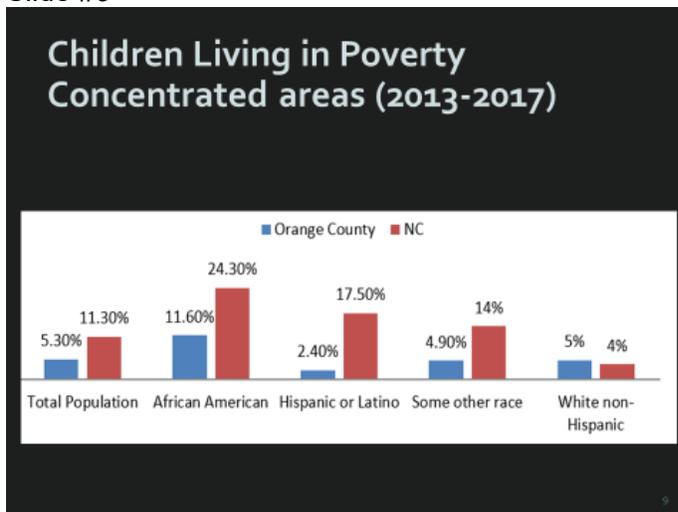
1 Annette Moore highlighted the disparities in the above data. She resumed the  
2 PowerPoint presentation:

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4 Slide #8



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7 Annette Moore said death rate for infants for Black families is 22.7%, and for Hispanic  
8 families it is 5.2%. She said Black families represent 13% of Orange County and Hispanics only  
9 7%. She resumed the PowerPoint presentation:

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11 Slide #9



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14 Annette Moore said disparities are due to institutional racism, and not putting County  
15 money in the right places. She resumed the Power Point presentation:

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1 Slide #10  
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5 Annette Moore said the pandemic has taught us that we are stronger together. She said  
6 working collaboratively can break down institutional racism. She said all jurisdictions have  
7 agreed to leverage their strengths to work on the community plan. She said the community plan  
8 has five key themes, and a GARE team leader will lead each multi-jurisdictional team. She said  
9 each team will draft a portion of the plan for diverse review, and elected officials will approve.  
10 She said the plan will be data driven, and will lead to the development of a racial equity  
11 scorecard. She said this is not a novel concept, but it is different. She said the group will  
12 evaluate community progress throughout the County. She said Orange County is leading the  
13 way, and doing something no other jurisdiction in the country is doing. She said the BOCC is  
14 invited to attend the upcoming symposium.

15 Annette Moore explained that during this time of racial tension, she was surprised that  
16 she was only asked to give an update, and was an afterthought. She said Housing directors are  
17 typically asked to participate in conversations around affordable housing. She said Human  
18 rights and relations are an important part of the conversation when discussing racism and racial  
19 equity. She said if the County is serious about this, there must be a serious conversation with  
20 all necessary players participating in the conversation.

21 Commissioner Dorosin asked how far along in the five-pillar process the team is.

22 Annette Moore said the pillars represent committees that are working simultaneously.

23 Commissioner Fowler asked if it is known what items will be tracked on the scorecard.

24 Annette Moore said a list is in development, and Commissioners should send ideas to  
25 her.

26 Commissioner McKee said he understands the need for discussions and planning, but  
27 feels action is also important. He asked if there is a timeline for the planning process.

28 Annette Moore said the goal for plan completion is the end of February, beginning of  
29 March, and it will be put out to the public for further discussion. She said thereafter it will be  
30 brought to the BOCC.

31 Commissioner McKee said he does not want to get stuck talking in circles.

32 Annette Moore said the team is seeking meaningful community engagement, which has  
33 been slowed due to the pandemic.

34 Commissioner McKee said he wholeheartedly supports community engagement, but  
35 wants to be sure that everyone is on the same page in moving towards action.

36 Chair Price asked if there is more the BOCC can do as a whole at this point to move this  
37 along.

1 Annette Moore said she would welcome BOCC participation, and encouraged the Board  
2 to share ideas and facts now, as opposed to on the back end of the process.

3 Chair Price asked if the Board should devote part of a work session to help develop  
4 ideas and action items. She said the Board wants to engage in a meaningful way.

5 Annette Moore said this is a policy that will set the tone for the rest of the County, and  
6 things are going to be done differently from now on. She said this plan needs to be embedded  
7 in County government, by doing whatever is necessary. She said this should be part of  
8 everyone's work plan.

9 Chair Price said if there are ideas for how the Board can actively participate to please  
10 share them.

11 Commissioner Hamilton said she would like to see a draft of what is coming up. She  
12 said she cannot picture what GARE is about, how it works, etc. She said this is an important  
13 process, and she wants to give meaningful feedback, so there is action. She said she needs  
14 more information. She said statistics are useful, but it is important to know what underlies those  
15 statistics locally, statewide and nationally, if not world-driven. She said the everyday implicit  
16 biases need to be addressed. She said the big metrics may not capture that. She said she  
17 wants to do the work and wants to do it well.

18 Annette Moore agreed, and said that is why GARE is drafting this tool to get this  
19 information to the Commissioners and community for further discussion, and to determine gaps  
20 and steps of action. She said it is important to determine how to use County funds to address  
21 this issue, and how do the State and the Federal Government need to be involved.

22 Commissioner Dorosin said he is unsure how much specificity is appropriate now, but he  
23 would like to see interdepartmental cooperation. He asked if criminal justice metrics will be  
24 included, along with possible policy changes.

25 Annette Moore said the team has been talking about interdepartmental actions, and how  
26 everyone can work together. She said these problems cannot be solved in silos, and there  
27 must be a multidisciplinary approach is important. She said there is a capacity issue here, and  
28 building capacity is one of the problems. She said building capacity for equity will take  
29 additional resources.

30 Commissioner McKee said it will be important to determine how committed the County is  
31 to reducing spending in some favored programs to fund this effort without raising taxes. He said  
32 this will cost some funding, over a decent amount of time. He said if this is going to be done, it  
33 needs to be done right. He said the BOCC will have to make hard decisions about decreasing  
34 spending in order to increase progress in this area.

35 Annette Moore said it is less defunding but rather the reallocation of funding. She said  
36 the BOCC will have determine if it will allow the data to determine where funding should go.

37 Commissioner McKee agreed, and said it will mean the reduction of funding in certain  
38 areas. He said a lot people, especially low-income people, feel they are being driven out of  
39 Orange County due to the high cost of taxes and living.

40 Commissioner Bedford said the County does not have a strategic plan, and asked if it is  
41 possible to prioritize things without one. She said this is a parking lot issue.

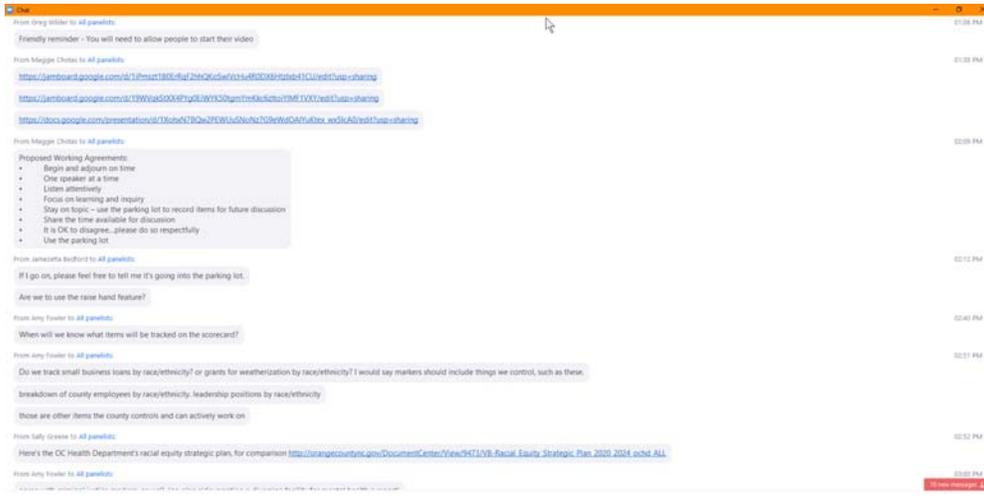
42 Chair Price responded to Commissioner Fowler's comment in the chat, and said the  
43 County is tracking data related to the small business loans.

44 Chair Price said the elephant in the room is racism and implicit bias around all issues of  
45 disparity. She said if the County can get at this cause, and if the lowest in society can be raised  
46 up, then everybody is raised up. She said racism touches all areas, and is a problem that has  
47 existed for hundreds of years. She said if tackling racism is a priority, then the County can  
48 begin addressing issues across the Board.

49 Commissioner Fowler said her comments in the chat are ideas for the GARE team to  
50 consider.

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Commissioner Fowler highlighted the items she typed in the chat box and said markers need to be measurable and within the Board's control. She said things need funding, and some things need tracking.

Travis Myren introduced the next retreat topic.

Slide #1



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1 Slide #2

# Information Framework

**Day One – Where are We?**

*Government Alliance on Race and Equity Update*

*Impact Assessment & Current Interventions*

*County Budget Status FY2020-21*

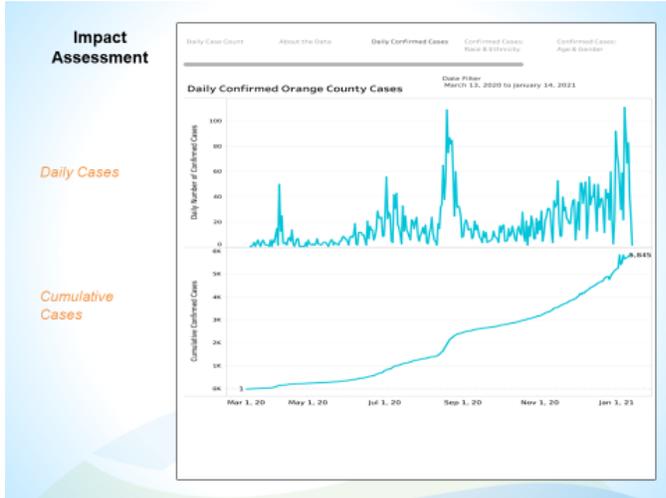
*Community Values and Input*



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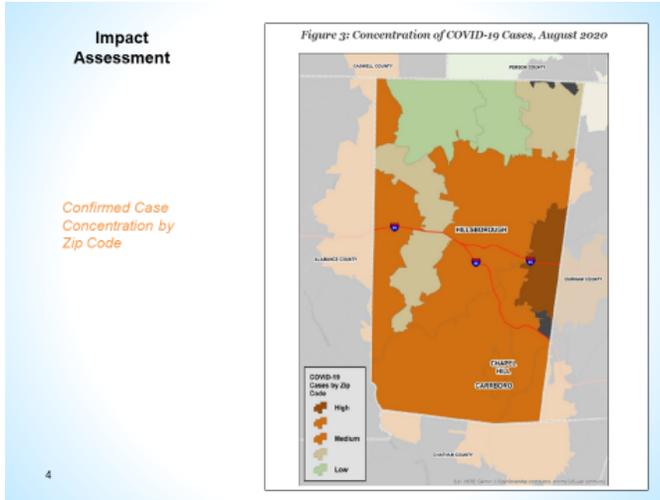
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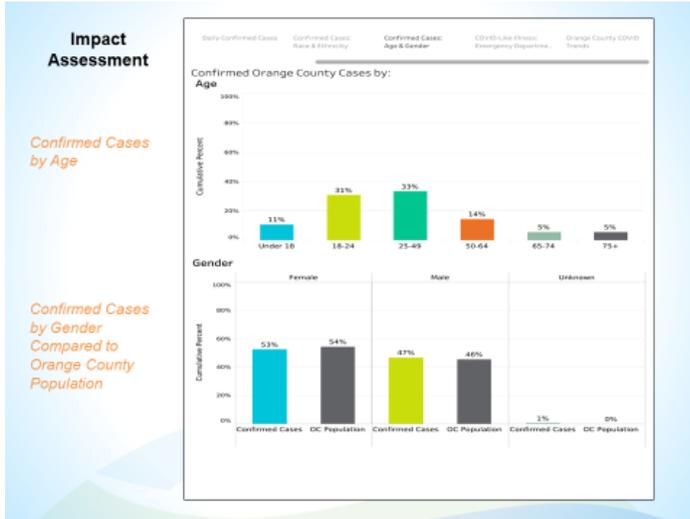
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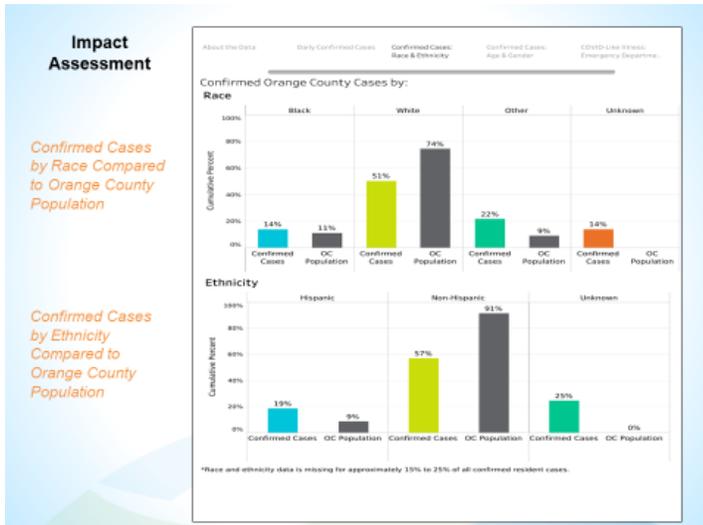
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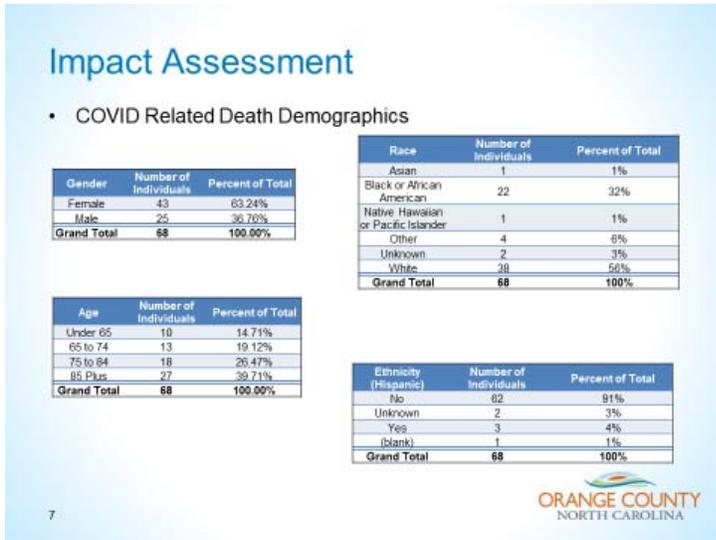
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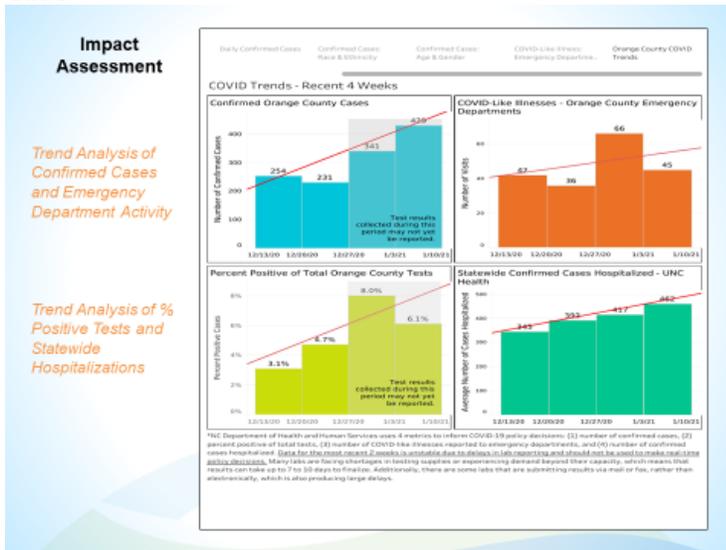
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Travis Myren said there is a lower percentage of death for Hispanics, despite higher number of cases. He resumed the PowerPoint presentation:

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Travis Myren said the community spread is slowing, and the goal is a 5% positive rate. He resumed the PowerPoint presentation:

1 Slide #9

### Economic Impact Assessment

- Orange County Unemployment Rates January – November 2020
  - NC Dept. of Commerce Labor Economic Analysis Division

Month	OC Labor Force	OC Employed	OC Unemployed	OC Unemployment Rate (%)	NC Unemployment Rate (%)
January	79,865	77,276	2,589	3.2	4.1
February	80,757	78,387	2,370	2.9	3.7
March	78,075	75,355	2,720	3.5	4.3
April	71,342	65,491	5,851	8.2	12.5
May	72,236	65,720	6,516	9.0	12.7
June	72,987	68,688	4,299	5.9	7.7
July	74,956	69,956	5,000	6.7	8.8
August	73,750	70,116	3,634	4.9	6.8
September	75,083	71,348	3,735	5.0	6.9
October	76,538	73,257	3,281	4.3	6.0
November	77,034	73,594	3,440	4.5	6.1

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Travis Myren said the unemployment rate is getting better, and things are returning to a more normal point.

Chair Price asked if one has to report unemployment in order to be counted.

Travis Myren said one has to be actively looking for work to be counted in this rate, and claims could be different than the employment percentages. He resumed the PowerPoint presentation:

Slide #10

### Economic Impact Assessment

- Orange County Unemployment Rates by Sector

Orange County Unemployment Claims by Business Type	May 2020 (9.0%)	November 2020 (4.5%)
Trade, Transportation, Utilities	11.5%	18.5%
Construction Trades	1.8%	3.7%
Manufacturing	3.4%	Not Disclosed
Information Technology	1.6%	1.9%
Professional & Business Services	9.2%	13.0%
Financial Activities	1.8%	Not Disclosed
Education & Health Services	17.0%	15.3%
Leisure & Hospitality	19.2%	19.6%
Other Services	3.9%	2.9%
Public Administration	Not Disclosed	4.2%
Unclassified/Unknown	29.5%	17.5%

*May 2020 represents the highest month of claims for Orange County.*

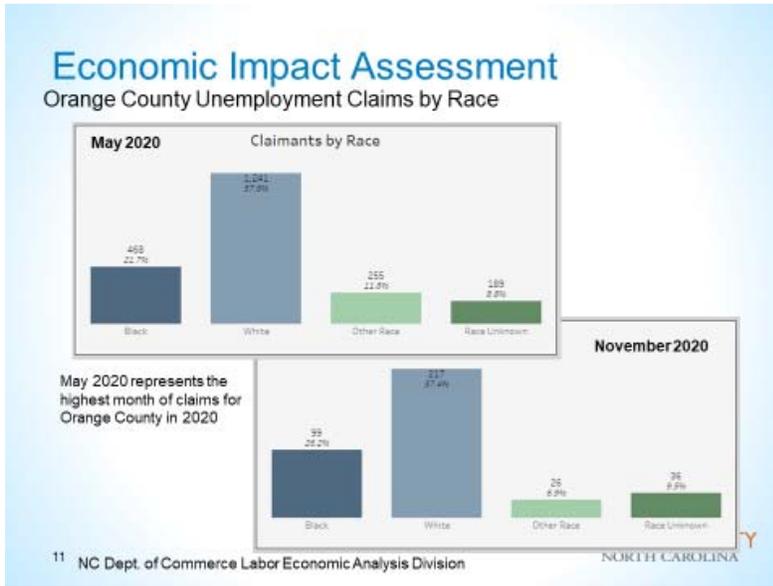
10 NC Dept. of Commerce Labor Economic Analysis Division



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Travis Myren said certain sectors of the economy are more impacted than others. He resumed the PowerPoint presentation:

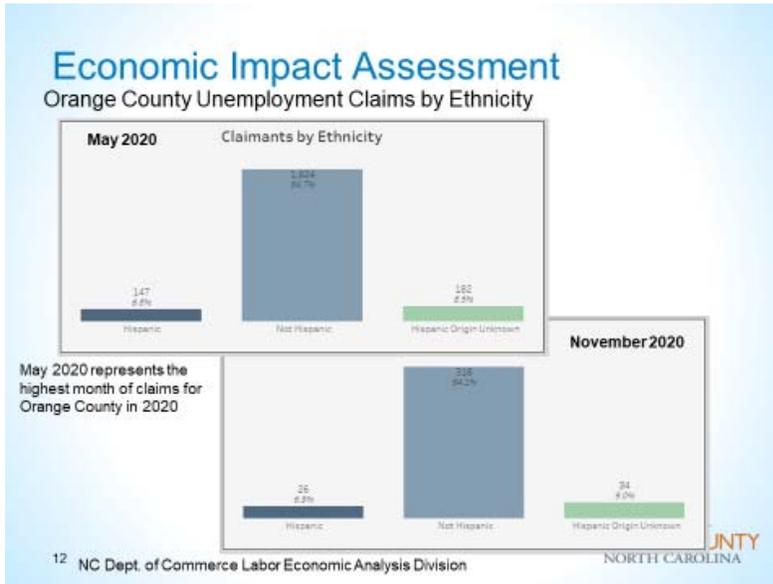
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Travis Myren said the disparate impact of unemployment continues. He resumed the PowerPoint presentation:

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Commissioner Dorosin asked if there were possibly undercounts, for example in the Hispanic population.

Travis Myren said there is an assumption that this may be true, especially in unemployment claims and enrollment in social service programs, because of fears of retribution towards undocumented populations. He said the need for assistance may still be present. He resumed the PowerPoint presentation:

1 Slide #13

### Economic Development Interventions

- Financial Support by Orange County to Small Businesses and Food/Ag Operations in Calendar Year 2020

Programs	Awards Made	Amount of Funding
COVID-19 Emergency Small Business Loan and Grant Rounds 1 & 2	78	\$520,131
Small Business Investment Grant* Article 46 Funded Grant Program	23	\$134,200
Agriculture Grant* Article 46 Funded Grant Program	11	\$88,223
<b>Total Awarded in 2020</b>	<b>112</b>	<b>\$742,554</b>

\*Existing Annual Programs: Awards made for the December 31, 2019, March 31, 2020, June 30, 2020 and September 30, 2021 Deadlines



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### Housing Interventions

- Orange County **Housing Helpline** for Emergency Housing Assistance

Month	# Households	# Calls	# Emails
April	113	210	5
May	350	617	116
June	391	1005	293
July	365	915	598
August	507	1527	1579
September	628	1459	955
October	587	1335	1032
November	571	1328	1224
December	667	1518	1263
<b>2020 Totals</b>	<b>4179</b>	<b>9914</b>	<b>7065</b>



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### Housing Interventions

- Emergency Housing Assistance
  - Flexible Housing Assistance to Help with Security Deposits, Application Fees, Rent and Utility payments, etc.
  - \$2.5 Million Disbursed to 1,005 Residents in 2020; 14 Assisted to Date in 2021
  - Funded with Local Funds from County and Towns, CARES, CDBG-CV
- HOPE Program
  - Statewide Rent and Utility Assistance Program Administered Locally by OCHCD
  - \$1.6 Million Disbursed and 355 Residents Assisted in 2020; 42 Assisted in 2021
  - 68 Applications Being Processed
- Housing Choice Voucher Distribution
  - 120 Housing Choice Voucher Applications to People Experiencing Homelessness
    - 33 People Housed
    - 55 in Active Housing Search with a Voucher

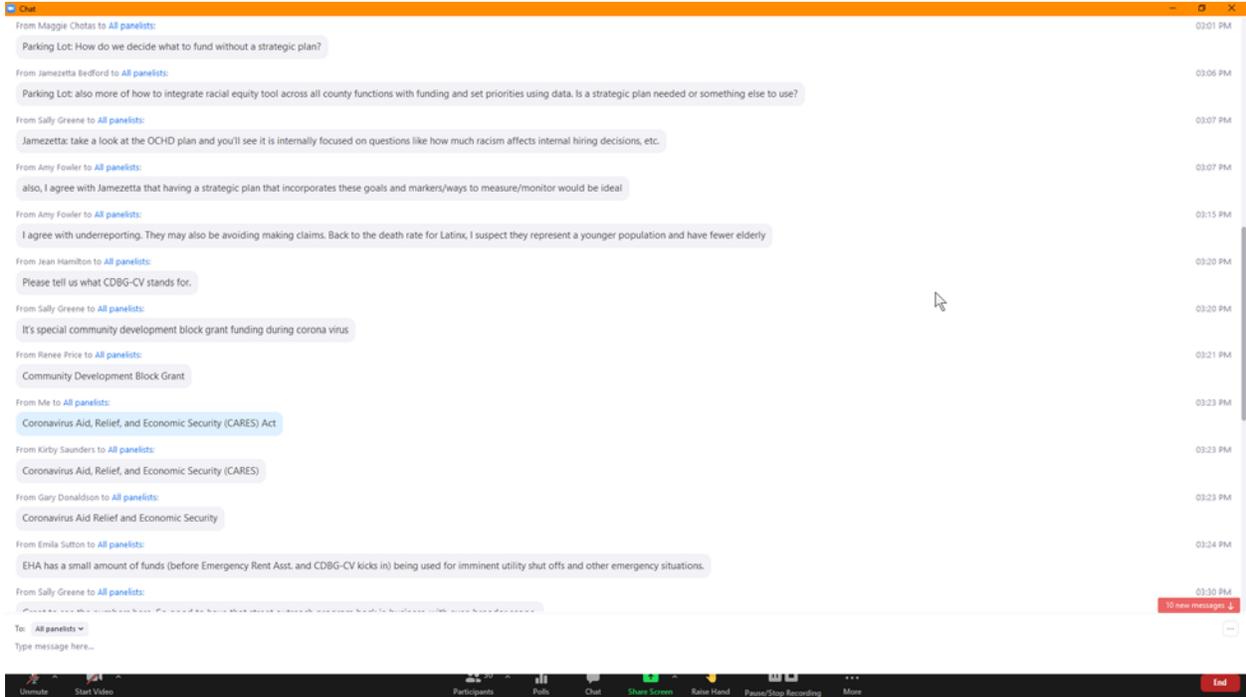


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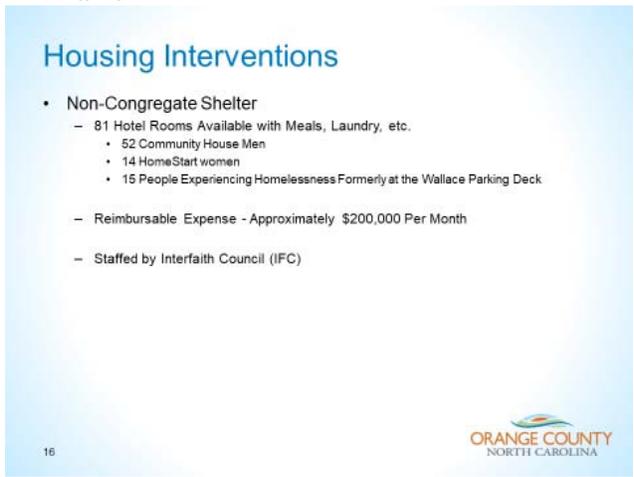
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Commissioner Dorosin asked if all Emergency Housing Assistance and HOPE programs funds have been expended.  
Travis Myren said there are other funds coming in from CDBG-Corona Virus and other areas.

- 1 Emila Sutton, Housing and Community Development Director, confirmed that
- 2 municipalities are providing funds to assist in housing intervention programs.
- 3 Commissioner Hamilton requested that presenters not use acronyms since the public is
- 4 watching and may not know what these are.
- 5 Travis Myren clarified the names of the programs.
- 6

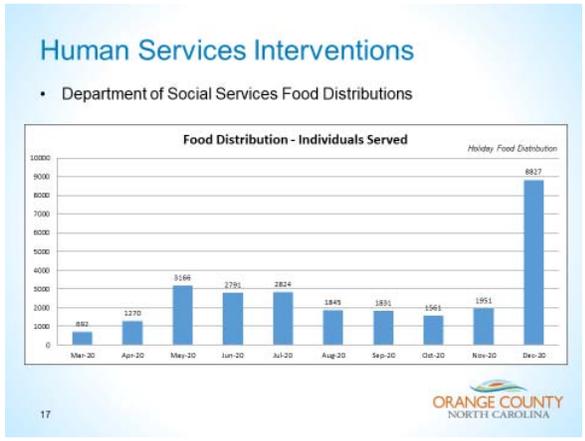


- 7
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- 9 Slide #16



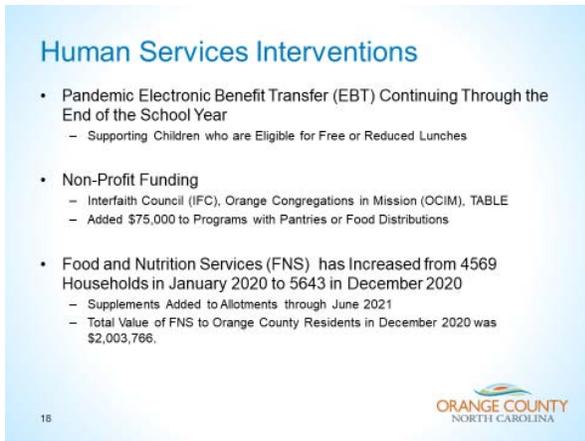
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1 Slide #17



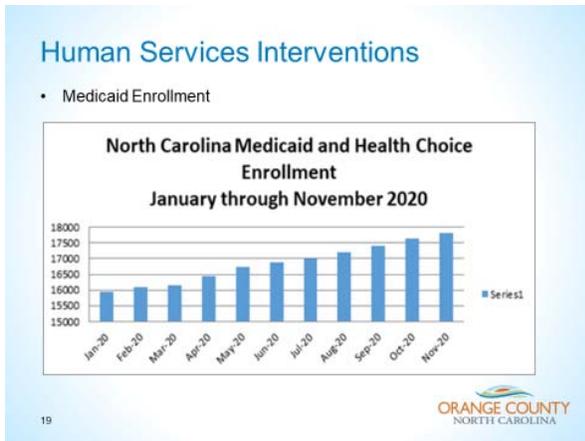
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Slide #18



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Slide #19



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## 1 Slide #20

**Human Services Interventions**

- **Emergency Assistance**
  - Crisis Intervention Program (Heating/Cooling Emergencies)
    - \$333,094 for 1,244 Households
  - Low Income Energy Assistance Program (LIEAP)
    - \$152,219 for 376 Households
  - Pandemic Low Income Energy Assistance
    - May & Dec 2020 Allocations
    - \$233,900 for 1,596 households/clients
  - Temporary Assistance for Needy Families Emergency Assistance (TANF EA)
    - \$38,742 for 239 Households
  - General Assistance
    - \$83,970 for 410 households/clients

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ORANGE COUNTY  
NORTH CAROLINA

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4 Travis Myren said some programs are tracking a little low compared to last year, but it is  
5 due to the influx of CARES funds. He said staff expects to exhaust those funds by the end of  
6 the year. He resumed the PowerPoint presentation:

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## Slide #21

**Human Services Interventions**

- **Employment Programs**
  - Overall Decrease of Participants in Employment Programs
  - 150 Participants Enrolled in Work First, Workforce Innovation and Opportunity Act (WIOA) and Food and Nutrition Employment
  - Reduction Attributed to Continued Unemployment Benefits, At Home Learning, Health Concerns
- **Protection of Children and Adults**
  - \$100 per Month per Child Foster Care Family Supplement (April – September)
    - Total Cost of \$32,821 with DSS CARES Funds
  - CPS and APS Staffing and PPE
    - Total Cost of \$101,787 with DSS CARES Funds
  - Referrals Lower for Child Protective Services
  - Children Have Not Been in Schools, Child Care Programs
  - Courts Reopening Will Impact Adult Services such as Guardianships

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ORANGE COUNTY  
NORTH CAROLINA

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11 Travis Myren said child protective service reports are commonly made at schools, which  
12 are not open, so reporting is down. He resumed the PowerPoint presentation:

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## Slide #22

**Criminal Justice System Interventions**

- **Law Enforcement Diversion**
  - Orange County Pre-Arrest Diversion Program (OC-PAD)
    - Diverts Low Level Misdemeanors Pre-Arrest to C/RD
- **Orange County Bail Reform Practices**
  - Magistrate Decision Flow Chart Implemented for Bail/Custody Decisions
  - New Non-Appearance Policy for District Court Judges (reduce use of cash bonds for Failures to Appear)
- **Street Outreach, Harm Reduction and Deflection Program**
  - Focused on People Experiencing Homelessness
  - Started in October 2020 with Emergency Solutions CARES Grant - \$256,000
  - Provides Housing Intervention, Case Management and Peer Support in Lieu of Law Enforcement Involvement
  - Total of 107 Contacts/Referrals
    - 10 Residents Entered Transitional Housing
    - 5 Residents Leasing an Apartment with Housing Choice Voucher
    - 3 Residents Leasing an Apartment with No Subsidy
    - 1 Resident Living with Family for Long Term
  - Grant Funding Ends in September 2021

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ORANGE COUNTY  
NORTH CAROLINA

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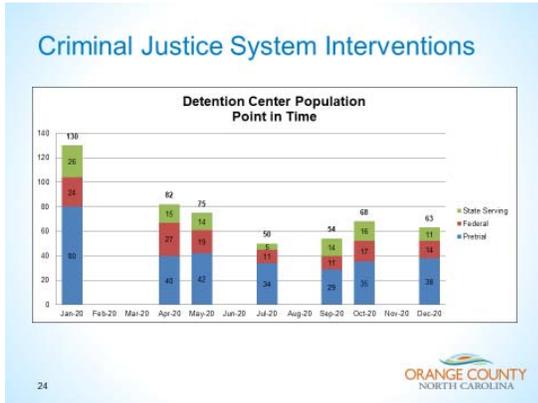
1 Slide #23



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Travis Myren said the interventions described on slide #22 have had an impact on pretrial bookings by month. He resumed the PowerPoint presentation:

Slide #24



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Commissioner Dorosin cited this as an example where real substantive changes can be made to incarcerations.

Travis Myren agreed, and said it has not come at the expense of public safety.

Commissioner Dorosin asked if any of the other reallocations of funds are eligible to be reimbursed.

Travis Myren said yes, around \$3 million is reimbursable by FEMA, and this will likely impact fund balance.

Commissioner Dorosin asked if there is a timeline for reimbursements to be received.

Travis Myren said the goal is 90 days, but staff will know better once the paperwork is submitted.

**RECESS RETREAT FOR BREAK**

A motion was made by Commissioner Dorosin, seconded by Commissioner McKee to recess the meeting at 3:34 p.m. and reconvene at 3:44 p.m.

Roll call ensued

**VOTE: UNANIMOUS**

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1 **RECONVENE RETREAT**

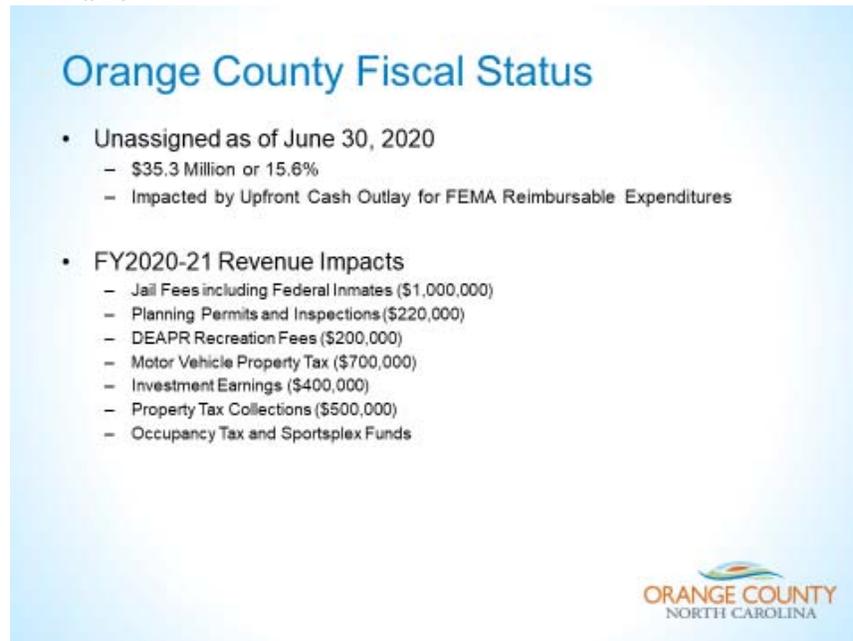
2  
3 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton to  
4 reconvene at 3:44 p.m.

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6 Roll call ensued

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8 *Commissioner McKee and Commissioner Dorosin were not back yet.*

9  
10 **VOTE: UNANIMOUS**

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13 Slide #25



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16 Commissioner Greene said she remembered that property tax collections were  
17 anticipated to not go down very much, and asked if a one half million reduction is not very much,  
18 in context.

19 Gary Donaldson, Chief Financial Officer, said collection rates were budgeted  
20 conservatively, due to the recession. He said, for context, real property tax is budgeted at \$154  
21 million, while motor vehicle property tax is budgeted at \$11 million. He said it is a slight decline.

22 Chair Price asked if the decrease in property and motor vehicle tax collections is  
23 correlated to foreclosures.

24 Travis Myren said he has not run that analysis.

25 Gary Donaldson said he has not heard that this is the case.

26 Travis Myren resumed the PowerPoint presentation:

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1 Slide #26

### Orange County Fiscal Status

- Sales Tax
  - Projected to be \$1.7 Million Over Budget in FY2020-21
- Four Month Cumulative Collections Comparison
  - Reflecting Sales Activity through October

	Amount	State Mandated Allocation Method	Tax Base	FY 2020	FY 2021	% Change
Article 39	1 penny	Point of Delivery	Food is taxed	\$ 4,407,387.18	\$4,358,440.47	-1.11%
Article 40	1/2 penny	Per Capita	Food is taxed	\$ 2,783,420.56	\$2,984,910.72	7.24%
Article 42	1/2 penny	Point of Delivery	Food is taxed	\$ 2,205,175.29	\$2,183,236.04	-0.99%
Article 43 Transit	1/2 penny	Point of Delivery	Food is not taxed	\$ 3,135,896.51	\$3,076,897.92	-1.88%
Article 46 Schools and Economic Development	1/2 penny	Point of Delivery	Food is not taxed	\$ 1,594,722.75	\$1,549,119.50	-2.80%
<b>AVERAGE</b>						<b>0.08%</b>



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Slide #27

### FY2020-21 Fiscal Interventions

- Solve for \$3.7 Million Projected Expenditures over Revenues
  - Intensify Hiring Freeze; Suspend Offers for Select Vacancies
  - Review Temporary and Seasonal = \$250,000 to \$400,000
    - Reassignment of Budgeted FTE's to Fill Temporary Staffing Needs
  - Review Fund Transfer Opportunities and Health Insurance Reserve
  - Suspend Pay-As-You-Go CIP Projects
    - Facility Master Plan-\$300,000
  - Scrutinize Discretionary Spending
  - Review Opportunities for Asset Sales



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Slide #28

### Community Values Survey

- Survey Open from August 31 through September 11
  - 1,535 Total Responses
- Demographics of Respondents
 

Race/Ethnicity	Responses
American Indian or Alaskan Native	0
Asian / Pacific Islander	24
Black or African American	43
Hispanic	27
White / Caucasian	3934
Multiple Ethnicities / Other	45
I prefer not to answer	107
No Response	246
- Created Communities of Color Leadership Focus Groups to Enrich and Validate Survey Results

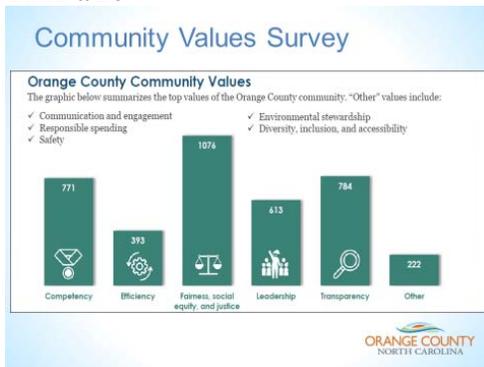


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Travis Myren said the demographics of the respondents were not reflective of the population of Orange County, so Annette Moore is working to validate the results of the survey. He resumed the PowerPoint presentation:

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1 Slide #29



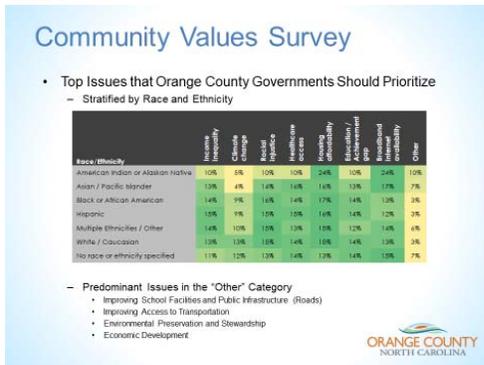
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Slide #30

- Community Values Survey**
- Biggest Challenges for Individuals and Families
    - Isolation and Aloneness
    - Virtual Learning and Reliable Childcare
    - Money and Finances
    - Mental and Physical Health
    - Closures of Facilities, Businesses, and Services
    - Access to Reliable, High Speed Broadband
  - Increasing Resiliency to Bounce Back
    - Advance Planning
    - Communication and Information Sharing
    - Reliable Support for the Most Vulnerable
    - Small Business Support
    - Affordable Housing
    - Leadership on Public Health Measures
    - Rainy Day Fund for Disasters for Individuals, Schools, and Businesses
- ORANGE COUNTY NORTH CAROLINA

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Slide #31

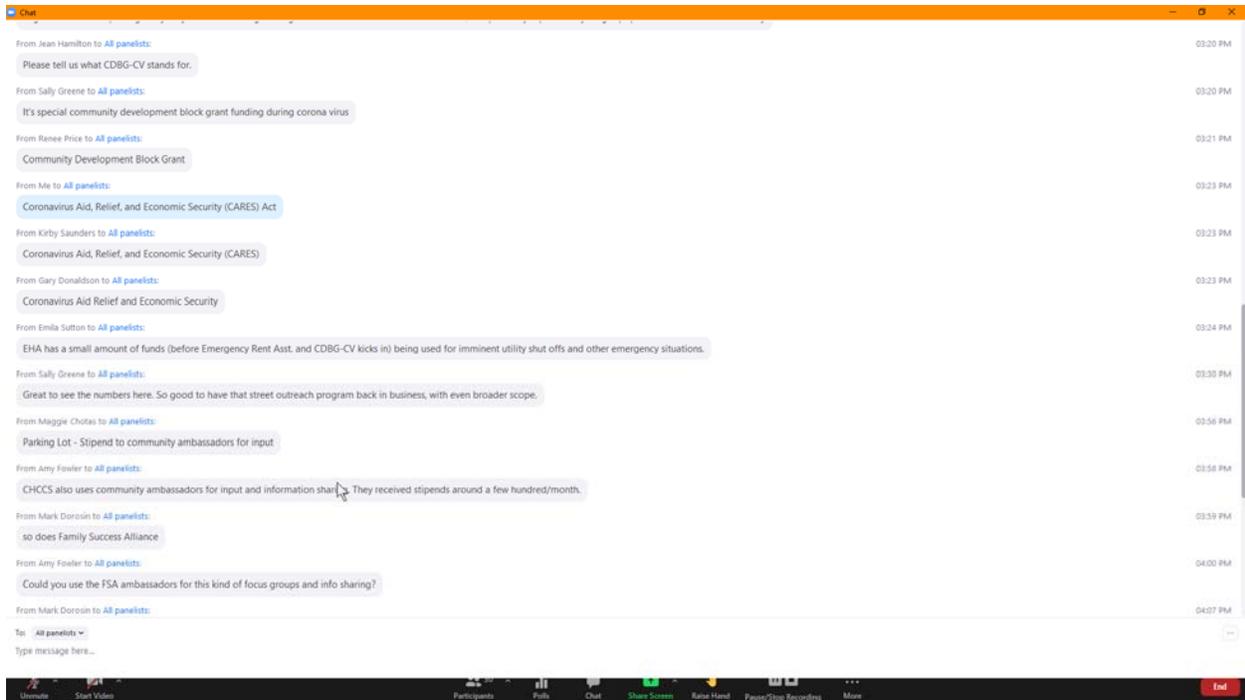


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Chair Price said the American Indian or Alaskan Native responses were outliers, but there were only 6 responses, so it may not be reflective.

Chair Price said Durham has community ambassadors, who were paid a small stipend, and gathered a lot of good information because these are people who live in the community and people are willing to talk to their neighbors.

Various comments were made in the chat box about community ambassador examples:



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4 Commissioner Hamilton said statistics can show if interventions are working. She said  
5 there is a lot of really good descriptive statistics, but without analysis the statistics just show  
6 what is already known, without a lot of direction. She said it is important to focus on statistics  
7 that show the impact of interventions. She said this applies to the community values survey,  
8 which has small sample sizes, and does not allow for conclusions. She said if there is not good  
9 representation, the statistics are not really giving good information.

10 Commissioner Dorosin referred to the revenue impact slides, and said fees are down,  
11 and sales tax is up. He said expenditures will be \$3.7 million over revenues, which seems  
12 higher than the projected losses, less the increased sales tax. He asked if clarification could be  
13 given on these numbers, and the "hole" that that County is looking at.

14 Gary Donaldson said staff uses a long-term fiscal model for multiple fiscal years, and  
15 based on that, it shows that revenues will be lower than expenses. He said with all of the  
16 reductions, any buffers that staff created are gone. He said the expectation is that the County  
17 will use \$3.7 million in fund balance, which takes the County lower than its target, and the  
18 County will need to take measures to avoid using that fund balance.

19 Commissioner Dorosin asked if this takes sales tax revenue into account.

20 Gary Donaldson said yes.

21 Bonnie Hammersley clarified that the power point slide shows the major losses, but  
22 there are other smaller losses, which were not included. She said the County needs to fill a  
23 \$3.7 million gap in the next 6 months to end the year with a balance.

24 Commissioner Greene said the community values survey was just completed, and it is a  
25 first step. She said she would fully support paying people to go into the community to gather  
26 more data.

27 Commissioner Hamilton clarified that there is a \$3.7 million shortfall in the next 6  
28 months, which could be managed with fund balance, but doing so would negatively impact the  
29 County's financial position.

30 Gary Donaldson said yes, and using the unassigned fund balance would decrease it to  
31 13% or so, and the target is 16%.

1 Bonnie Hammersley said this action would affect the County's Triple A bond rating,  
2 which affects the County's ability to get lower interest rates on debt.

3 Gary Donaldson explained the Triple A bond rating, and the factors that affect it.

4 Commissioner Hamilton asked if there is a strict threshold.

5 Gary Donaldson said there is not a strict threshold, but it is one factor. He said if there  
6 was a sustained decline in the fund balance over 2-3 years, the County's rating would probably  
7 be changed.

8 Travis Myren said 15-20% is the typical level for a triple A bond rating.

9 Bonnie Hammersley said the County is on the lower end of the rating, with a fund  
10 balance of 16%.

11 Chair Price referred to interventions, such as eviction diversion, and how they impact the  
12 County coffers. She asked if there is any federal or state relief.

13 Travis Myren said he is not sure if there will be a relief package.

14 Chair Price asked if the County will continue with the intervention programs, if there is  
15 not relief.

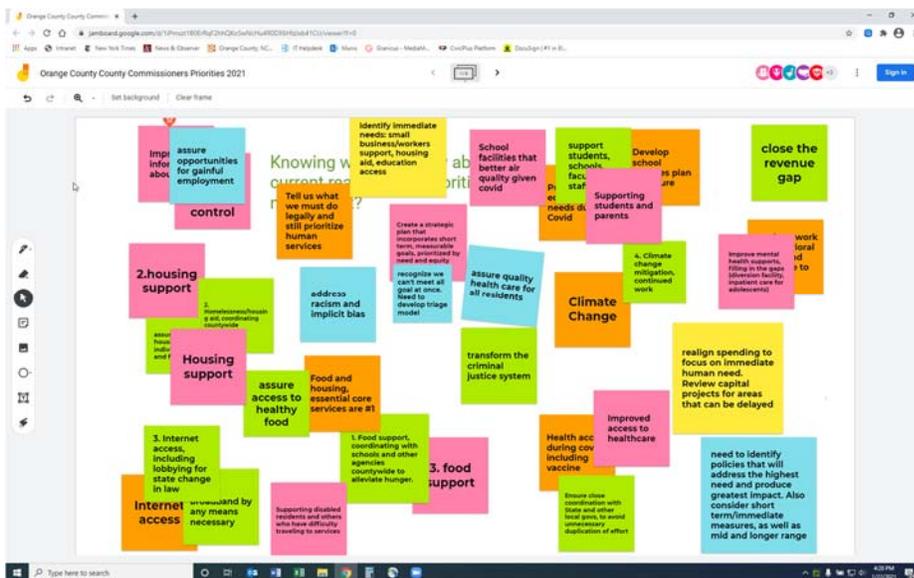
16 Bonnie Hammersley said the County would focus on the pandemic response, and funds  
17 will be reallocated from other locally funded programs if there is not relief from the Federal or  
18 State government.

## 20 Identifying priorities, goals & strategies for the next year

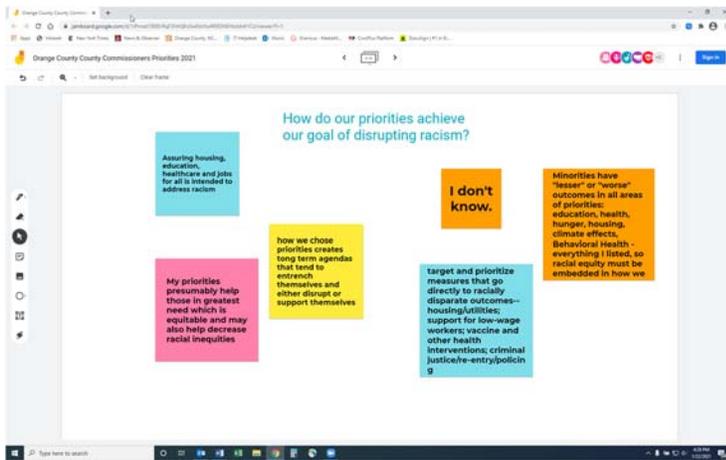
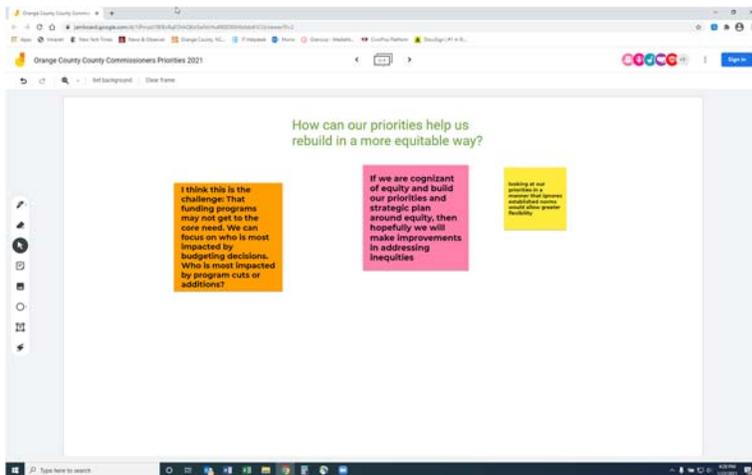
22 Maggie Chotas introduced the Commissioners to Jamboard, which is a digital post-it  
23 board for idea development. She asked the commissioners to use the following questions to  
24 input ideas.

- 26 • Knowing what we know about the current reality, what priorities do we need to set?
- 27 • How do our priorities achieve our goal of disrupting racism?
- 28 • How can our priorities help us rebuild in a more equitable way?
- 29 • What goals and strategies would have the most potential impact in the priority areas in  
30 the next year?

32 Maggie Chotas reviewed the Jamboard ideas:



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Chair Price said she sees a need for meeting basic human needs.

Commissioner Greene said she sees that the Board is the social safety net, and in a time of crisis, the Board needs to focus its attention on the basic needs.

Commissioner Bedford agreed with Chair Price and Commissioner Greene.

Commissioner Dorosin said this is a lot of priorities, and practically the Board will have to prioritize them. He said spreading the available resources too thin will not bring about desired outcomes. He said there will need to be short term, mid term and long term priorities, and flexibility about the priorities based on other variables that may arise (outside funding, vaccine response, etc.) He said he is an optimistic person, but seeing things listed this way can be overwhelming. He said it is encouraging to see consensus in the Board's focus and concerns.

Commissioner McKee said all of these issues are valid and important, but there is a limit to what the BOCC can accomplish. He said he wants to prioritize that those with the most need get the most of the Board's focus. He said he has sat on the Board for ten years, and it is important to be willing to disrupt agendas when necessary. He said the Board sometimes fails to look critically at its business practices, and is doing a disservice to the residents. He said, given what the Board is facing, no one knows what COVID will be, and the Board needs to focus on those that have limited access to even register for a COVID vaccine. He said there is no accounting for hours that one spends on phone and Internet to set up an appointment. He said how does a person working 8 hours a day have time to get that set up, not to mention

24

1 those without access to reliable Internet. He said the BOCC must focus on those that are in the  
 2 most need.

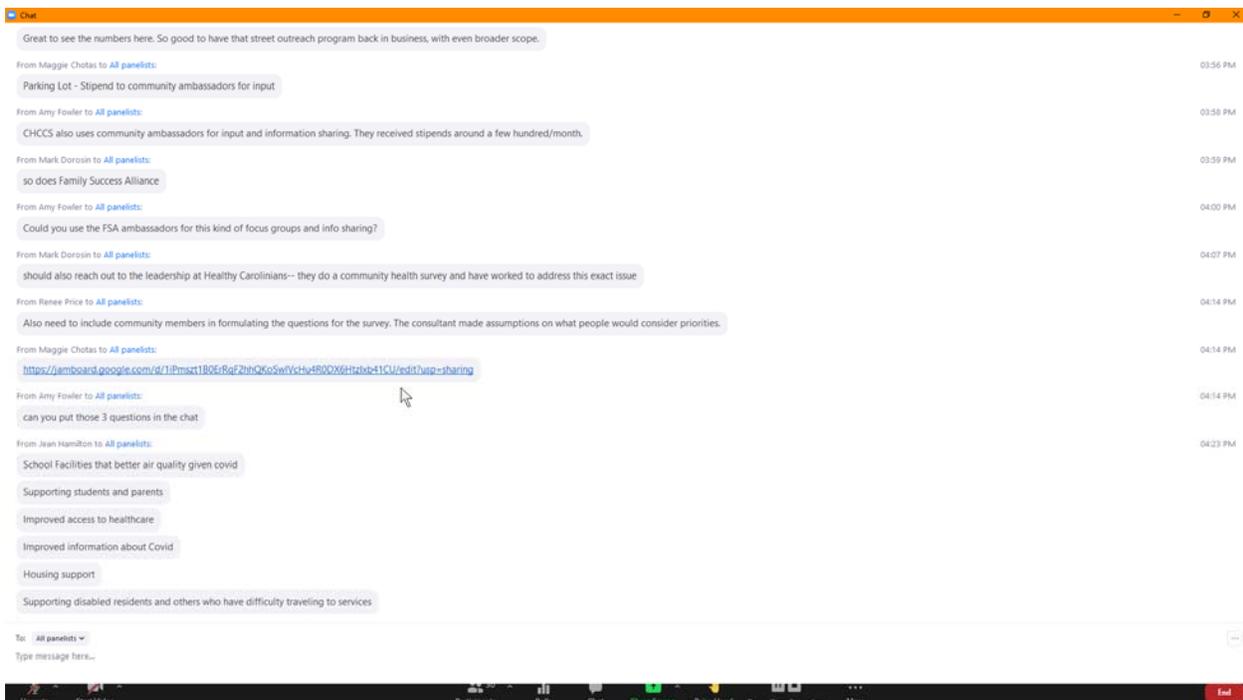
3 Commissioner Hamilton agreed with previous comments. She said these are the issues  
 4 the Board has been talking about for years, and the BOCC is the social safety net. She said the  
 5 BOCC must make sure that those most in need are served, and there are resources to do so.  
 6 She said there are things the BOCC can address that are not money related, but rather systems  
 7 related. She said it is important to consider different ways of doing things.

8 Commissioner Fowler said she is glad that the issues are agreed upon, and schools are  
 9 still an issue, despite not being in her top 3. She said she wants to look for ways to get a better  
 10 bang for the County's buck. She said she would like to look at mental health supports, as  
 11 Cardinal Innovations is getting a lot of the County's money but not providing great services.  
 12 She said COVID is a new variable, and it is affecting people's ability to support themselves.  
 13 She said if the Board can address COVID, it might help ease other priorities.

14 Chair Price agreed with previous comments, and she would like the Board to consider  
 15 efficiency. She said it is important to assess what is working, and what is not, and how to be  
 16 most efficient and work best with local partners.

17 Commissioner Greene agreed, and said she would double down on partnerships with  
 18 the towns. She said the Board should reach out again, and coordinate plans on housing with  
 19 municipalities. She said everyone needs to be rowing in the same direction.

20 Commissioner Hamilton had final thoughts on priorities based on the Jamboard session,  
 21 which she entered into the chat box:  
 22



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**Closing out Day 1**

Maggie Chotas asked the Board what would be helpful going in to tomorrow, and reviewed the agenda.

Chair Price discussed improvements to Jamboard usage, and said she would like to see comments condensed into a list or slide.

1 Commissioner Dorosin said he would like to hear from staff with any immediate  
2 feedback they may have, or to answer questions.

3 Commissioner Bedford asked for anything from staff that it feels the Board missed  
4 during day 1 of the retreat.

5 Maggie Chotas offered a feedback form for the Board in the chat box.

6  
7 **RECESS**

8  
9 A motion was made by Commissioner Bedford, seconded by Commissioner Fowler to  
10 recess the meeting at 5:01 p.m., and to reconvene on Saturday, January 23, 2021 at 9:00 a.m.

11  
12 Roll call ensued

13  
14 **VOTE: UNANIMOUS**

15  
16  
17 **CONTINUED VIRTUAL RETREAT**  
18 **JANUARY 23, 2021**  
19 **9:00 a.m.**

20  
21 The Orange County Board of Commissioners met for a Continued Virtual Special Meeting on  
22 Tuesday, January 23, 2021 at 9:00 a.m.

23  
24 **COUNTY COMMISSIONERS PRESENT:** Chair Renee Price, Vice Chair Jamezetta Bedford,  
25 and Commissioners Amy Fowler, Jean Hamilton, Sally Greene, Earl McKee, and Mark  
26 Dorosin (arrived at meeting at 9:01 am)

27 **COUNTY COMMISSIONERS ABSENT:** NONE

28 **COUNTY ATTORNEYS PRESENT:** John Roberts

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

32  
33 Due to current public health concerns, the Board of Commissioners is conducting a Continued  
34 Virtual Retreat on Saturday, January 23, 2021. Members of the Board of Commissioners  
35 participated in the meeting remotely. As in prior meetings, members of the public were able to  
36 view and listen to the meeting via live streaming video at

37 <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on  
38 channels 1301 or 97.6 (Spectrum Cable).

39  
40 **CALL TO ORDER and Reconvene the Virtual Retreat from January 22, 2021**

41  
42 Chair Price called the meeting to order at 9:00 a.m.

43  
44 A motion was made by Commissioner Fowler, seconded by Commissioner McKee  
45 to reconvene the continued virtual retreat from January 22, 2021.

46  
47 Roll Call ensued.

48  
49 **VOTE: UNANIMOUS**

50  
51 **Opening remarks**

1 Chair Price asked if the other Commissioners had anything to say or add based on the  
2 agenda items covered on the previous day.

3 The Board made no comments.  
4

5 *Commissioner Dorosin arrived at 9:06 a.m.*  
6

### 7 **Reflecting on Day 1 & Preparing for Day 2**

8 Maggie Chotas reviewed the agenda for Day 2, and reviewed feedback from Day 1:  
9 round robin discussion was good, Jamboard did facilitate the conversation, trivia was fun,  
10 present sticky notes in more readable fashion, and encourage more dialogue.

11 Commissioner Hamilton said she found Jamboard was good for a quick look, but she  
12 would like to go more in depth about barriers to addressing community issues. She said to think  
13 about how Jamboard is used, and how it may take energy away from the conversation about  
14 underlying determinants and what can be done about it.

15 Chair Price said she would like more dialogue. She said this list shows that the Board is  
16 the social safety net, and she would like to have more discussion on how the Board puts its  
17 thoughts and policies into action.

18 Commissioner Bedford asked if there will be more time for questions 2 and 3 from  
19 yesterday's Jamboard, as she put "I don't know" for some questions.

20 Maggie Chotas said this is a short period of time, and she reviewed the feedback: look  
21 for ways to deepen conversation, looking at barriers and resources that could be reallocated,  
22 remembering that the county is the social safety net, using strategy, putting ideas into action,  
23 how those questions around racial equity move into building in an equitable way.  
24

### 25 **Confirming priorities for 2021**

26 Maggie Chotas asked where the Board want to spend time in going in greater depth.  
27 She reviewed her notes on priorities from the previous day's meeting:  
28

#### 29 Related to schools

- 30 1. Supporting students and parents
- 31 2. Continue to support schools which are frontline in providing education, mental health,  
32 and food for students
- 33 3. School facilities that better air quality given COVID
- 34 4. Supporting students and parents
- 35 5. support students, schools, faculty and staff
- 36 6. Public education needs during COVID
- 37 7. Develop school facilities plan for future  
38

#### 39 Related to Priority Setting and Strategic Planning

- 40 1. Realign spending to focus on immediate human need. Review capital projects for areas  
41 that can be delayed
- 42 2. Need to identify policies that will address the highest need and produce greatest impact.  
43 Also consider short term/immediate measures, as well as mid and longer range
- 44 3. Tell us what we must do legally and still prioritize human services
- 45 4. recognize we can't meet all goal at once. Need to develop triage model
- 46 5. Identify immediate needs: small business/workers support, housing aid, education  
47 access
- 48 6. Create a strategic plan that incorporates short term, measurable goals, prioritized by  
49 need and equity  
50  
51

Related to Housing

1. housing support
2. assure safe housing for individuals and families
3. Homelessness/housing aid, coordinating countywide
4. Housing support
5. Food and housing, essential core services are #1

Related to Food

1. Food and housing, essential core services are #1
2. assure access to healthy food
3. Food support, coordinating with schools and other agencies countywide to alleviate hunger.
4. food support

Related to Health Care

1. assure quality health care for all residents
2. Health access during COVID including vaccine
3. Improved access to healthcare

Related to Internet access

1. Internet access
2. Internet access, including lobbying for state change in law
3. deploy broadband by any means necessary

Related to COVID

1. Improved information about COVID
2. get COVID under control

Related to Mitigation of Climate Change

1. Climate change mitigation, continued work
2. Climate Change

Related to Supporting Residents with Disabilities

1. Supporting disabled residents and others who have difficulty traveling to services
2. Supports for folks with disabilities and awareness that they too are disproportionately referred to legal system, disproportionately lower wealth, and have disproportionate barriers to employment

Related to Improving Mental Health Supports

1. Improve mental health supports, filling in the gaps (diversion facility, inpatient care for adolescents)
2. continue work on Behavioral Health and also Move to Alliance

What else?

- Ensure close coordination with State and other local governments, to avoid unnecessary duplication of effort
- assure opportunities for gainful employment
- promote economic development--attract corporations, assist small businesses and farms.
- continue aging support
- transform the criminal justice system

- 1 • address racism and implicit bias
- 2 • Close the revenue gap

3  
4 ***How do our priorities achieve our goal of disrupting racism?***

5  
6 -By focusing on the lowest-income populations we are necessarily focusing on a lot of Black  
7 residents and other minorities.

8 -Assuring housing, education, healthcare and jobs for all is intended to address racism

9 -My priorities presumably help those in greatest need which is equitable and may also help  
10 decrease racial inequities

11 -how we chose priorities creates long term agendas that tend to entrench themselves and either  
12 disrupt or support themselves

13 -I don't know.

14 -target and prioritize measures that go directly to racially disparate outcomes-- housing/utilities;  
15 support for low-wage workers; vaccine and other health interventions; criminal justice/re-  
16 entry/policing

17 -Minorities have "lesser" or "worse" outcomes in all areas of priorities: education, health,  
18 hunger, housing, climate effects, Behavioral Health - everything I listed, so racial equity must be  
19 embedded in how we implement the priorities

20  
21 ***How can our priorities help us rebuild in a more equitable way?***

22 -I think this is the challenge: That funding programs may not get to the core need. We can focus  
23 on who is most impacted by budgeting decisions. Who is most impacted by program cuts or  
24 additions? Alternatives? Example, that FEMA monthly housing divided by 81 persons is over  
25 \$2,400 a month. Could that money be better spent to pay rent and utilities and have groceries  
26 and money left over, especially if two folks shared an apt than paying a hotel?

27 -If we are cognizant of equity and build our priorities and strategic plan around equity, then  
28 hopefully we will make improvements in addressing inequities

29 -pandemic has forced us to prioritize & exposed racialized impacts. need to evaluate how  
30 measures taken have been implemented & whether moved us forward, maintained status quo,  
31 or deepened inequity

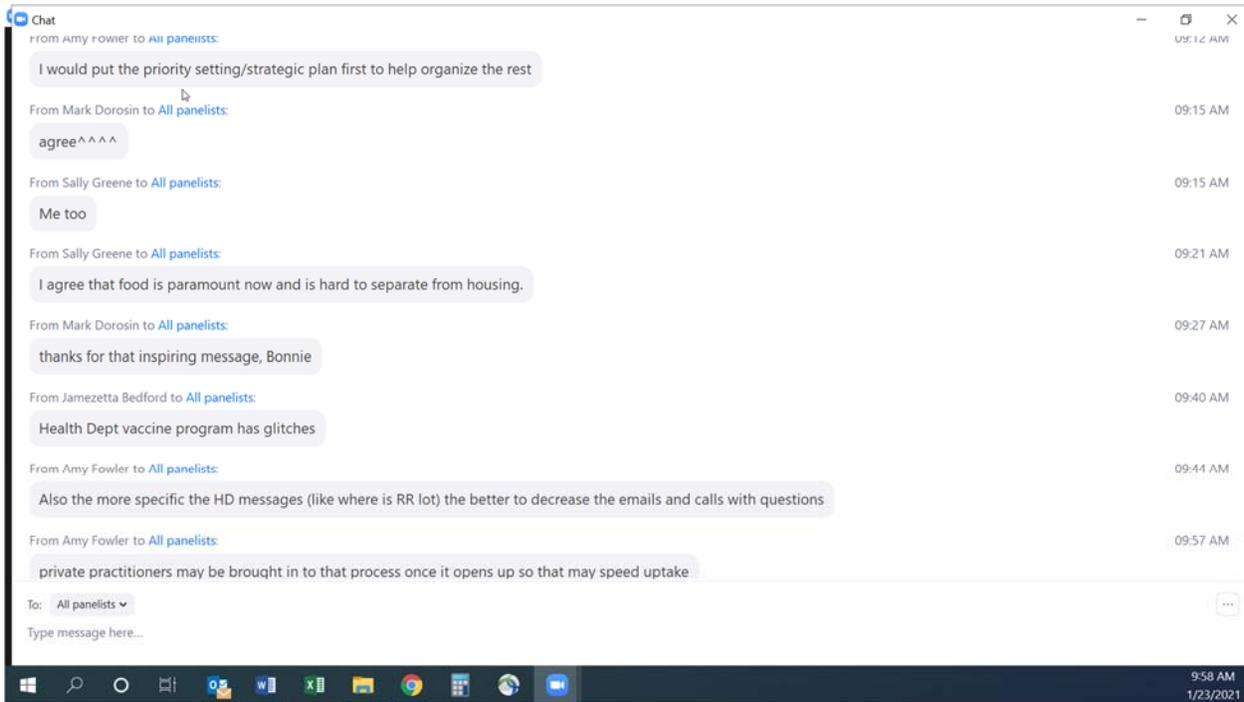
32 -looking at our priorities in a manner that ignores established norms would allow greater  
33 flexibility

34  
35 Commissioner Greene asked a clarifying question on Schools item 6, asking if it was  
36 regarding public education or educating the public generally.

37 Commissioner Bedford said she was referring to the public school systems.

38 Commissioner Fowler said the priority setting/strategic plan needs to be done first, in  
39 order to organize the rest. She also said importance does not necessarily correlate to the  
40 number of items.

41 In the chat box, Commissioner Dorosin and Commissioner Greene agreed:



1  
2  
3 Maggie Chotas asked if the Board wants to go in depth on any particular items.

4 Commissioner Hamilton said all of the items are important, but asked if the biggest  
5 needs could be identified. She said COVID is affecting everything, and the Board must address  
6 the most immediate needs. She said school buildings must be ready to accommodate students,  
7 and not exacerbate the spread of COVID.

8 Commissioner Dorosin reminded the Board that the County is in a budget shortfall this  
9 year, and said it might be helpful to think about items for this budget cycle. He said savings  
10 items presented on previous days will help the Board's efforts in the short term, but the Board  
11 should think about how to move things around for next year, so efforts can continue.

12 Chair Price said all of the priorities are important, and this work is what the BOCC does  
13 and has to do. She said she wants to consider how to take care of these needs in both the  
14 short and long term. She said the Board cannot avoid the budget shortfall, and must consider  
15 how to do deal with it effectively. She said there is a great deal of overlap in these issues, and it  
16 is hard to split them apart and prioritize.

17 Bonnie Hammersley said she would not expect the Commissioners to prioritize the  
18 priorities, as all items are the Commissioners' priorities. She said cost containment measures  
19 are not policy changes. She said no programs have changed in this budget, but they may  
20 change in the upcoming budget. She said staff is providing the information that is currently  
21 available, but it may not be complete. She said for example, the Criminal Justice Resource  
22 department was only created 5 years ago, and there was not much data. She said more data  
23 was showed yesterday due to those efforts. She said staff is equipped with the skill to do the  
24 work, and is looking to the BOCC for the policies to allow the work to happen. She said next  
25 year will be hard, and the projections are worse. She said there are currently resources going  
26 towards these priorities, and that will continue. She said staff is acting with urgency due to the  
27 challenges and the Commissioners' priorities, and this will not change. She said staff clearly  
28 understands the Commissioners' priorities, and the BOCC did not miss anything yesterday, but  
29 the County does not have the resources to cover all of the priorities. She said next year's  
30 budget will different than what has been seen in the past, and staff may suspend some  
31 programs, knowing what the needs are for the residents.

1 Commissioner Bedford read from some of the cost containment measures listed on the  
2 previous day, and asked for confirmation that these are efforts taking place now and that the  
3 Board does not need to vote on them.

4 Bonnie Hammersley said yes. She said some fund balance may be needed as well.  
5 She said the pay as you go suspension is related to the long-range facility plan, specifically in  
6 Hillsborough. She said paying for FEMA costs up front has brought down the fund balance.  
7 She said seasonal and temporary employees are not being hired, but rather staff is reassigning  
8 full time employees to address COVID. She said Department of Health, social services, and  
9 Housing are addressing the needs for the most vulnerable residents. She said no policy  
10 changes have been needed to make these changes, as all are within her existing authority.

11 Commissioner Hamilton was glad the Board did not need to reshuffle its priorities, and  
12 wants to focus on how the Board can best use its time.

13 Bonnie Hammersley affirmed that staff brings information and wants to let the  
14 Commissioners know where things are. She said staff takes into consideration what is said at  
15 the retreat. She said this is the opportunity to keep the Board informed, and policy changes will  
16 come in the recommended budget.

17 Commissioner Fowler asked if the Manager looked at debt restructuring to save money.

18 Bonnie Hammersley said yes that is constantly ongoing.

19 Commissioner Fowler asked if County departments restructure budgets based on  
20 priorities, or if they continue on with budgets as is.

21 Bonnie Hammersley explained the budget calendar and process, which includes priority  
22 settings and guidelines.

23 Commissioner Bedford asked if FY22 budget assumes no CARES and federal funds.  
24 She said staff was able to pivot in the current year when funds became available.

25 Bonnie Hammersley said the budget is a plan and things always change. She said she  
26 will never include money that has not been approved by an elected board, but staff does make  
27 budget amendments on a monthly basis. She said between the recommended budget process  
28 and the budget adoption, there is room for amendments.

29 Chair Price said looking at the next 3 months, it seems like the staff knows what it is  
30 doing and the Board does not need to focus on those details.

31 Bonnie Hammersley said she would like to know if there are areas that should be  
32 brought up that staff should be looking at differently.

33 Chair Price said if the Board has ideas it should pass them along, but the Board does  
34 not need to reprioritize.

35 Bonnie Hammersley said yes, and staff will find the resources. She said there is no new  
36 money.

37 Travis Myren said in the short term, it is helpful for the Commissioners to be conduits to  
38 the constituents, and tell staff if there is anything it should be addressing.

39 Commissioner Bedford cited the example of spending on the election to make sure it  
40 was successful. She said seniors are having trouble getting information on, or access to, the  
41 COVID vaccine, and similarly the County should be spending whatever is needed on the  
42 vaccination program.

43 Travis Myren said there would be an adjustment to the process, and Health Director  
44 Quintana Stewart is working on resetting expectations, and relaying information on how much  
45 vaccine the County is getting.

46 Commissioner Bedford confirmed residents are confused.

47 Bonnie Hammersley said the State is helping the County by sending 30 staff to help  
48 create a phone bank for vaccine information. She said this is a national challenge.

49 Commissioner Dorosin has confidence in staff for cost cutting measures, but it would be  
50 helpful to get information on the implications of the interventions, such as the hiring freeze: how  
51 many positions are frozen, and what are the dollar amount implications, etc.

1 Commissioner Hamilton said what the Board learns now, can also be useful is how the  
2 Board communicates to marginalized communities. She said it is important to know if there are  
3 racial equity impacts. She said some of it is related to resources, but some of it is how the  
4 County talks to people, and some of it is education.

5 Commissioner McKee clarified that the actual vaccination process is going well, and that  
6 he is not getting any comments on that. He said, rather, residents are frustrated with the  
7 process of gathering information, registration, and the lack of response. He said it would help if  
8 a human being would pick up the phone. He said the County is not prepared for the vaccination  
9 process to go to the next phase. He said the current problems will be minimal compared to  
10 what will come in the next phase, if systems are not improved.

11 Commissioner Greene said she is a Board representative to the Family Success Alliance  
12 (FSA), and this group recently discussed a successful summer pre-K intervention program that  
13 will not be able to proceed due to a lack of grant funding. She said the grant funding was from  
14 the County, and she was unaware that the Board had cut it. She said she would like more  
15 clarity on these types of budget cut implications.

16 Bonnie Hammersley said staff will check on this, and will send information to all  
17 Commissioners. She said was unaware of this issue, and it is staff's goal that the Board will  
18 always know the implications of any cuts. She said the public health budget was not cut last  
19 year, so this may have been an internal decision at FSA. She encouraged the Commissioners  
20 to always communicate these types of issues to her or Travis Myren to research.

21 Chair Price echoed Commissioner Bedford's comments about doing whatever is  
22 necessary to get the vaccine distributed. She said when more doses are available weekly, it  
23 may be wise to partner with others to vaccinate several thousand people every day. She said  
24 the County may need to shift things around in order to do a mass vaccination. She said this  
25 may need budgetary support, or simply logistical support.

26 Commissioner Hamilton said UNC Health and Duke will receive a lot of vaccines and will  
27 vaccinate many residents. She said it is important to know what these two entities are doing,  
28 and encourage residents to access these resources if available to them. She said the County  
29 needs to focus on vaccinating those who do not have the resources to get to Duke or UNC for  
30 vaccinations. She said mobile units will be needed, and the County must both educate  
31 residents on what is out there, while simultaneously delivering the vaccine to those who do not  
32 have access.

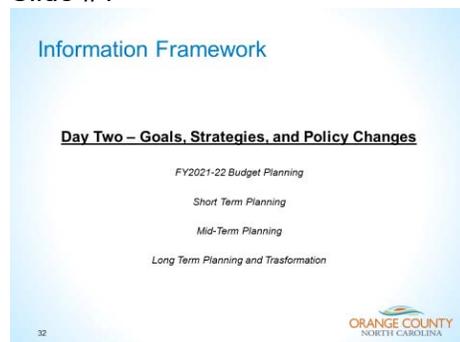
33 Travis Myren said he would put together information to share with Commissioners on  
34 these ideas and efforts. He said communication with UNC has been tricky, and staff has a  
35 meeting schedule to work on better coordination.

36 Maggie Chotas said this was a good conversation, and summarized the key points.

### 38 **FY2021-22 Budget planning**

39 Travis Myren made the following PowerPoint presentation:

#### 40 Slide #1



1 Slide #2

	Projected Tax Equivalents Starting in FY 2018-19 (in cents)	Current Debt Model Projections (in cents)	Approved Tax Increases to Date for Debt Service (in cents)
FY 2018-19	1.42	1.27	1.27
FY 2019-20	1.40	.60	.60
FY 2020-21	2.35	1.37 <i>Deferred with One Time Revenues</i>	0
FY 2021-22	2.78	3.44	N/A
FY 2022-23	0	0	N/A
FY 2023-24	0	.67	N/A
<b>Total</b>	<b>7.95</b>	<b>7.35</b>	<b>1.87</b>

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Travis Myren said the County will need a solution for a \$10 million increase in debt service. He said based on the current debt model, the County deferred the tax increase last year with one-time revenues. He said to pay for debt service in FY22 with a tax increase only would require an increase of 4.81 cents, which be a combination of the deferred FY21 needs and FY22.

Bonnie Hammersley said every penny on the tax rate is \$2 million, and the first obligation of a county is to pay the debt. He said 4.81 cents would only go to pay debt.

Commissioner McKee confirmed that in FY23, there is no tax rate increase needed for debt service, as debt service payments will not increase that year.

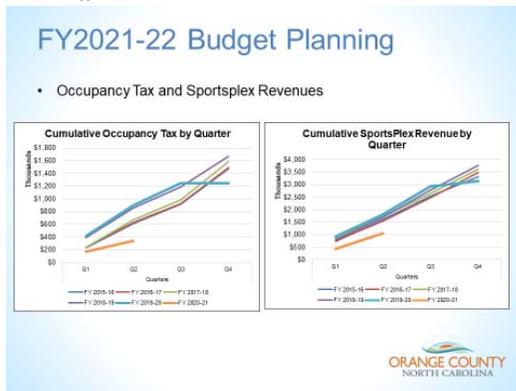
Bonnie Hammersley said yes.

Travis Myren resumed the PowerPoint presentation:

Slide #3

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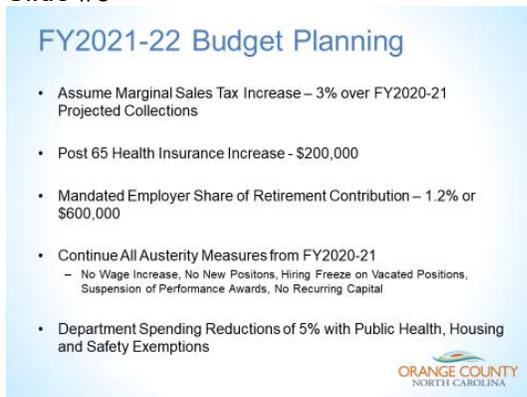
## 1 Slide #4

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3

4 Travis Myren said one of the budget tasks this year will be reviewing what is a mandated  
5 and what is a discretionary program. He said the Visitors Bureau and Sportsplex have some  
6 fund balance, and both programs are discretionary. He said there is currently no local funding  
7 in these areas, but the County is the safety net for these organizations. He resumed the  
8 PowerPoint presentation:

9

## 10 Slide #5

11  
12

13 Commissioner Hamilton asked if more information could be provided on no recurring  
14 capital.

15 Travis Myren said these are items that fall under the debt threshold, such as  
16 replacement equipment for parks and recreation and emergency services.

17 Chair Price asked if the departments that make up safety exemptions could be identified.

18 Myren said Department of Health; Housing; Criminal Justice Resource Department;  
19 Social Services; and the Sheriff's Department.

20 Bonnie Hammersley said these departments will not be required to do a 5% reduction,  
21 but will be limited on discretionary funding. She said there will be no new discretionary  
22 spending, such as a car wash for county vehicles.

23 Chair Price asked if Human Relations is included in this group. She requested that  
24 departments focus on equity, even with spending reductions. She said it is important to stay on  
25 top of that.

26 Bonnie Hammersley said that focus weaves itself through all departments and there are  
27 resources for that. She said the Board also has opportunity to amend budgets. She said all  
28 departments are participants in the GARE program.

29

Chair Price said COVID has highlighted the disparities in the County.

1 Bonnie Hammersley said there will be reductions, but also reallocations. She said she  
2 has tasked staff with finding sustainable reductions. She said the County has a structural deficit  
3 that it must cure.

4 Chair Price said she is concerned about ongoing evictions and access to healthcare.

5 Commissioner Fowler reminded the Board of the legislative workgroup. She said it is  
6 important to try and push back on moving the responsibility for retirement and healthcare costs  
7 to local schools back to the State.

8 Commissioner Dorosin asked if the Board should anticipate the Visitor's Bureau and  
9 Sportsplex will be asking for county funds.

10 Bonnie Hammersley said staff is working with both entities on cost containment  
11 measures to try to avoid this.

12 Commissioner Dorosin asked if there is a timeline for the opening of the northern  
13 campus, and the selling of the old Environment and Agricultural Center facility.

14 Travis Myren said the northern campus will open in the summer 2021. He said the  
15 Detention center and current Environment and Agricultural Center will be vacated, and these will  
16 be opportunities for sale or redevelopment. He resumed the PowerPoint presentation:

17 Slide #6  
18

FY2021-22 Budget Planning

- Capital Budget Projects > \$1 Million Planned for FY2021-22

Project	Amount
2016 Education Bond – CHCCS	\$1,922,000
2016 Education Bond – OCS	\$11,386,000
Supplemental Deferred Maintenance Plan – CHCCS	\$10,000,000
Supplemental Deferred Maintenance Plan – OCS	\$3,600,000
Durham Technical Community College Expansion	\$14,000,000
EMS Sub-Station @ Waterstone	\$2,000,000
Southern Branch Library	\$8,405,843

ORANGE COUNTY  
NORTH CAROLINA

19  
20  
21 Commissioner Hamilton asked if there could be clarification on capital and debt  
22 deferment in regards to operating costs and debt service.

23 Travis Myren referred to debt service, and said those have already been borrowed. He  
24 said new capital deferment could forestall debt service increases in the future, and reduce  
25 operating future costs.

26 Commissioner Hamilton requested a table explaining the various options and the  
27 operating impacts.

28 Commissioner McKee asked if clarification could be provided on what the actual FY22  
29 savings would be if the County deferred, not the total cost of the capital project. He said cutting  
30 the southern branch library, for example, will not result in savings of \$8.4 million.

31 Travis Myren said staff will put together a document explaining when the debt payments  
32 will be paid, and how operating costs are affected.

33 Commissioner McKee requested that the document be easy for anyone to understand.

34 Chair Price asked if clarification could be provided on the deferred maintenance for the  
35 schools, and how the numbers were determined.

36 Travis Myren said staff worked with the schools on a three-year plan, and how the  
37 schools would time the projects.

38 Chair Price said the slide shows just one year, and asked if the schools are splitting this  
39 60/40.

40 Bonnie Hammersley said yes, and this is year two of the three-year plan.  
41

1 **RECESS RETREAT FOR BREAK**

2  
3 A motion was made by Commissioner Hamilton, seconded by Commissioner McKee to  
4 recess the meeting.

5  
6 Roll call ensued

7  
8 **VOTE: UNANIMOUS**

9  
10 **RECONVENE RETREAT**

11  
12 A motion was made by Commissioner Fowler, seconded by Commissioner Bedford to  
13 reconvene at 10:51 a.m.

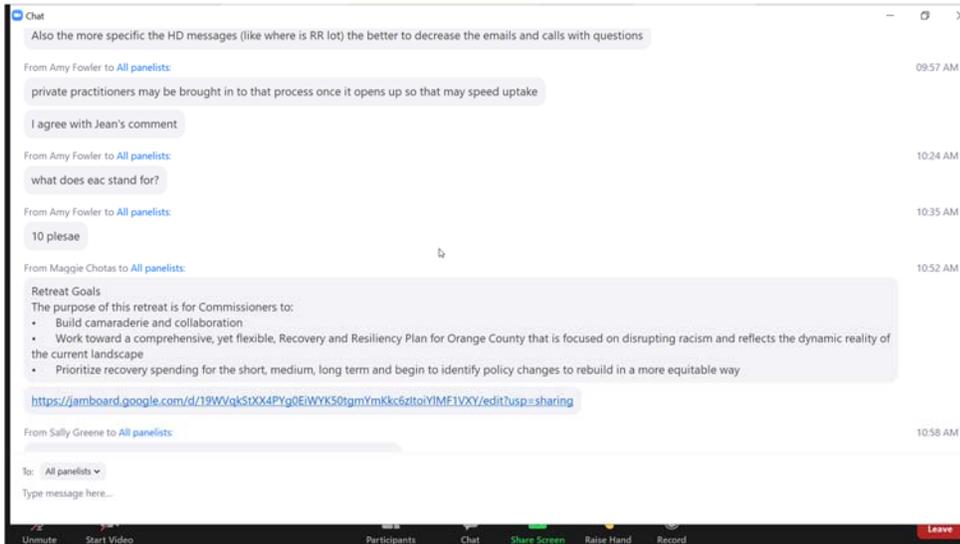
14  
15 Roll call ensued

16  
17 **VOTE: UNANIMOUS**

18  
19 Maggie Chotas reviewed the retreat goals with the Commissioners

- 20
- 21 • Build camaraderie and collaboration
- 22 • Work toward a comprehensive, yet flexible, Recovery and Resiliency Plan for Orange
- 23 County that is focused on disrupting racism and reflects the dynamic reality of the
- 24 current landscape
- 25 • Prioritize recovery spending for the short, medium, long term and begin to identify policy
- 26 changes to rebuild in a more equitable way
- 27

28 Maggie Chotas shared a link to the Jamboard in the chatbox:



30  
31 Maggie Chotas reviewed the Jamboard priority framework:

32  
33

The screenshot shows a Jamboard interface for a meeting. At the top, it is titled "BOCC Framework". The main content is "Priority Area 1:" with three "Guiding Questions":

1. Knowing what we know about the current reality, what priorities do we need to set?
2. How do our priorities achieve our goal of disrupting racism?
3. How can our priorities help us rebuild in a more equitable way?

Below the questions is the prompt: "What must be addressed for this priority area?". There are four columns for notes:

- Short Term - 3 months? (Contains a yellow sticky note labeled "Idea")
- Medium Term - 6 months?
- Long Term - Next Fiscal Year & Beyond
- Policy changes

The Jamboard is displayed in a browser window with a Windows taskbar at the bottom.

1  
2  
3 Maggie Chotas asked if after everything the Commissioners have heard, if there are any  
4 directions the Board wants to set for themselves in moving forward.

5 Commissioner Bedford asked if Annette Moore, Human Rights and Relations Director,  
6 could help in addressing questions 2 and 3 on the Jamboard, regarding disrupting racism and  
7 rebuilding in an equitable way.

8 Commissioner Hamilton asked if the Board can talk to each other rather than using  
9 Jamboard. She said Jamboard makes it more difficult to have a discussion.

10 Chair Price said staff knows what it is doing 3 or 6 months ahead, and the Board can just  
11 tell them about anything new. She asked if the Board wants to talk about the priorities.

12 Commissioner Hamilton said Jamboard makes it hard to see each other.

13 Discussion ensued about technical issues.  
14

The screenshot shows a chat window with the following messages:

- From Sally Greene to All panelists: 11:00 AM  
I agree with Jamezetta and Renee here on the short-term priorities etc.
- I can't seem to do that on my iPad.
- From Me to All panelists: 11:02 AM  
Yes the public can see the Jamboard, and one speaker at a time.
- From Jim Northrup to All panelists: 11:05 AM  
Maggie, if there's any way you can deftly change between screen share and not, it may be helpful for you to turn off your screen share during conversational periods.
- Thank you
- From Jamezetta Bedford to All panelists: 11:17 AM  
Rapid Rehousing, Housing Hotline and can/do folks receive help more than twice a year
- From Amy Fowler to All panelists: 11:27 AM  
Generally: Learning loss, particularly in math, less so in reading. Likely increased inequity. Will need summer remediation. May need capital needs such as tents, etc. to facilitate that happening outdoors
- From Jamezetta Bedford to All panelists: 11:27 AM

The chat window is part of a meeting interface with controls for Unmute, Start Video, Participants, Chat, Share Screen, Raise Hand, Record, and Leave.

15 Commissioner Dorosin said some prioritization is important, and considering if there are  
16 items that need increased funding, such as housing, food, Internet access, etc. He said the  
17 Board set a long list of priorities, and needs to identify goals, top priorities, and immediate  
18 needs, and also consider how this work address structural racism. He said it is important to  
19  
20

1 consider the available resources for the programs being offered. He said the Board needs to be  
2 working towards action steps.

3 Bonnie Hammersley said Commissioner Dorosin's suggestion would be helpful to staff.  
4 She said if there are the things the Board would like for staff to do, staff can begin working  
5 through it.

6 Commissioner Fowler agreed with Commissioner Dorosin's comments. She said the  
7 Board needs to develop a strategic plan to make long-term decisions, which would be a year-  
8 long process to gather input from stakeholders.

9 Maggie Chotas reviewed the conversation: What is the framework now, what needs to  
10 be dialed up, what needs to dial back, to have depth, to address long-term goals, for more  
11 information on disrupting racism. She suggested that gathering information on disrupting racism  
12 could be an action step.

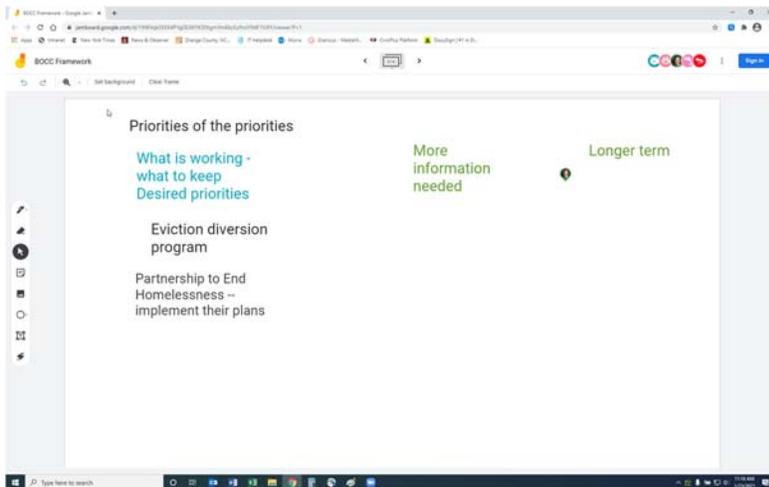
13 Commissioner Dorosin said an example is that the eviction diversion program is working  
14 well, and address the high priority of housing need. He said he would like to continue this  
15 program, and if adding more resources would serve more people, or cover greater costs, then  
16 more funding should be allocated.

17 Bonnie Hammersley said Commissioner Dorosin's example is helpful as she can add  
18 this type of change in when creating the recommended budget. She said staff can also pre  
19 gather any necessary information to help move the budget process along more effectively.

20 Commissioner Greene said she wanted to make sure that disrupting racism is part of  
21 everything the County does.

22 Commissioner Greene said the Partnership to End Homelessness (PTEH) has identified  
23 gaps that need to be filled, and doing so is directly in line with addressing the housing dilemma.  
24 She said COVID funding provided for street outreach and diversion program last year, which  
25 was PTEH's priority number one. She said progress needs to continue on addressing PTEH's  
26 list of priorities.

27 Maggie Chotas reviewed the notes on Jamboard:  
28



29 Commissioner Greene emphasized that there are specific things the Board can do to  
30 end homelessness, such as addressing housing.

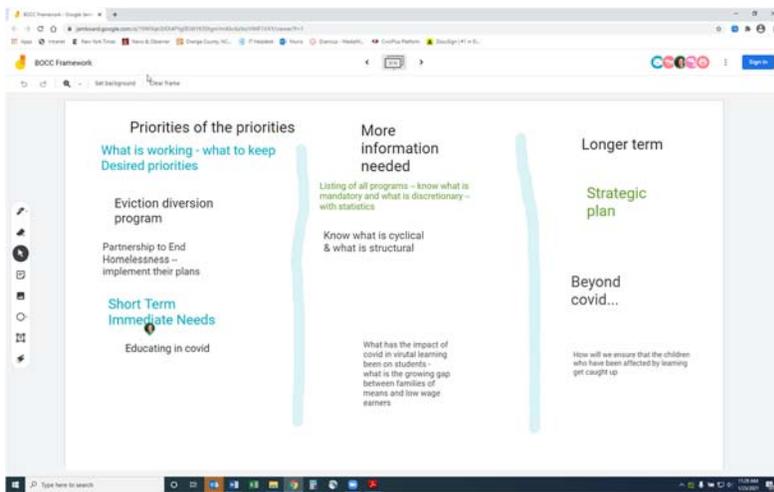
31 Commissioner Hamilton requested a list of all of the programs that the County offers, to  
32 be more effective in conversations. She said she would like to know which programs are  
33 discretionary, structural and cyclical. She said it would also be helpful to have any informative  
34 statistics. She said she it is difficult to make decisions without this type of information.  
35  
36

1 Commissioner McKee addressed the time constraints and asked if the Board should  
2 focus on short-term priorities, identifying two or three areas. He said the Board could set a  
3 special work session to dive deeper.

4 Chair Price asked if Commissioners can identify needs beyond COVID, and changes  
5 that might be permanent. She said some things need to be changed, such as housing and  
6 evictions, or working towards OWASA being able to forgive debt. She said another area is  
7 Criminal Justice structural changes. She said the Board should consider the way the County  
8 has operated, and if those practices necessary.

9 Maggie Chotas referred to the Jamboard notes, about having a vision of where the  
10 Board wants to go.

11 Commissioner McKee said he wants to talk about education, and the impact of COVID  
12 on students. He asked if there is a growing gap between families of means (broadband,  
13 parenting help, tutoring), and those without. He said the Board needs to hear data from the  
14 school districts, and have a long term plan to ensure that these children catch up.  
15



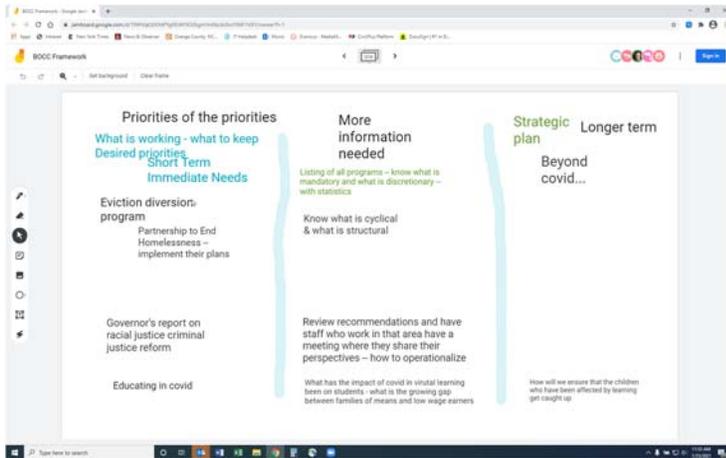
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18 Maggie Chotas discussed using the sections of the Jamboard to connect thoughts  
19 before making decisions.

20 Commissioner McKee said as the Board discusses priorities, it really has to figure out  
21 what it needs to look at now in order to get to the next step.

22 Commissioner Dorosin asked if the County could review the Governor's task force  
23 recommendations for local governments on racial equity and criminal justice, to see if there are  
24 things that could be implemented in Orange County. He said these might be policy changes,  
25 and not necessarily have financial implications.

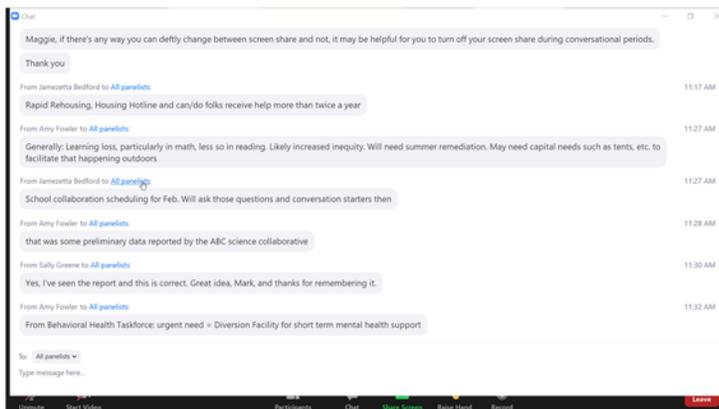
26 Maggie Chotas asked for clarification.

27 Commissioner Dorosin asked if staff would review the recommendations of this report,  
28 and report back to the Board with policy and operations suggestions by staff.  
29  
30



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3 Commissioner Hamilton highlighted the challenges for children related to learning online  
4 during the pandemic. She said she would like to understand the cost to the community, and  
5 then get estimates of additional resources needed to help children catch up, such as through  
6 summer programs, and help for mental and emotional challenges that have arisen.

7 Commissioner Fowler said she worked with the ABC Science Collaborative and put  
8 information in the chat box:  
9



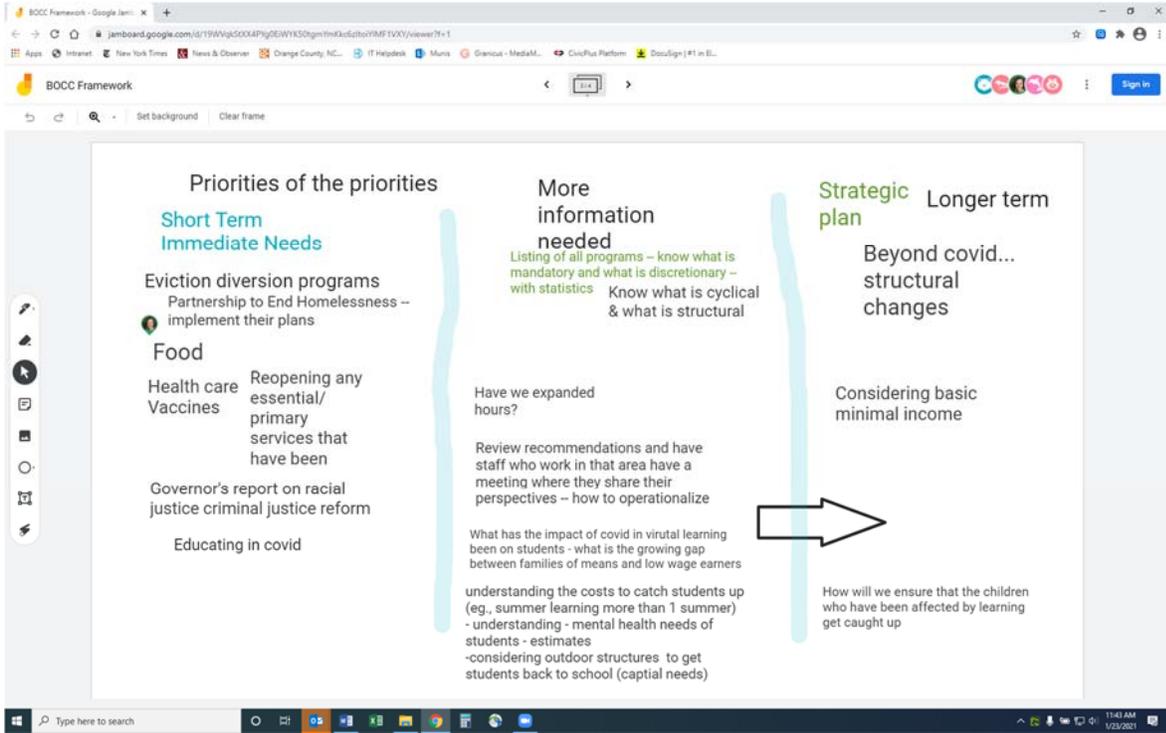
10  
11  
12 Commissioner Fowler said remediation will be needed, but there will also be capital  
13 needs for outdoor learning, and the focus needs to be on getting people back in person. She  
14 said protective measures are likely to continue for a while until children are vaccinated. She  
15 said the meeting with the school boards in February will be helpful.

16 Commissioner McKee said children falling behind in education will impact the County  
17 long-term, and the Board needs to focus on this. He said some families are excelling in a virtual  
18 education, and some are not. He said families have different resources to devote to educating  
19 their children.

20 Commissioner Bedford pointed out that there are many programs related to eviction  
21 intervention, and asked that to be noted on Jamboard. She asked if the Board could focus on  
22 food and hunger needs in the County. She said her number 1 and 2 priorities are food and  
23 housing. She said support to the aging interrelates with food and housing. She said a longer-  
24 term strategy that could be more revolutionary is things like a basic minimum wage.

25 Commissioner Bedford said it is important to get the vaccination program working well,  
26 which is part of health care. She said she does not know if people can access healthcare if they

1 have lost their jobs. She said it is important to safely reopen essential primary services that  
2 have been closed, and consider if there should be weekend hours in more of these areas.  
3

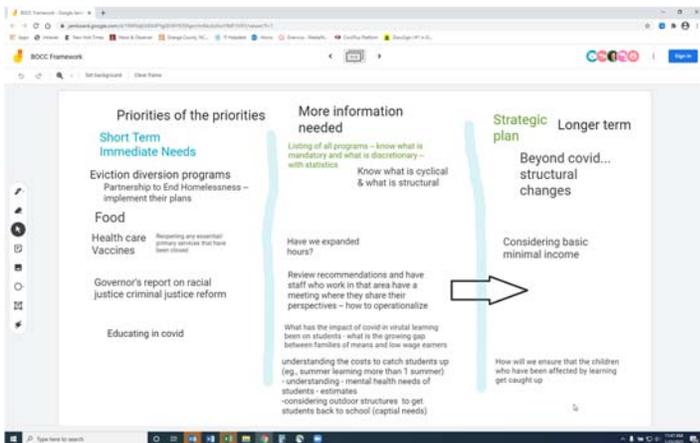


4  
5  
6 Bonnie Hammersley said some departments are offering expanded hours to  
7 accommodate working parents. She said it is important to note that Child Protective Service  
8 workers are going into homes.

9 Chair Price said what one thinks is mandatory versus what one thinks is discretionary  
10 can be different, such as library services. She said it is important to remember how services  
11 contribute to social/emotional well being as well. She said as the Board makes cuts, some  
12 things may not seem obvious.

13 The Board reviewed the Jamboard notes.

14 Maggie Chotas requested any other ideas or items that need to be remembered as the  
15 Board makes decisions.  
16



17

1 Chair Price said she would like to remember small businesses and farmers as the Board  
 2 makes decisions, which is related to economic development and jobs.

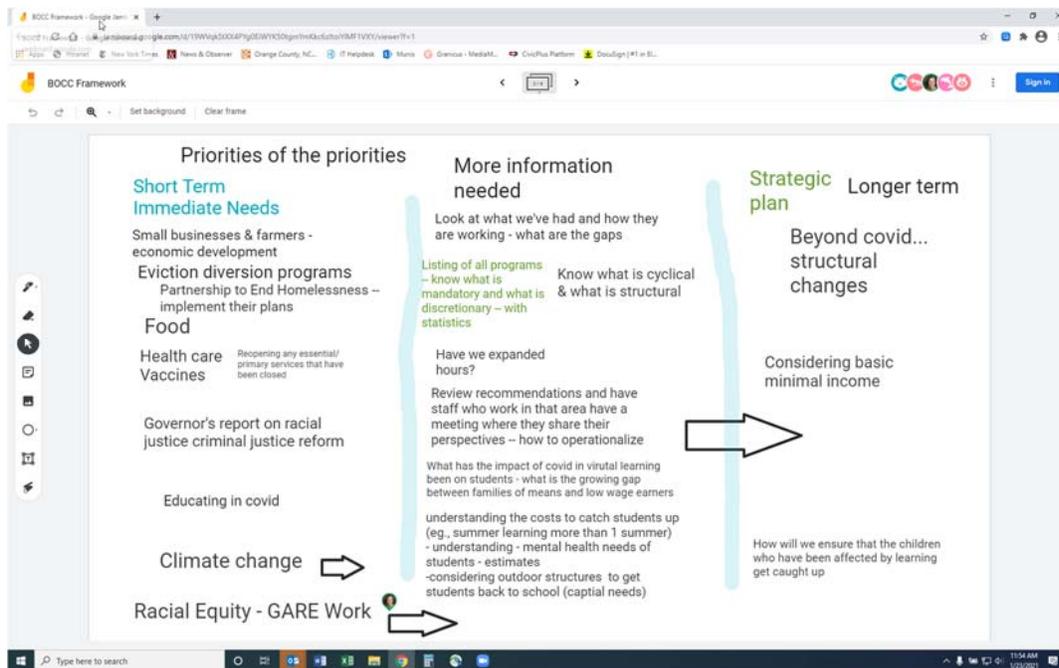
3 Commissioner Dorosin asked if the Board would look closely at emergency housing  
 4 programs: which strategies are having the intended impact, what are the unmet needs, etc.

5 Commissioner Bedford said almost all services have adapted to support meeting the  
 6 extra needs during the pandemic, such as parks and recreation, transportation, animal services,  
 7 etc.

8 Commissioner Bedford also said the County will continue to permeate climate change  
 9 response and environmental sustainability throughout all programs.

10 Maggie Chotas added racial equity to Commissioner Bedford's comment, and said those  
 11 items need to continue to be emphasized throughout the Board's work.

12 Chair Price asked if racial equity could be added to the Jamboard, as well as climate  
 13 change, and to specifically note the Board's intention to work with the GARE program, in order  
 14 to deal with structural racism in the long-term:  
 15



16  
 17  
 18  
 19 The final Jamboard notes are below, as recorded and formatted by Maggie Chotas:

## Orange County Board of County Commissioners - January 2021

1  
2  
3

### Guiding Questions



1. Knowing what we know about the current reality, what priorities do we need to set?

2. How do our priorities achieve our goal of disrupting racism?

3. How can our priorities help us rebuild in a more equitable way?

Priorities of the Priorities <i>Immediate needs</i>	More Information Needed <i>Action steps</i>	Longer Term <i>Beyond Covid – Structural Changes</i>
Planning and prioritizing	<ul style="list-style-type: none"> <li>- List of all programs</li> <li>- Know what is mandatory and what is discretionary – with statistics, as well as what is cyclical and what is structural</li> </ul>	Strategic planning: Have County staff create strategic plan that embeds equity. Should include short term, measurable goals of things the County actually controls
Small businesses and farmers – economic development	Look at what we have had and how it is working; understand the gaps	
Eviction Diversion programs/ Partnership to End Homelessness	Support implementation plans	Considering basic minimum income
Health Care/ Vaccines	Reopening any essential services that have been closed; facilitating administration of vaccines	
Governor’s report on racial justice criminal justice reform	Review recommendations and have staff who work in that area meet with BOCC to share their perspectives about how to operationalize	Long term policy changes
Educating in Covid	<ul style="list-style-type: none"> <li>- What has the impact of covid in virtual learning been on students – understanding the growing gap between families of means and low wage earners</li> <li>- Knowing the costs to catch up students (eg., summer learning more than 1 summer)</li> <li>- Understanding mental health needs of students</li> <li>- Considering capital needs to get students back to school (eg., outdoor structures)</li> </ul>	How will we ensure that the children who have been negatively affected by virtual learning get caught up?

**Foundational Assumptions Throughout**



**Disrupting racism  
Government Alliance on Race  
Equity (GARE) work**

**Addressing climate change  
Climate mitigation**

## 1 Identifying communication & other next steps

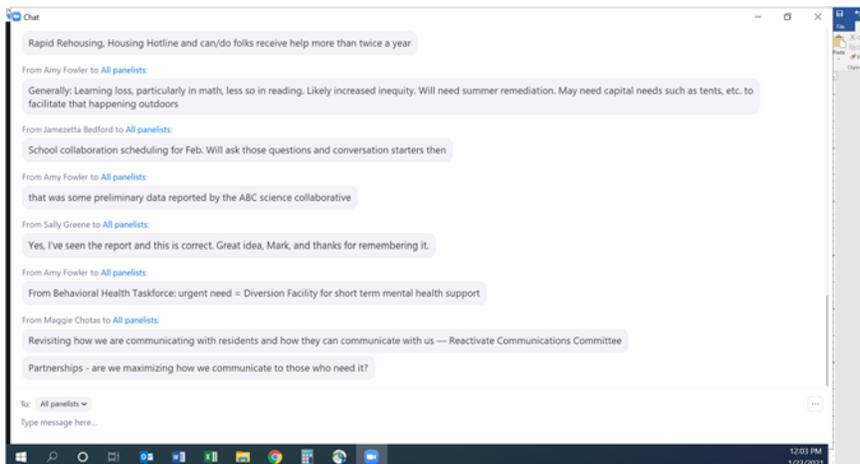
- 2 - What needs to be communicated?
- 3 - What are other next steps?

4  
5 Maggie Chotas asked if there was anything immediate the Board wanted to tackle next.  
6 Bonnie Hammersley said she will take the Jamboard notes to the next Department  
7 Directors meeting and report back to the BOCC with how its input will be incorporated to the  
8 work of departments.

9 Commissioner Hamilton asked if the Board could think about how a strategic plan would  
10 be undertaken, planning for a timeline, staff resources, community involvement, etc.

11 Bonnie Hammersley said staff would bring back options for a strategic plan and the  
12 Board could decide what type of process it would like to pursue.

13 Maggie Chotas put a few questions about communications in the chat box:  
14



15  
16  
17 Commissioner Dorosin asked if the County could revisit its communication strategy. He  
18 said there will still be a lot of remote services and meetings in the foreseeable future, and the  
19 County should think about how it is communicating with the residents. He said transparency is  
20 one of the Board's highest priorities.

21 Commissioner Greene said it might be time to reactivate the committee on  
22 communications, of which Commissioner Dorosin is a part.

23 Commissioner Fowler said she liked the idea of focusing on communication and being a  
24 source of connecting people to additional support opportunities. She said maximizing  
25 partnerships that deliver services is a low-cost thing to do.

26 Maggie Chotas expressed thanks for the Commissioners' engagement over the two  
27 retreat days. She said she will send a confidential evaluation form to Commissioners.  
28

## 29 Closing thoughts

30 Commissioner McKee said he hoped the retreat was as productive for everyone as it  
31 was for him, and that the public found clarity. He said he hopes it is clear that running county  
32 government is complicated, and the BOCC is working hard to find the best way forward.

33 Commissioner Dorosin thanked the Commissioners and staff for the time, candid  
34 conversation and everyone's commitment to the work.

35 Chair Price emphasized that everyone is in this together.  
36  
37  
38

1 **Adjourn the Virtual Retreat**

2

3 A motion was made by Commissioner McKee, seconded by Commissioner Fowler to  
4 close the public hearing at 12:02 p.m.

5

6 Roll Call ensued.

7

8 **VOTE: UNANIMOUS**

9

10 **Meeting ended at 12:02 pm**

11

12

13

14

Renee Price, Chair

15

16 Laura Jensen

17 Clerk to the Board

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Motor Vehicle Property Tax Releases/Refunds

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**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**

Resolution  
Releases/Refunds Data Spreadsheet  
Reason for Adjustment Summary

**INFORMATION CONTACT:**

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

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

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

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

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

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

**FINANCIAL IMPACT:** Approval of these release/refund requests will result in a net reduction of \$1,683.55 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2020-2021 is \$21,370.19.

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

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

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

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

NORTH CAROLINA

RES-2021-014

ORANGE COUNTY

**REFUND/RELEASE RESOLUTION (Approval)**

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

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

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

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

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

Ayes: Commissioners \_\_\_\_\_

Noes: \_\_\_\_\_

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

WITNESS my hand and the corporate seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES  
MARCH 2, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Cameron, Donald	58410731	2020	19,840	0	(361.15)	County changed to Durham (illegal tax)	
Falotico, Barbara Allen	58770816	2020	38,530	0	(673.10)	County changed to Chatham (illegal tax)	
Hatting, Daniel Stewart	52413471	2019	6,370	0	(136.32)	Military exemption (illegal tax)	
Paul, Elizabeth	58452477	2020	38,068	38,068	(312.46)	*Situs error (illegal tax)	
Thompson, Lisa Lucas	58794383	2020	22,990	22,990	(200.52)	*Situs error (illegal tax)	
					(1,683.55)	Total	

<b>Adjustment Descriptions</b>
<i>Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.</i>
<i>Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.</i>
<i>Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.</i>
<i>Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.</i>
<i>*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.</i>
<i>Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.</i>
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

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

**Titles and Brands: Section 1, Chapter 7**  
NCDMV Title Manual 14<sup>th</sup> Edition Revised January 2016

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

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

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

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

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

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

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

**Antique Vehicle:** A motor vehicle manufactured in 1980 and prior

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

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

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

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

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Property Tax Releases/Refunds

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**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**

Resolution  
Releases/Refunds Data Spreadsheet

**INFORMATION CONTACT:**

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

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**PURPOSE:** To consider adoption of a resolution to release property tax values for twelve taxpayers with a total of nineteen bills that will result in a reduction of revenue.

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

**FINANCIAL IMPACT:** Approval of this change will result in a net reduction in revenue of \$35,054.10 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

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

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

NORTH CAROLINA

RES-2021-015

ORANGE COUNTY

**REFUND/RELEASE RESOLUTION (Approval)**

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

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

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

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

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

Ayes: Commissioners \_\_\_\_\_

Noes: \_\_\_\_\_

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

WITNESS my hand and the corporate seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clerk to the Board of Commissioners

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

**BOCC REPORT - REAL/PERSONAL  
 MARCH 2, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Beta Xi Chapter Kappa PSI Pharmaceutical Fraternity	247244	2020	542,200	435,200	(1,731.50)	Incorrect value (clerical error)	Land value was assessed in error on a leasehold parcel. Leaseholds are improvements to a parcel that has a different owner
Beta Xi Chapter Kappa PSI Pharmaceutical Fraternity	247244	2019	542,500	435,200	(1,731.50)	Incorrect value (clerical error)	Land value was assessed in error on a leasehold parcel. Leaseholds are improvements to a parcel that has a different owner
Beta Xi Chapter Kappa PSI Pharmaceutical Fraternity	247244	2018	542,500	435,200	(1,695.22)	Incorrect value (clerical error)	Land value was assessed in error on a leasehold parcel. Leaseholds are improvements to a parcel that has a different owner
Beta Xi Chapter Kappa PSI Pharmaceutical Fraternity	247244	2016	601,112	379,818	(3,563.71)	Incorrect value (clerical error)	Land value was assessed in error on a leasehold parcel. Leaseholds are improvements to a parcel that has a different owner
Brown, Bryan Kent	3186547	2020	8,890	8,890	(117.13)	Assessed in error (illegal tax)	Gap bill: Vehicle was not owned by taxpayer for 17 months of the 38 month gap period
Dotson, Andrea Blaire	3181577	2019	12,530	0	(614.87)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in New Mexico during gap period
Eisenberg, Zanic Haron	3189049	2020	6,080	0	(286.17)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Virginia during gap period
Farley, Adam Remick	3190094	2020	20,896	0	(143.33)	Assessed in error (illegal tax)	Gap bill: Vehicle registered during the gap period
Griffin, Douglas Wayne	285349	2020	600,873	0	(3,583.31)	Assessed in error (illegal tax)	Present Use Value compliance received necessitating reversal of deferred tax bills
Griffin, Douglas Wayne	285349	2019	600,873	0	(3,899.49)	Assessed in error (illegal tax)	Present Use Value compliance received necessitating reversal of deferred tax bills
Griffin, Douglas Wayne	285349	2018	600,873	0	(4,136.83)	Assessed in error (illegal tax)	Present Use Value compliance received necessitating reversal of deferred tax bills
Griffin, Douglas Wayne	285349	2017	600,873	0	(4,385.61)	Assessed in error (illegal tax)	Present Use Value compliance received necessitating reversal of deferred tax bills
L & J Trucking & Transport LLC	1065706	2020	20,480	11,000	(155.17)	Assessed in error (illegal tax)	Vehicle was a total loss
Ngeve, Sally-Irene Joso	3189856	2020	5,220	0	(105.30)	Assessed in error (illegal tax)	Proof of registration during gap period
Ni, Aiguo	3190051	2020	10,950	0	(692.08)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Texas during gap period
Ramirez, Candelaria	3185407	2019	5,650	0	(109.42)	Double billed (illegal tax)	Also billed on account 1073200
Rojas, Mario	3190436	2020	5,370	0	(252.74)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in California during gap period
Triangle Land Conservancy	299373	2020	659,900	0	(6,366.05)	Assessed in error (illegal tax)	Exempt property billed in error
Triangle Land Conservancy	299374	2020	153,900	0	(1,484.67)	Assessed in error (illegal tax)	Exempt property billed in error
					(35,054.10)	Total	
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.							
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.							
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.							

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Applications for Property Tax Exemption/Exclusion

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**DEPARTMENT:** Tax Administration

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**ATTACHMENT(S):**

Exempt Status Resolution  
Spreadsheet  
Requests for Exemption/Exclusion

**INFORMATION CONTACT:**

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

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**PURPOSE:** To consider three untimely applications for exemption/exclusion from ad valorem taxation for three bills for the 2020 tax year.

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

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

Including these three applications, the Board will have considered a total of sixty-one untimely applications for exemption of 2020 taxes since the 2020 Board of Equalization and Review adjourned on June 25, 2020. Taxpayers may submit an untimely application for exemption of 2020 taxes to the Board of Commissioners through December 31, 2020.

Based on the information supplied in the applications and based on the above-referenced General Statutes, the applications may be approved by the Board of County Commissioners. NCGS 105-282.1(a1) permits approval of such application if good cause is demonstrated by the taxpayer.

**FINANCIAL IMPACT:** The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2020/2021 taxes due to the County, municipalities, and special districts in the amount of \$2,971.69.

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

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

**RECOMMENDATION(S):** The Manager recommends that the Board approve the attached resolution for the above-listed applications for FY 2020/2021 exemption.

NORTH CAROLINA

RES-2021-016

ORANGE COUNTY

**EXEMPTION/EXCLUSION RESOLUTION**

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

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

**Whereas**, the Tax Administrator has determined that the applicants could have been approved for 2020 had applications been timely.

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

**COMMISSIONERS OF ORANGE COUNTY THAT** the properties applying for exemption for 2020 are so approved as exempt.

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

Ayes: Commissioners \_\_\_\_\_

Noes: \_\_\_\_\_

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

WITNESS my hand and the corporate seal of said County, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Clerk to the Board of Commissioners

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

**BOCC REPORT - REAL/PERSONAL  
LATE EXEMPTION/ EXCLUSION  
MARCH 2, 2021**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Dossett, Nancy Marinna	248397	2020	243,600	121,800	(1,965.48)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Jones, Kristina	3183833	2020	182,400	80,444	(774.43)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Webster, Paul	988129	2020	26,950	1,950	(231.78)	Late application for exemption General Statute 105-277.1 (homestead exemption)
					(2,971.69)	Total

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

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

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

January 14, 2021 thru February 10, 2021



DEC. 8, 2020  
NANCY M. DOSSETT  
PROPERTY TAX  
for 2020  
I.D.# 9799457743

**Request for Approval of  
Property Tax Exemption, Exclusion or Deferral  
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: 12.10.20

To Whom It May Concern:

I, (PRINT NAME) MARINNA NANCY DOSSETT, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9799457743.

Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

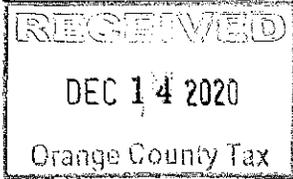
Please explain:

REAPPLYING FOR EXEMPTION DUE TO  
INCOMPLETE AUDIT FOR 2020.  
(Audit) Nancy M. Dossett

How did you find out about the program(s)? HAVE PARTICIPATED FOR A NUMBER OF YEARS

Thank you,

Nancy M. Dossett  
Signature





**Request for Approval of  
Property Tax Exemption, Exclusion or Deferral  
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: 12-10-2020

To Whom It May Concern:

I, (PRINT NAME) Kristina Jones  
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020  
on Tax Abstract or Parcel Identification Number(s) (PIN) #  
9886527806

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

I'm not sure when it is due soon as I found out about it (exemptions) I started on paperwork. I have significant health issue and an autistic son so its very hard. I am also immunosuppressed and run very high fevers Daily

How did you find out about the program(s)? on line

Thank you,

(Signature)



**FILED**  
DEC 31 2020  
ORANGE COUNTY  
TAX ADMINISTRATION

**Request for Approval of  
Property Tax Exemption, Exclusion or Deferral  
Due to Showing of Good Cause for Failure to Make a Timely Application**

Date: 12-31-<sup>20</sup>~~18~~

To Whom It May Concern:

I, (PRINT NAME) Paul Webster, wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2020 on Tax Abstract or Parcel Identification Number(s) (PIN) # 9896681743.

Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

In accordance with North Carolina General Statute 105-282.1(a1), I submit the reason(s) set forth below for consideration as demonstration of good cause for failure to make a timely application. An untimely application approved under G.S. 105-282.1 (a1) applies only to the property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. If additional space for explanation is needed, please submit an attachment with this request.

Please explain:

Was not aware of listing mobile home each year.

How did you find out about the program(s)? Previously on Homestead Exemption

Thank you,

Signature

ORD-2021-006

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Fiscal Year 2020-21 Budget Amendment #8

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**DEPARTMENT:** Finance and Administrative Services

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**ATTACHMENT(S):**

Attachment 1. Budget As Amended  
Spreadsheet

Attachment 2. Year-to-Date Budget  
Summary

**INFORMATION CONTACT:**

Paul Laughton, (919) 245-2152  
Gary Donaldson, (919) 245-2453

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**PURPOSE:** To approve budget and grant project ordinance amendments for fiscal year 2020-21.

**BACKGROUND:**

**Department on Aging**

1. The Department on Aging has received the following additional funds:
  - **VITA funds** – This federal grant is awarded through the Internal Revenue Service and executed by Reinvestment Partners (Durham) to support costs of the Volunteer Income Tax Assistance (VITA) Service provided to seniors in the community. Receipt of \$7,000 used to pay for temporary administrative staff and supplies needed to prepare tax documents.
  - **State Senior Center General Purpose Funds** – Receipt of \$21,030 from the N.C. General Assembly through the Triangle J Area Agency on Aging to be used to cover program supplies for Senior Center activities.

This budget amendment provides for the receipt of these funds for the above stated purposes. *(See Attachment 1, column #1)*

**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: CREATE A SAFE COMMUNITY**

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

### Housing and Community Development

2. The Department of Housing and Community Development has received additional funds of \$36,817 from the Town of Carrboro. These funds will be used toward the County's Housing Stabilization efforts within the Community Development Fund.
3. The Orange County Housing and Community Development Department received notification from Housing and Urban Development (HUD) of the award of additional Administrative Funding in the amount of \$94,255 for use toward the Section 8 Housing Choice Voucher Program.
4. The Orange County Housing and Community Development Department has received notification of \$190,000 in grant funds from the North Carolina Housing Finance Agency (NCHFA) for the 2020 Essential Single Family Rehabilitation Loan Pool program. This program provides funds for moderate rehabilitation of homes for low-income homeowners who are elderly or have special needs. The required County match of \$50,000 is being transferred from available funds in the Housing Rehabilitation Initiatives within the same Community Development Fund. This is a three-year grant period through June 30, 2023. This budget amendment establishes the following 2020 NCHFA Essential Single Family Rehabilitation Grant Project Ordinance:

#### **2020 NCHFA Essential Single Family Rehab Grant – (\$240,000) - Project # 47461**

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
NCHFA Grant Funds	\$0	\$190,000	\$190,000
Orange County Match	\$0	\$50,000	\$50,000
<b>Total Project Funding</b>	<b>\$0</b>	<b>\$240,000</b>	<b>\$240,000</b>

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
2020 NCHFA Essential Single Family Rehabilitation Grant	\$0	\$240,000	\$240,000
<b>Total Costs</b>	<b>\$0</b>	<b>\$240,000</b>	<b>\$240,000</b>

This budget amendment provides for the receipt of these funds for the purposes mentioned above. (See Attachment 1, column #2)

**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.

### Board of Elections

5. The Orange County Board of Elections has received additional grant award funds of \$75,000 from the Center for Tech and Civic Life (CTCL), a non-profit organization. The department received an earlier award of \$216,255 from CTCL, approved by the Board of County Commissioners as part of Budget Amendment #2 on October 20, 2020. Consistent with the grant requirements, these funds will be used exclusively for the public purpose of reimbursing costs incurred by the County related to the planning and operationalizing safe and secure election administration in Orange County in 2020. This budget amendment provides for the receipt of these additional grant funds for the above stated purposes. (See *Attachment 1, column #3*)

**SOCIAL JUSTICE IMPACT:** There are no Orange County Social Justice Goals associated with this item.

### Orange County Public Transportation

6. Orange County Public Transportation (OCPT) has received notification of the following two (2) CARES Act funding:
  - **North Carolina Department of Health and Human Services CARES Vaccination Disbursement** – receipt of \$27,403 from the North Carolina Department of Health and Human Services to reimburse the County for trip based services provided to or from COVID-19 vaccine providers for the purposes of an individual either receiving a COVID-19 vaccine or assisting someone who is receiving a vaccine. These funds will cover approximately 500 trips to and from vaccination sites within the County. OCPT will use primarily its M.O.D. (mobility on demand) fleet to provide trips, and may augment this effort with larger transit vehicles to maintain appropriate social distancing, as required by the Centers for Disease Control (CDC) guidelines. Funds were distributed to North Carolina counties based on the Rural Operating Assistance Program (ROAP) allocation structure. The funds are for the performance period of December 30 2020 to June 30, 2021.
  - **Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) 5307 CARES Act** – receipt of an apportioned Coronavirus Response and Relief Supplemental Appropriation Act (CRRSAA) federal pass-through funds

of \$415,558 from the North Carolina Department of Transportation for the Durham-Chapel Hill-Carrboro Urbanized Area for the Federal Fiscal Year (FFY)21. This grant is a 100% federally funded reimbursement grant for various operating expenses incurred during the pandemic, including, but not limited to, personnel services, maintenance and parts costs, and COVID related supplies and services.

This budget amendment provides for the receipt of these funds for the purposes mentioned above, and reduces the fund balance appropriation budgeted in the General Fund for FY 2020-21 by \$415,558 related to the receipt of the 5307 CARES Act federal pass-through reimbursement funds. (See *Attachment 1, column #4*)

**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.

## Health Department

7. The Orange County Health Department has received \$57,403 in federal pass-through grant funds from the North Carolina Department of Health and Human Services, Division of Public Health to support COVID-19 Vaccination Planning and Implementation. The grant service period runs through May 31, 2021. Funding will support the purchase of a Vaccine Management System for vaccination scheduling and tracking alongside a direct mailing campaign to Orange County residents.
8. The Orange County Health Department has received \$168,091 in federal pass-through grant funds to support the COVID-19 pandemic response. This grant award revision makes funding of \$168,091, originally allocated to State Fiscal Year (SFY)22, available in SFY21 and will be used to support salaries of current permanent staff performing COVID-19 duties.

This budget amendment provides for the receipt of these funds for the purposes mentioned above. (See *Attachment 1, column #5*)

**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.

## Arts Commission

9. The Orange County Arts Commission is anticipating receiving \$48,743 in FY20-21 from the rental of studios at the Eno Mill to local artists. These funds will be received outside of the General Fund in the Visitors Bureau fund. This budget amendment provides the receipt of these funds to be used for the rent and care of this space (See *Attachment 1, column #6*).

**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 are no Orange County Environmental Responsibility Goal impacts associated with these items.

**FINANCIAL IMPACT:** Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2020-21 and increases the General Fund by \$355,927; increases the Community Development Fund by \$226,817; increases the Section 8 Housing Choice Voucher Fund by \$94,255; and increases the Visitors Bureau Fund by \$48,743.

**RECOMMENDATION(S):** The Manager recommends the Board approve the budget and grant project ordinance amendments for Fiscal Year 2020-21.

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #7	#1 Department on Aging receipt of \$7,000 through the IRS and executed by Reinvestment Partners (Durham) to support costs of the VITA service; and receipt of \$21,000 from the NC General Assembly through Triangle J Area Agency on Aging to be used to cover program supplies for Senior Center activities	#2 Housing and Community Development - receipt of \$36,817 from the Town of Carboro to be used toward the County's Housing Stabilization efforts within the Community Development Fund; and receipt of additional Administrative funding of \$94,255 for use toward the Section 8 Housing Choice Voucher Program; and receipt of a \$190,000 NCHFA Essential Single Family Rehabilitation grant with a \$50,000 required County match	#3 Board of Elections - receipt of additional funds totaling \$75,000 from the Center for Tech and Civic Life (CTCL) to be used for reimbursing costs incurred by the County related to the election administration in the 2020 General Election.	#4 Orange County Public Transportation - receipt of two (2) CARES Act funding: NCDHHS CARES Vaccination disbursement of \$27,403 to reimburse the County for trip based services provided to or from vaccine providers; and DCHCMPO 5307 CARES Act funds of \$415,558 for reimbursement of various operating expenses incurred during the pandemic.	#5 Health Department - receipt of federal pass-through funds of \$57,403 from NCDHHS, to support COVID-19 Vaccination Planning and Implementation; and receipt of federal pass-through grant funds of \$168,091 to support salaries of current permanent staff performing COVID-19 duties.	#6 Arts Commission - anticipated receipt of \$48,743 in FY 20-21 for renting out studios at the Eno Mill to local artists.	Budget as Amended Through BOA #8	
<b>General Fund</b>											
<b>Revenue</b>											
Property Taxes	\$ 167,694,880	\$ -	\$ 167,694,880	\$ 167,694,880	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 167,694,880
Sales Taxes	\$ 23,827,353	\$ -	\$ 23,827,353	\$ 23,827,353	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,827,353
License and Permits	\$ 274,550	\$ -	\$ 274,550	\$ 274,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 274,550
Aging	\$ 714,177	\$ -	\$ 714,177	\$ 953,214	\$ 28,030	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 981,244
Health	\$ 1,615,735	\$ -	\$ 1,615,735	\$ 2,491,660	\$ -	\$ -	\$ -	\$ -	\$ 225,494	\$ -	\$ 2,717,154
Transportation Services	\$ 1,191,810	\$ -	\$ 1,191,810	\$ 1,976,507	\$ -	\$ -	\$ 442,961	\$ -	\$ -	\$ -	\$ 2,419,468
Intergovernmental	\$ 17,710,005	\$ -	\$ 17,710,005	\$ 24,441,018	\$ 28,030	\$ -	\$ 442,961	\$ 225,494	\$ -	\$ -	\$ 25,137,503
Charges for Service	\$ 12,645,090	\$ -	\$ 12,645,090	\$ 12,645,090	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,645,090
Investment Earnings	\$ 515,000	\$ -	\$ 515,000	\$ 515,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 515,000
Miscellaneous	\$ 2,624,009	\$ -	\$ 2,624,009	\$ 3,206,960	\$ -	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ 3,281,960
Transfers from Other Funds	\$ 5,486,817	\$ -	\$ 5,486,817	\$ 6,701,817	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,701,817
Fund Balance	\$ 8,268,603	\$ -	\$ 8,268,603	\$ 7,977,969	\$ -	\$ -	\$ (415,558)	\$ -	\$ -	\$ -	\$ 7,562,411
<b>Total General Fund Revenues</b>	<b>\$ 239,046,307</b>	<b>\$ -</b>	<b>\$ 239,046,307</b>	<b>\$ 247,284,637</b>	<b>\$ 28,030</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ 27,403</b>	<b>\$ 225,494</b>	<b>\$ -</b>	<b>\$ 247,640,564</b>
<b>Expenditures</b>											
Support Services	\$ 12,773,209	\$ -	\$ 12,773,209	\$ 15,115,991	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,115,991
Board of Elections	\$ 843,363	\$ -	\$ 843,363	\$ 1,258,384	\$ -	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ 1,333,384
General Government	\$ 25,639,107	\$ -	\$ 25,639,107	\$ 26,094,128	\$ -	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ 26,169,128
Transportation Services	\$ 3,257,048	\$ -	\$ 3,257,048	\$ 3,540,444	\$ -	\$ -	\$ 27,403	\$ -	\$ -	\$ -	\$ 3,567,847
Community Services	\$ 14,322,250	\$ -	\$ 14,322,250	\$ 14,975,592	\$ -	\$ -	\$ 27,403	\$ -	\$ -	\$ -	\$ 15,002,995
Health	\$ 10,461,605	\$ -	\$ 10,461,605	\$ 11,390,299	\$ -	\$ -	\$ -	\$ 225,494	\$ -	\$ -	\$ 11,615,793
Department on Aging	\$ 2,192,238	\$ -	\$ 2,192,238	\$ 2,431,275	\$ 28,030	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,459,305
Human Services	\$ 41,614,328	\$ -	\$ 41,614,328	\$ 43,352,648	\$ 28,030	\$ -	\$ -	\$ 225,494	\$ -	\$ -	\$ 43,606,172
Public Safety	\$ 27,994,203	\$ -	\$ 27,994,203	\$ 28,281,419	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,281,419
Education	\$ 111,737,971	\$ -	\$ 111,737,971	\$ 111,857,971	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 111,857,971
Transfers Out	\$ 4,965,239	\$ -	\$ 4,965,239	\$ 7,606,888	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,606,888
<b>Total General Fund Appropriation</b>	<b>\$ 239,046,307</b>	<b>\$ -</b>	<b>\$ 239,046,307</b>	<b>\$ 247,284,637</b>	<b>\$ 28,030</b>	<b>\$ -</b>	<b>\$ 75,000</b>	<b>\$ 27,403</b>	<b>\$ 225,494</b>	<b>\$ -</b>	<b>\$ 247,640,564</b>
<b>Visitors Bureau Fund</b>											
<b>Revenues</b>											
Occupancy Tax	\$ 1,243,068	\$ -	\$ 1,243,068	\$ 1,243,068	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,243,068
Sales and Fees	\$ 500	\$ -	\$ 500	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ 48,743	\$ -	\$ 49,243
Intergovernmental	\$ 366,963	\$ -	\$ 366,963	\$ 569,224	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 569,224
Investment Earnings	\$ 4,000	\$ -	\$ 4,000	\$ 4,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,000
From General Fund	\$ -	\$ -	\$ -	\$ 230,667	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 230,667
Small Business Loan Funds	\$ -	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Appropriated Fund Balance	\$ 6,486	\$ -	\$ 6,486	\$ 9,986	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,986
<b>Total Revenues</b>	<b>\$ 1,621,017</b>	<b>\$ -</b>	<b>\$ 1,621,017</b>	<b>\$ 2,107,445</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 48,743</b>	<b>\$ -</b>	<b>\$ 2,156,188</b>
<b>Expenditures</b>											
General Government	\$ 225,199	\$ -	\$ 225,199	\$ 240,199	\$ -	\$ -	\$ -	\$ -	\$ 48,743	\$ -	\$ 288,942
Community Services	\$ 1,395,818	\$ -	\$ 1,395,818	\$ 1,867,246	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,867,246
<b>Total Housing Fund Revenues</b>	<b>\$ 1,621,017</b>	<b>\$ -</b>	<b>\$ 1,621,017</b>	<b>\$ 2,107,445</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 48,743</b>	<b>\$ -</b>	<b>\$ 2,156,188</b>
<b>Section 8 Housing Fund</b>											
<b>Revenues</b>											
Intergovernmental	\$ 4,201,264	\$ -	\$ 4,201,264	\$ 4,201,264	\$ -	\$ 94,255	\$ -	\$ -	\$ -	\$ -	\$ 4,295,519
Miscellaneous	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfer from General Fund	\$ 247,025	\$ -	\$ 247,025	\$ 247,025	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 247,025
Appropriated Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Housing Fund Revenues</b>	<b>\$ 4,448,289</b>	<b>\$ -</b>	<b>\$ 4,448,289</b>	<b>\$ 4,448,289</b>	<b>\$ -</b>	<b>\$ 94,255</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,542,544</b>
<b>Expenditures</b>											
Housing Fund	\$ 4,448,289	\$ -	\$ 4,448,289	\$ 4,448,289	\$ -	\$ 94,255	\$ -	\$ -	\$ -	\$ -	\$ 4,542,544
<b>Community Development Fund (Housing Rehabilitation Program)</b>											
<b>Revenues</b>											
Transfers from General Fund	\$ 314,908	\$ -	\$ 314,908	\$ 274,908	\$ (50,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 224,908
Intergovernmental	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Revenues</b>	<b>\$ 314,908</b>	<b>\$ -</b>	<b>\$ 314,908</b>	<b>\$ 274,908</b>	<b>\$ (50,000)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 224,908</b>
<b>Expenditures</b>											
Affordable Housing Program	\$ 314,908	\$ -	\$ 314,908	\$ 274,908	\$ (50,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 224,908

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #7	<p>#1 Department on Aging receipt of \$7,000 through the IRS and executed by Reinvestment Partners (Durham) to support costs of the VITA service; and receipt of \$21,000 from the NC General Assembly through Triangle J Area Agency on Aging to be used to cover program supplies for Senior Center activities</p> <th data-bbox="1150 142 1270 415"> <p>#2 Housing and Community Development - receipt of \$36,817 from the Town of Carboro to be used toward the County's Housing Stabilization efforts within the Community Development Fund; and receipt of additional Administrative funding of \$94,255 for use toward the Section 8 Housing Choice Voucher Program; and receipt of a \$190,000 NCHFA Essential Single Family Rehabilitation grant with a \$50,000 required County match</p> <th data-bbox="1276 204 1396 354"> <p>#3 Board of Elections - receipt of additional funds totaling \$75,000 from the Center for Tech and Civic Life (CTCL) to be used for reimbursing costs incurred by the County related to the election administration in the 2020 General Election.</p> <th data-bbox="1402 164 1522 394"> <p>#4 Orange County Public Transportation - receipt of two (2) CARES Act funding: NCDHHS CARES Vaccination disbursement of \$27,403 to reimburse the County for trip based services provided to or from vaccine providers; and DCHCMPO 5307 CARES Act funds of \$415,538 for reimbursement of various operating expenses incurred during the pandemic.</p> <th data-bbox="1528 185 1648 375"> <p>#5 Health Department - receipt of federal pass-through funds of \$57,403 from NCDHHS, to support COVID-19 Vaccination Planning and Implementation; and receipt of federal pass-through grant funds of \$168,091 to support salaries of current permanent staff performing COVID-19 duties.</p> <th data-bbox="1654 245 1774 313"> <p>#6 Arts Commission - anticipated receipt of \$48,743 in FY 20-21 for renting out studios at the Eno Mill to local artists.</p> <th data-bbox="1789 269 1908 293">Budget as Amended Through BOA #8</th> </th></th></th></th></th>	<p>#2 Housing and Community Development - receipt of \$36,817 from the Town of Carboro to be used toward the County's Housing Stabilization efforts within the Community Development Fund; and receipt of additional Administrative funding of \$94,255 for use toward the Section 8 Housing Choice Voucher Program; 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Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #7							Budget as Amended Through BOA #8
				#1 Department on Aging receipt of \$7,000 through the IRS and executed by Reinvestment Partners (Durham) to support costs of the VITA service; and receipt of \$21,000 from the NC General Assembly through Triangle J Area Agency on Aging to be used to cover program supplies for Senior Center activities	#2 Housing and Community Development - receipt of \$36,817 from the Town of Carrboro to be used toward the County's Housing Stabilization efforts within the Community Development Fund; and receipt of additional Administrative funding of \$94,255 for use toward the Section 8 Housing Choice Voucher Program; and receipt of a \$190,000 NCHFA Essential Single Family Rehabilitation grant with a \$50,000 required County match	#3 Board of Elections - receipt of additional funds totaling \$75,000 from the Center for Tech and Civic Life (CTCL) to be used for reimbursing costs incurred by the County related to the election administration in the 2020 General Election.	#4 Orange County Public Transportation - receipt of two (2) CARES Act funding: NCDHHS CARES Vaccination disbursement of \$27,403 to reimburse the County for trip based services provided to or from vaccine providers; and DCHCMPO 5307 CARES Act funds of \$415,558 for reimbursement of various operating expenses incurred during the pandemic.	#5 Health Department - receipt of federal pass-through funds of \$57,403 from NCDHHS, to support COVID-19 Vaccination Planning and Implementation; and receipt of federal pass-through grant funds of \$168,091 to support salaries of current permanent staff performing COVID-19 duties.	#6 Arts Commission - anticipated receipt of \$48,743 in FY 20-21 for renting out studios at the Eno Mill to local artists.	

**Community Development Fund (2020 NCHFA Essential Single Family Rehab)**

**Revenues**

Transfers from Housing Rehabilitation Program	\$	-	\$	-	\$	40,000	\$	50,000			\$	90,000
Intergovernmental	\$	-	\$	-	\$	80,000	\$	190,000			\$	270,000
<b>Total Revenues</b>	\$	-	\$	-	\$	120,000	\$	240,000			\$	360,000

**Expenditures**

2020 NCHFA Urgent Repair Program	\$	-	\$	-	\$	120,000	\$	240,000			\$	360,000
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**Community Development Fund (Housing Displacement Program)**

**Revenues**

Transfer from General Fund	\$	75,000	\$	75,000	\$	2,097,755	\$	36,817			\$	2,134,572
Donations					\$	11,294					\$	11,294
Intergovernmental					\$	4,954,285					\$	4,954,285
<b>Total Revenues</b>	\$	75,000	\$	-	\$	7,063,334	\$	36,817	\$	-	\$	7,100,151

**Expenditures**

Housing Displacement Program	\$	75,000	\$	75,000	\$	7,063,334	\$	36,817			\$	7,100,151
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## Year-To-Date Budget Summary

*Fiscal Year 2020-21*

### General Fund Budget Summary

Original General Fund Budget	\$239,046,307	<b>Paul:</b> includes 0.4 FTE time-limited increase of the current Emergency Preparedness Coordinator (BOA #2)
Additional Revenue Received Through Budget Amendment #8 (March 2, 2021)		
Grant Funds	\$2,678,071	
Non Grant Funds	\$6,622,378	
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	\$0	<b>Paul:</b> includes 1.0 FTE Rapid Rehousing Case Manager; 2.0 FTE Peer Support Specialists; .375 FTE increase of Programs Coordinator; 3.0 FTEs time-limited Social Work positions; and 1.0 FTE time-limited Harm Reduction Clinical Coordinator (BOA #1); 1.0 FTE time-limited Emergency Housing Administrator (BOA #5); 1.0 FTE time-limited Family Success Navigator (BOA #5); 1.0 FTE time-limited Emergency Housing Assistance Specialist (BOA #6)
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	(\$706,192)	
<b>Total Amended General Fund Budget</b>	<b>\$247,640,564</b>	
Dollar Change in 2020-21 Approved General Fund Budget	\$8,594,257	
% Change in 2020-21 Approved General Fund Budget	3.60%	
<b>Authorized Full Time Equivalent Positions</b>		
Original Approved General Fund Full Time Equivalent Positions	940.480	
Original Approved Other Funds Full Time Equivalent Positions	100.950	
<b>Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21</b>	<b>1,041.430</b>	

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Updates to the Assistance Policies for the 2020 North Carolina Housing Finance Agency (NCHFA) Urgent Repair Program (URP20) and Essential Single-Family Rehabilitation Loan Pool (ESFRLP20)

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**DEPARTMENT:** Department of Housing and  
Community Development

**ATTACHMENT(S):**

Attachment 1: URP20 Assistance Policy  
Attachment 2: ESFRLP20 Assistance  
Policy

**INFORMATION CONTACT:**

Emila Sutton, Director, Housing and  
Community Development, (919) 245-  
2490

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**PURPOSE:** To approve and authorize the County Manager to sign the revised URP20 and ESFRLP20 Assistance Policies, thereby adopting the revised policies.

**BACKGROUND:** The North Carolina Housing Finance Agency (NCHFA) requires recipients of Urgent Repair Program (URP) and Essential Single-Family Rehabilitation Loan Pool (ESFRLP) funds to adopt an Assistance Policy for each program that describes how eligible applicants are selected for the program, and how the bid solicitation and payment processes for the rehabilitation work are conducted.

The Department of Housing and Community Development proposes revisions to the URP20 Assistance Policy in order to bring the policy into alignment with the County's adopted Procurement and Disbursement Policy for rehabilitation and repair programs, which states that URP projects will use the Contractor Registry to select contractors for projects on a rotating basis. A revised copy of the policy is attached (Attachment 1).

The Department of Housing and Community Development also proposes a revision to the ESFRLP20 Assistance Policy in order to allow for applications to the program to be received on a rolling basis. Under the current policy, the application period closed on December 31, 2020; however, only one application was received and funds remain to assist additional applicants. Allowing the program to accept applications on a rolling basis will allow the Department to continue advertising and receiving applications. A revised copy of the policy is attached (Attachment 2).

**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: 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.

The creation and preservation of affordable housing options helps to meet a basic need and advances economic self-sufficiency.

- **GOAL: CREATE A SAFE COMMUNITY**  
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Affordable housing options allow individuals to reduce risks associated with being un-housed.

**ENVIRONMENTAL IMPACT:** There are no Orange County Environmental Responsibility Goals applicable to this item.

**RECOMMENDATION(S):** The Manager recommends that the Board approve and authorize the Manager to sign the revised URP20 Assistance Policy and revised ESFRLP20 Assistance Policy, thereby adopting the revised policies.



## Orange County Assistance Policy Urgent Repair Program 2020

### What is the Urgent Repair Program?

Orange County has been awarded \$80,000 by the North Carolina Housing Finance Agency (“NCHFA”) under the 2020 cycle of the Urgent Repair Program (“URP20”). This program provides funds to assist very-low and low- income households with special needs in addressing housing conditions which pose imminent threats to their life and/or safety or to provide accessibility modifications and other repairs necessary to prevent displacement of very-low and low- income homeowners with special needs such as frail elderly and persons with disabilities. A total of 12 households will be assisted under URP20.

This Assistance Policy describes who is eligible to apply for assistance under URP20, how applications for assistance will be rated and ranked, what the form of assistance is, and how the repair/modification process will be managed. Orange County has designed this URP20 project to be fair, open, and consistent with the County’s approved application for funding and with NCHFA’s URP Program Guidelines.

The funds provided by NCHFA come from the North Carolina Housing Trust Fund. Additional funds for construction costs are provided by Orange County in the amount of \$40,000.

**EMERGENCY and HEALTH Notifications:** Due to the current COVID-19 pandemic, increased awareness of the need to protect Orange County representatives and the homeowners they service from various health-related exposures has become more apparent than ever. Homeowners participating in URP must agree to follow all local, state, and federal guidelines for emergency preparedness surrounding the COVID-19 pandemic and any other emergency declared that includes their property address for the duration of construction on the property.

### Who is eligible to apply?

To be eligible for assistance under URP20 applicants must:

- Reside within the county limits of Orange County and own and occupy the home in need of repair
- Have a household income which does not exceed 50% of the County median income for the household size (see income limits below)
- Have a special need (i.e. be  $\geq$  62 years old, handicapped or disabled, a single parent with a dependent living at home, a Veteran, a large family with  $\geq$ 5 household members or a household with a child below the age of six with lead hazards in the home).
- Have urgent repair needs that cannot be met through other state- or federally-funded housing assistance programs

#### URP20 Income Limits\* for Orange County

Number in Household	30% of Median (very-low income)	50% of Median (low income)
1	\$19,100	\$31,850
2	\$21,800	\$36,400
3	\$24,550	\$40,950



4	\$27,250	\$45,450
5	\$29,450	\$49,100
6	\$31,650	\$52,750
7	\$33,800	\$56,400
8	\$36,000	\$60,000

*\*Income limits are subject to change based on annually published HUD HOME Limits and will be updated each year. This update will not require a re-approval of the governing authority.*

### **Outreach efforts of the Urgent Repair Program**

Orange County will advertise or publish an article about the Urgent Repair Program in local English-speaking and Spanish-speaking newspapers serving the County (such as *The Daily Tarheel*, *The News of Orange* and *La Noticia*), at senior centers throughout the County, with the County's partner agencies, and on the County's website.

### **Selection of applicants**

The County has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system, applicants will receive points for falling into certain categories of special need and income. The applications will be ranked according to which receive the most points.

#### **Priority Ranking System for Orange County URP20**

<b>Special Needs (for definitions, see below)</b>	<b>Points</b>
Disabled, Elderly or Veteran Head of Household ( <i>62 or older</i> )	4
Disabled, Elderly, or Veteran Household Member ( <i>not Head of Household</i> )	3
Single-Parent Household ( <i>with one or more children in the home</i> )	3
Large Family ( <i>5 or more permanent residents</i> )	2
Emergency ( <i>may submit without regard to application deadlines</i> )	2
Child under six years of age with lead hazards in the home	2
<b>Income (See Income Table above)</b>	<b>Points</b>
Less than 30% of County Median Income	10
30% to 50% of County Median Income	5

Under NCHFA Program Guidelines, a minimum of 50% of households assisted must have incomes which are less than 30% of the area median income for the household size, and no household with an income exceeding 50% of the area median income will be eligible. This guideline will be adhered to strictly and will be the primary factor in the selection of those households to be assisted under URP20.



Recipients of assistance under the URP20 will be chosen by the above criteria without regard to race, color, religion, national origin, sex, familial status and disability.

**The definitions of special needs** populations under URP20 are:

- *Elderly*: An individual aged 62 or older.
- *Emergency*: A situation in which a household member has an immediate threat of being evicted or removed from a home due to health or safety issues within a time frame that the program can complete a repair to stop eviction or removal. These applications will be received at any time during the funding cycle and evaluated on the ability of the program to complete the work in a timely manner that meets the goal of assisting homeowners to remain in their home.
- *Disabled*: A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.
- *Large Family*: A large family household is composed of five or more individuals; at least four are immediate family members.
- *Head of Household*: The person or persons who own(s) the house.
- *Household Member*: Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a “household member” (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of the household, regardless of the time of occupancy); or non-immediate family member who has resided in the dwelling at least 3 months prior to the submission of the family’s application.
- *Single-Parent Household*: A household in which one and only one adult resides with one or more dependent children.
- *Veteran*: A person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.
- *Child with lead hazards in the home*: a child below the age of six living in the applicant house which contains lead hazards.

### **Client referral and support services**

Many homeowners assisted through the Urgent Repair Program may also need other services. When the Urgent Repair Program staff meet the homeowner during the work write-up process, they will discuss the resources and programs available in Orange County and provide pamphlets and a list of the agencies with contact information. With the homeowner’s permission, a case file will be created and a staff person will follow up with the homeowner concerning the available services in the referral network.

### **What is the form of assistance under URP20?**

The County will provide assistance to homeowners, whose homes are selected for repair/modification in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$2,000 per year, until the principal balance is reduced to zero.



### **What is the amount of the loan?**

The amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety, and that will be determined by the County's rehabilitation specialist. There is no minimum to the amount of the loan; however, the maximum life-time limit according to the guidelines of URP20 is \$10,000.

### **What kinds of work will be done?**

Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the County's URP. Please understand that all deficiencies in a home will likely not be able to be repaired with the available funds.

All work that is completed under URP20 must meet or exceed NC Residential Building Code.

### **Who will do the work on the homes?**

The County is obligated under URP20 to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, the County will invite bids only from contractors who are part of an "approved contractors' registry". Please request a copy of the County's Procurement and Disbursement Policy for further information.

(Homeowners who know of quality rehabilitation contractors that are not on the County's Contractor Registry are welcome to invite them to apply.)

A minimum of three approved contractors will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" is described in the Procurement and Disbursement Policy.

### **What are the steps in the process, from application to completion?**

Now that you have the information about how to qualify for Orange County URP20, what work can be done, and who will do it, let's go through all the major steps in the process:

1. **Completing an Application form:** Homeowners who wish to apply for assistance may apply by completing an application form, available at <http://orangecountync.gov/2211/Home-Repair-Programs> or by contacting Erika Brown at (919) 558-2700 or [ebrown@tjcog.org](mailto:ebrown@tjcog.org). Applications will be accepted on a rolling basis beginning October 21, 2020 until all funds are committed. Proof of ownership and income will be required. Those who have applied for housing assistance from the County in the past will not automatically be reconsidered. A new application will need to be submitted.
2. **Preliminary inspection:** The County's Rehabilitation Specialist will visit the homes of potential loan recipients to determine the need and feasibility of repairs/modifications.
3. **Screening of applicants:** Applications will be rated and ranked by the County based on the priority system outlined on page 2. The first round of households to be assisted will be selected by November 30, 2020. Household income will be verified for program purposes only (information will be kept confidential). Ownership of property will be verified along with other rating factors. From this review, the twelve (12) most qualified applicants will be chosen according to the priority



system described above. There will also be a list of alternates in the order of qualification. If fewer than twelve (12) applications are received by November 30, or if funds remain to assist more than twelve (12) units, applications will continue to be accepted on a rolling basis until all funds are committed. Applicants not receiving notification by November 30, 2020 that they were chosen may contact Erika Brown at (919) 558-2700 to confirm the disposition of the application.

4. **Applicant interviews:** Approved applicants will be provided detailed information on assistance, program repair/modification standards and the contracting procedures associated with their project at this informational interview.
5. **Work write-up:** The County's Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace, if any. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks and the like. The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up". A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bidding is completed.
6. **Formal agreement:** After approval of the work write-up, the homeowner will sign a formal agreement that will explain and govern the repair/modification process and an explanation of the Promissory Note, which is considered a forgivable loan. This agreement will define the roles of the parties involved throughout the process.
7. **Contractor selection:** The County will, at its discretion (based on the availability of the contractor, demands of the job, and recent history of performance), select a contractor from the Contractors' Registry. The Rehab Specialist will make an effort to offer opportunity to all qualified contractors throughout each year by using the Registry on a rotational basis, returning to the top of the list once all contractors have been offered an opportunity to participate. Identified contractors will be provided with detailed work write-ups on each job and must submit a detailed and reasonable quote for the proposed work. The contractor will bill the Orange County Housing and Community Development Department and submit all invoices to the Rehab Specialist for review and approval prior to any disbursements from the Orange County Housing and Community Development Department.
8. **Execution of loan and contract:** The loan will be executed as well as the repair/modification contract prior to work beginning on the project. This contract will be between the contractor and homeowner, with the County signing as an interested third party. The cost of the actual work and project related support costs up to the maximum amount of \$1,000 will be included in the loan document.
9. **Pre-construction conference:** A pre-construction meeting will be held at the home. At this time, the homeowner, contractor and program representatives will be present and discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old plumbing, etc.). If the contract has been executed, the County will issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date



within 24 hours of the pre-construction meeting.

10. **Construction:** The contractor will be responsible for obtaining any required building permits for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Code Enforcement Officers will inspect new work for compliance with the State Building Code as required by the guidelines of URP20. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
11. **Change Orders:** All changes to the scope of work must be reduced to writing as a contract amendment (“change order”) and approved by all parties to the contract: the owner, the contractor and two representatives of Orange County. If the changes require an increase in the loan amount, a loan modification stating these changes in the contract amount must be completed by the County, and executed by the owner. If the changes result in a decrease in the loan amount, an estoppel informing the homeowner of these changes in the contract amount will be completed by the County and conveyed to the owner.
12. **Payments to contractor:** The contractor will be paid following inspection of and satisfactory completion of all items on the work write-up and change orders, if any, as outlined in the County’s Procurement and Disbursement Policy. The contractor will also be responsible for handing over all owner’s manuals and warranties on equipment, and reviewing with the homeowner all operating and maintenance requirements for new equipment installed.
13. **Closeout:** Once each item outlined in section 12 has been satisfied and the homeowner has signed a Certificate of Satisfaction, the job will be closed out (fully completed).

### What are the key dates?

If, after reading this document, you feel that you qualify for this program and wish to apply, please keep the following dates in mind:

- Applications available to the public starting October 21, 2020.
- First round of households selected from applications on November 30, 2020.
- All rehabilitation work must be under contract by October 13, 2021.
- All rehabilitation work must be completed by December 31, 2021.

### How do I request an application?

- Contact Erika Brown  
(919) 558-2700  
[ebrown@tjcog.org](mailto:ebrown@tjcog.org)
- OR download an application online: <http://orangecountync.gov/2211/Home-Repair-Programs>
- OR pick up an application at the Orange County Department of Housing and Community



Development office at 300 W. Tryon Street, Hillsborough, NC 27278.

### **Is there a procedure for dealing with complaints, disputes and appeals?**

Although the application process and repair/modification guidelines are meant to be as fair as possible, Orange County realizes that there is still a chance that some applicants or participants may feel that they were not treated fairly. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

#### ***During the application process:***

If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact Erika Brown within five (5) days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing.

A written appeal must be made within ten (10) business days of the initial decision on an application.

Orange County will respond in writing to any complaints or appeals within 10 business days of receiving written comments.

#### ***During the repair/modification process:***

If the homeowner feels that repairs or modifications are not being completed per the contract, he/she must inform the contractor and the Rehabilitation Specialist.

The Rehabilitation Specialist will inspect the work in question. If it is found that the work is not being completed according to contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to remedy the problem.

If problems persist, a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the Orange County Housing and Community Development Director.

Should the mediation conference fail to resolve the dispute, the Director will render a written final decision.

If the Rehabilitation Specialist finds that the work is being completed according to contract, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

### **Will the personal information provided remain confidential?**

Yes. All information in applicant files will remain confidential. Access to the information will be provided only to County employees who are directly involved in the program, the North Carolina Housing Finance Agency and auditors.

### **What about conflicts of interest?**

No officer, employee or other public official of the County, or member of the County Commissioners, or entity contracting with the County that exercises any functions or responsibilities with respect to URP20



shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of County employees, Board of Commissioners and others closely identified with the County, may be approved for rehabilitation assistance only upon public disclosure before the County Commissioners and written permission from NCHFA.

### **What about favoritism?**

All activities under URP20, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, color, religion, national origin, sex, familial status and disability.

### **Who can I contact about URP20?**

Any questions regarding any part of this application or program should be addressed to:

Erika Brown  
(919) 558-2700  
[ebrown@tjcog.org](mailto:ebrown@tjcog.org)

David Saconn  
(919) 612-1527  
[dsaconn@orangecountync.gov](mailto:dsaconn@orangecountync.gov)

These contacts will do their utmost to answer questions and inquiries in the most efficient and correct manner possible.

This Assistance Policy is adopted this \_\_\_\_ day of \_\_\_\_\_ 2021.

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County Manager

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Notary Public



## Orange County Assistance Policy Essential Single-Family Rehabilitation Loan Pool 2020

### What is the Essential Single-Family Rehabilitation Loan Pool?

Orange County has been awarded Membership by the North Carolina Housing Finance Agency (“NCHFA”) under the 2020 cycle of the Essential Single-Family Rehabilitation Loan Pool (“ESFRLP20”). This program provides Members with funds via a “loan pool” to assist with the rehabilitation of moderately deteriorated homes that are owned and occupied by lower-income, special need households. ESFRLP20 assists eligible households by facilitating aging in place, meeting minimum housing code requirements, promoting long-term affordability, lowering operating costs, and stabilizing pre-1978 homes that include children aged six or under whose health is threatened by the presence of lead hazards.

Orange County has been allocated an initial set-aside of \$190,000 to be used for rehabilitation of five (5) homes in Orange County. After demonstrating successful use of this allocation, the County may access additional funds, when available, on a unit-by-unit basis from the ESFRLP loan pool to assist additional homes.

This Assistance Policy describes who is eligible for assistance under ESFRLP20, how applications for assistance will be ranked, what the terms of assistance are, and how the rehabilitation process will be managed. Orange County has designed the ESFRLP20 project to be fair, open and consistent with its approved application for funding and with ESFRLP20 Program Guidelines.

The funds provided by NCHFA come from the U.S. Department of Housing and Urban Development (“HUD”) HOME Investment Partnerships Program (“HOME”) for construction-related costs (hard costs) and will be provided as no interest, no payment loans, forgiven at the rate of \$5,000 per year. Non-construction-related costs (soft costs including lead/asbestos inspections/clearances, radon testing and environmental reviews) will be provided in the form of a grant.

**EMERGENCY and HEALTH Notifications:** Due to the current COVID-19 pandemic, increased awareness of the need to protect Orange County representatives and the homeowners they serve from various health related exposures has become more apparent than ever. Homeowners participating in the ESFRLP program must agree to follow all local, state and federal guidelines for emergency preparedness surrounding the COVID-19 pandemic and any other emergency declared that includes their property address for the duration of construction on the property.

### Who is eligible to apply?

To be eligible for ESFRLP20 assistance, applicants must:

- Reside within the county limits of Orange County and own and occupy the home in need of rehabilitation
- Have a household income which does not exceed 80% of the County median income for the household size (see income limits below)
- Have a special need (i.e., be > 62 years old, handicapped or disabled, a single parent with a



dependent living at home, a Veteran, a large family with >5 household members or a household with a child below the age of six with lead hazards in the home)

- Have home rehabilitation needs do not exceed the ESFRLP Program limit of \$30,000 and must include all Essential Rehabilitation Criteria as described in the ESFRLP20 Administrator's Manual (available online at [www.nchfa.com](http://www.nchfa.com)).

Unfortunately, not all homes can be rehabilitated to meet the Essential Rehabilitation Criteria with the limited funding available. Some otherwise-eligible households may be deemed ineligible for assistance because their homes fail this test.

#### ESFRLP20 Income Limits\* for Orange County

Number in Household	80% of Median
1	\$50,900
2	\$58,200
3	\$65,450
4	\$72,700
5	\$78,550
6	\$84,350
7	\$90,150
8	\$96,000

*\*Income limits are subject to change based on annually published HUD HOME Limits and will be updated each year. This update will not require a re-approval of the governing authority.*

#### What Types Of Houses Are Eligible?

Properties are eligible only if they meet all of the following requirements:

- The property must require at least \$5,000 of improvements to meet ESFRLP Property Standards or the local minimum housing code.
- Site-built and off frame modular units are eligible for assistance. Manufactured housing is eligible for assistance if the foundation and utility hookups are permanently affixed including removal of all transporting equipment (e.g., wheels, axles, tongue) and installation of a full masonry foundation and tie-downs.
- No more than fifty percent (50%) of the total area of the unit may be used for an office or business (e.g., day care, hair salon, room rental, etc.). Program funds may only be used to improve the residential exterior, interior, and systems portion of mixed-use buildings.
- The property must be free of environmental hazards and other nuisances as defined by all



applicable codes or regulations, or any such hazards or nuisances must be corrected as part of the rehabilitation of the home. Orange County's Rehabilitation Specialist will determine the presence of any known environmental hazards/nuisances on the site and if they can be removed through rehabilitation.

- Properties cannot be located in the right-of-way of any impending or planned public improvements. Orange County staff will assist in making this determination.
- The property cannot be located on a site that is endangered by mudslides, landslides or other natural or environmental hazards. If needed, the Rehabilitation Specialist will work with the homeowner to make this determination.
- The property may be located in the 100-year flood plain if the lowest finished floor level (verified by an elevation certificate provided by the homeowner) is above the base flood elevation and the property will be covered by flood insurance. The property must be in compliance with Orange County's flood plain ordinance. All things considered equal, properties located outside the 100- year flood plain will be given priority over properties located in the 100-year flood plain. Orange County will verify whether the home is in the flood plain.
- The property cannot have been repaired or rehabilitated with public funding of \$30,000 or more within the past ten (10) years without NCHFA approval.

### How are applications ranked?

There are many more ESFRLP-eligible households (with eligible houses) than can be assisted with the available funds. Therefore, Orange County has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system, applicants will receive points for falling into certain categories. Applications will be ranked according to which receive the most points. If there are more eligible applicants with eligible houses than can be treated with existing funding, Orange County may be able to treat additional houses with unrestricted pool funds. Pool applicants will come from the original applicant list and be considered according to which received the most points. If alternate pool applicants are not identified on the original applicant list and must be solicited, the solicited, eligible, pool applicants will be selected on a first come, first to qualify basis.

### Priority Ranking System for ESFRLP20

<b>Emergency Need</b>	<b>Points</b>
Threat of imminent eviction/removal; must meet Special Need(s) and income requirements; applications received at any time	8
<b>Special needs (for definitions, see below)</b>	<b>Points</b>
Household with a child under age 6 with lead hazards in the home	4
Household member who is elderly (62 or older)	4



Household member with a disability	4
Household member who is a Veteran	4
Multiple household members who are elderly, Veterans, or have a disability	4
<b>Income (see income table above)</b>	<b>Points</b>
Less than 30% of County Median Income	4
30% to 50% of County Median Income	4
50% to 80% of County Median Income	4

**Definitions** under ESFRLP are:

- *Elderly*: An individual aged 62 or older.
- *Person with a disability*: A person who has a physical, mental, or developmental disability that greatly limits one or more major life activities, has a document of such impairment, or is regarded as having such impairment.
- *Head of household*: The person or persons who own(s) the house.
- *Household member*. Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a "household member" (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of household) who has resided in the dwelling unit for at least three (3) months prior to the submission of the family's application.
- *Veteran*: A person who is a military veteran, is defined as one who served in the active military, naval, or air service (i.e., Army, Navy, Air Force, Marine Corps, and Coast Guard; as a commissioned officer of the Public Health Service; or as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessors), and who was discharged or released there from under conditions other than dishonorable. Provide DD-214 form to demonstrate.
- *Emergency*: A situation in which a household member has an immediate threat of being evicted or removed from a home due to health or safety issues within a timeframe that the program can complete a repair to stop eviction or removal. These applications will be received at any time during the funding cycle and elevated based on the ability of the program to complete the work in a timely manner that meets the goal of assisting homeowners to remain in their home. This may be documented with a doctor's letter or eviction notice.



Recipients of assistance under ESFRLP will be chosen by the above criteria without regard to race, color, religion, national origin, sex, familial status, and disability.

### **What are the terms of assistance under ESFRLP?**

The form of ESFRLP assistance is a 0% interest, forgivable loan covering the hard costs associated with the rehabilitation of the home and a grant for the soft costs. These will be two separate documents or sets of documents.

**The loan:** NCHFA will create loan documents for the homeowner(s) including a Promissory Note and Deed of Trust covering hard costs for the rehabilitation in an amount not to exceed \$30,000. This loan covering the hard costs remains 0% interest and-forgivable at \$5,000 per year for as long as the owner resides in the home or until the balance is reduced to \$0. The term of the loan is dependent upon the loan amount and the number of years it takes to bring the balance of the loan to \$0 when forgiven at \$5,000 per year. For example, if the amount of the loan is \$21,452, then the term is five (5) years: \$20,000 forgiven over the first four (4) years and \$452 forgiven at the end of the 5<sup>th</sup> year. The maximum term of the loan will be six (6) years.

As long as the borrower lives in the home, no payments on the loan will be required. If the recipient prefers, the loan can be paid off at any time to NCHFA, either in installments or as a lump sum payment. Furthermore, under certain circumstances NCHFA may allow assumption or refinancing of the loan. Should an heir inherit the property and choose to live in the house as their permanent residence, they may assume the loan without being income eligible. However, the lien remains on the property. A buyer who may wish to buy the property to live in may assume the loan so long as they can document that they are income-eligible( 80% AMI). Default can occur if the property is sold or transferred to another person and/or if the borrower fails to use the home as a principal residence, without prior written approval of NCHFA.

**The grant:** To pay for soft costs including application outreach/intake/management, environmental reviews/inspections/testing and project assessment/documentation/ estimating/bidding, NCHFA will create a Grant Agreement not to exceed \$10,000. The grant has no repayment or recovery terms.

### **What kinds of work will be done?**

Each house selected for assistance must be rehabilitated to meet ESFRLP Rehabilitation Criteria. That means every house must, upon completion of the rehabilitation:

- Meet the more stringent requirements of either NCHFA's Essential Property Standard or Orange County's Minimum Housing Code. These are so-called "habitability standards" that set minimum standards for decent, safe and sanitary living conditions. Additionally, the home must meet applicable Lead Based Paint regulations 24 CFR Part 35.
- Retain no "imminent threats" to the health and safety of the home's occupants or to the home's "structural integrity". An example of an imminent threat to occupants as well as to the home's structural integrity is an infestation of insects or a crawlspace that is too damp.

These requirements are spelled out in full in the ESFRLP Administrator's Manual which you may view, at reasonable times, upon request, at the Housing and Community Development office of Orange County or anytime online at [www.nchfa.com](http://www.nchfa.com)



In addition to the above items that must be done to satisfy NCHFA requirements, the scope of work may include approved items meant to reduce future maintenance and operational costs or to further protect homes from natural disasters and/or home modifications designed to enable greater accessibility for household members to function more independently as they age.

Once the rehabilitation is complete, major systems in the home that, with reasonable maintenance and normal use, should be capable of lasting another five (5) years include: structural support, roofing, cladding and weatherproofing, plumbing, electrical and heating/cooling systems.

Of course, contractors performing work funded under ESFRLP are responsible for meeting all local requirements for permits and inspections. All work done under the program must be performed to meet NC State Residential Building Code standards. This does not mean, however, that the whole house must be brought up to current Building Code Standards. Upon the date of approval by Orange County of the contractor's request for final payment, a one-year warranty on all products and workmanship will begin.

### **What about Lead Based Paint?**

Until it was discovered to be a health hazard, lead was used for centuries to make house paints. Now we know that lead exposure is a serious problem for everyone and especially small children. Selling lead paint was outlawed in 1978, but many older buildings still contain lead paint and children are still being poisoned.

Under ESFRLP, a lead hazard evaluation must be performed on every home selected for rehabilitation that was built before 1978. The specific type of evaluation and the appropriate lead hazard reduction work performed will depend on the total amount of Federal funds used to rehabilitate the home, as per 24 CFR Part 35. If required, lead-based paint hazard reduction and/or abatement will be performed by contractors who are trained and certified to perform such work.

It may be necessary for the household to relocate during the construction process for protection against lead poisoning. If relocation is required, it shall be the responsibility of the homeowner to pay for the relocation.

### **Who will do the work on the homes?**

Orange County is obligated under ESFRLP to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process.

To meet these requirements, Orange County will invite bids only from licensed general contractors who are part of an "Approved Contractors Registry". For additional information about procurement and disbursement procedures, please refer to the Orange County ESFRLP20 Procurement and Disbursement Policy.

- All qualified members of the Contractors Registry will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract.
- All contractors working on pre-1978 units must be Renovate, Repair and Paint Rule (RR&P) Certified Renovators working for Certified Renovation firms.
- Homeowners who know of quality rehabilitation contractors that are not on the approved



contractors' registry are welcome to invite them to apply.

### **What are the steps in the process, from application to completion?**

You now have information about how to apply for the Essential Single-Family Rehabilitation Loan Pool (ESFRLP) and what type of work can be done through the Program. Let's go through the steps for getting the work done:

1. **Completing a pre-application form:** Homeowners who wish to apply for assistance may apply by contacting Erika Brown at (919) 558-2700 or [ebrown@tjcog.org](mailto:ebrown@tjcog.org). Applications will be accepted on a rolling basis beginning October 30, 2020 until all funds are committed. Proof of ownership and income will be required. Those who have applied for housing assistance from Orange County in the past will not automatically be reconsidered and must complete a new pre-application form.
2. **Client referral and support services:** Many homeowners seeking assistance through the Essential Single-Family Rehabilitation Loan Pool may also need other services. If the ESFRLP staff meets the homeowner during the application process, they will provide pamphlets and a list of the agencies with contact information for the resources and programs available in the County. For households that meet the requirements of the pre-application step and qualify to receive assistance through the ESFRLP program, additional verbal discussion will be offered during the screening of applicants and/or pre-rehab inspection steps of the program. With the homeowner's permission, a case file will be created and a staff person will follow up with the homeowner concerning the available services in the referral network.
3. **Preliminary inspection:** Orange County's Rehabilitation Specialist will visit the homes of eligible households to determine the need and feasibility of the home for rehabilitation. Homeowners must inform staff of any known pest infestations prior to the visit.
4. **Screening of applicants:** Applications will be ranked by Orange County based on the priority system outlined on page 3 and the feasibility of rehabilitating the house. The first round of households to be offered assistance will be selected by January 31, 2021. Household income will be verified for program purposes only (information will be kept confidential). NCHFA will verify ownership of the property by conducting a title search. From this review, the five (5) most qualified applicants will be chosen according to the priority system described above; the remaining applicants will be placed on a list of alternates in the order that they qualified. If fewer than five (5) applications are received by January 31, or if funds remain to assist more than five (5) units, applications will continue to be accepted on a rolling basis until all funds are committed. Orange County will then submit to NCHFA an ESFRLP Loan Application and Reservation Request for each potential borrower for approval. Applicants not selected for ESFRLP assistance will be notified in writing.
5. **Written agreement:** A HOME Owner Written Agreement, between the homeowner and Orange County, will be executed as part of the Loan Application and Reservation Request procedure (that formally commits funds to a dwelling unit). This agreement will certify that the property is the principal residence of the owner, that the post-rehab value of the property will not exceed 95% of the 203(b) limits established by HUD and defines the ESFRLP maximum amount and form of assistance being provided to the homeowner, the scope of work to be performed, the



date of completion and the rehabilitation criteria and standards to be met.

6. **Pre-rehab inspection and unit evaluation:** Orange County's Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks, etc. Each unit will be evaluated for energy saving opportunities such as air sealing and duct sealing as well as for environmental concerns, such as lead based paint hazards, radon and asbestos.
7. **Work write-up:** The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bids are received from contractors.
8. **Lead and other testing:** Orange County will arrange for a certified firm to inspect all the pre-1978 constructed homes for potential lead (required) and asbestos hazards (as deemed necessary by the Rehabilitation Specialist in all homes built during, before, and after 1978). All homes will be tested for radon. The owner will receive information covering the results of the tests and any corrective actions that will be needed as part of the rehabilitation.
9. **Bidding:** The work write-up and bid documents will be conveyed to all contractors from the Contractors Registry. Contractors will be given no less than seven (7) days in which to inspect the property and prepare bid proposals. Each contractor will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted at the Orange County Housing and Community Development Department office at a specified date and time, with all bidders invited to attend.
10. **Contractor selection:** Within 72 hours of the bid opening the winning bidders will be selected. All bidders and the homeowner will be notified in writing of 1) the selection of the winning bid, 2) the amount of the winning bid, 3) the amount of the County's cost estimate, and 4) the specific reasons for the selection, if other than the lowest bidder was selected.
11. **Loan closing and contract execution:** Loan documents (Promissory Note and Deed of Trust) will be prepared by NCHFA as the lender and executed by the homeowner. By law, homeowner's have the right to hire legal representation of their choosing at loan closing. If a homeowner does not have representation at the closing, the borrower must sign a NCHFA "Legal Advice Disclosure". Rehabilitation contract documents will be executed by the homeowner and contractor with Orange County signing on as an interested third party prior to the commencement of any construction. Orange County will facilitate with the loan closing and recordation of these documents and forward the recorded documents to NCHFA.
12. **Pre-construction conference:** A pre-construction conference will be held at the selected applicant's home. At this time, the homeowner, contractor and ESFRLP Orange County program representatives will discuss the details of the work to be completed Starting and ending dates will be finalized, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home. Orange County will issue a "proceed order" formally instructing the contractor to commence work by the agreed-upon date.
13. **Construction:** The contractor is responsible for obtaining and posting all permits for the project



before beginning work. Orange County ESFRLP Program staff will closely monitor the contractor during the construction period and local Code Enforcement Officials will inspect the work. To protect personal property the homeowner will be responsible for working with the contractor toward clearing work areas of personal property as needed as much as practicable. The contractor will be responsible for all clearing and cleaning activities necessary due to construction activities.

14. **Change Orders:** All changes to the scope of work must be approved by the owner, the contractor, the Orange County Rehabilitation Specialist, and reduced in writing as a contract amendment ("change order"). The owner, contractor and two Orange County personnel must execute any change order agreements to the construction contract.
15. **Progress payments:** The contractor is entitled to request up to three (3) partial payments and a final payment. When a payment is requested, the Rehabilitation Specialist will inspect the work within three (3) days.
16. **Closeout:** When the Rehabilitation Specialist and the homeowner are satisfied that the contract has been fulfilled, the homeowner, Project Administrator and Rehabilitation Specialist will sign off on the work. All material and workmanship will be guaranteed by the contractor for a period of one (1) year from the date of completion of the work as established by Orange County's approval date of the final pay requisition. Orange County will notify the homeowner in writing of this date.
17. **Post-construction conference:** Following construction, the contractor and the Rehabilitation Specialist will sit down with the homeowner one last time. At this conference the contractor will hand over all owner's manuals and warranties on equipment and materials to the homeowner. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for the new equipment, materials and appliances and discuss general maintenance of the home with the Homeowner. The homeowner will have the opportunity to ask any final questions about the work.
18. **Final loan amount determination:** If, upon completion of all rehabilitation work, the contract price has changed due to the effect of change orders and there is a need to modify the loan, NCHFA will prepare an estoppel for a loan reduction or modification agreement for loan increases as necessary at the time of closeout of the unit to modify the loan amount when there is a need for a change order involving a change in the original loan amount). The loan will remain the property of NCHFA, with original documents remaining there for storage and servicing. Please note that it is the responsibility of the owner to record an estoppel if they wish this to be reflected in the Deed of Trust.
19. **The warranty period:** It is extremely important that any problems with the work that was performed be reported by the homeowner to the Orange County Rehabilitation Specialist or other representative, as soon as possible in writing. All bona fide defects in materials and workmanship reported within one (1) year of completion of construction will be corrected free of charge by the contractor.

**What are the key dates?**



If, after reading this document, you feel that you qualify for this program and wish to apply, please keep the following dates in mind:

- Applications available to the public starting October 30, 2020.
- Applications must be turned in at the Orange County Housing and Community Development Office by 5:00 PM on December 31, 2020.
- Selection of units will be made on January 31, 2021.
- All rehabilitation work must be under contract by December 31, 2022.
- All rehabilitation work must be completed by June 15, 2023.

### **How do I request an application?**

- Contact Erika Brown  
(919) 558-2700  
[ebrown@tcog.org](mailto:ebrown@tcog.org)
- OR download an application online: <http://orangecountync.gov/2211/Home-Repair-Programs>
- OR pick up an application at the Orange County Department of Housing and Community Development office at 300 W. Tryon Street, Hillsborough, NC 27278.

### **Is there a procedure for dealing with complaints, disputes and appeals?**

Although the application process and rehabilitation guidelines are meant to be as fair as possible, Orange County realizes that there is still a chance that some applicants or participants may dispute decisions, work completed, or other issues. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

#### ***During the application process:***

If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact Erika Brown within five (5) days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing. A written appeal must be made within ten (10) business days of the initial decision on an application.

Orange County will respond in writing to any complaints or appeals within ten (10) business days of receiving written comments.

#### ***During the rehabilitation process:***

If the homeowner feels that construction is not being completed according to the contract, he/she must inform the contractor and the Rehabilitation Specialist.

The Rehabilitation Specialist will inspect the work in question. If he finds that the work is not being completed according to the contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to correct the problem.



If the Rehabilitation Specialist finds that the work being completed according to contract, the complaint will be added to the applicant's file. The Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

If problems persist, the homeowner must put the concern in writing and a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the Orange County Housing and Community Development Director.

Should the mediation conference fail to resolve the dispute, the Director will render a written final decision.

***Final Appeal:***

After following the above procedures, any applicant or homeowner who remains dissatisfied with Orange County's final decision may appeal to Michael Handley, NCHFA, PO Box 28066, Raleigh, NC 27611-8066, (919) 877-5627.

**Will the personal information provided remain confidential?**

Yes. All information in applicant files will remain confidential. Access to the information will be provided only to Orange County employees who are directly involved in the program, the North Carolina Housing Finance Agency, the US Department of Housing and Urban Development (HUD) and auditors.

**What about conflicts of interest?**

No employee or board member of Orange County, or entity contracting with Orange County, who exercises any functions or responsibilities with respect to the ESFRLP17 project shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with project funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of Orange County employees or of Orange County board members and others closely identified with, may be approved for rehabilitation assistance only upon public disclosure before the Orange County Board of Commissioners and written permission from NCHFA.

**What about favoritism?**

All activities under ESFRLP20, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, color, religion, national origin, sex, familial status and disability.

**Outreach Efforts of the ESFRLP Program**

The County makes citizens aware of the ESFRLP program and other housing rehabilitation opportunities through various service providers and specific outreach efforts. At minimum, the County will advertise the Essential Single-Family Rehabilitation Loan Pool Program via the following media/venues: the local English-speaking and Spanish-speaking newspapers serving the County (such as *The Daily Tarheel*, *The News of Orange* and *La Noticia*), senior centers and community centers throughout the County, Orange County Home Preservation Coalition, Orange County Affordable Housing Coalition, Carrboro Town Hall, Chapel Hill Town Hall, Orange County DSS Office, and on the County's website.

**Who can I contact about the ESFRLP program?**

Any questions regarding any part of this application or program should be addressed to:



Erika Brown  
(919) 558-2700  
[ebrown@tcog.org](mailto:ebrown@tcog.org)

David Saconn  
(919) 612-1527  
[dsaconn@orangecountync.gov](mailto:dsaconn@orangecountync.gov)

This Assistance Policy is adopted this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_

County Manager

\_\_\_\_\_

Notary Public

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Robert & Pearl Seymour Center Corporate Water Easement and Dedication Letter with Orange Water and Sewer Authority (2551 Homestead Road, Chapel Hill)

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**DEPARTMENT:** Asset Management Services,  
County Attorney, & Aging

**ATTACHMENT(S):**

Dedication Letter

**INFORMATION CONTACT:**

Angel Barnes, 919.245.2628, Capital  
Projects Manager

Steven Arndt, Asset Management  
Services Director, 919.245.2658

Janice Tyler, 919.245.4255, Aging  
Director

**PURPOSE:** To consider:

- 1) Approving a Corporate Water Easement and dedication letter with Orange Water and Sewer Authority (OWASA) for the Robert and Pearl Seymour Center;
- 2) Authorizing the Chair to sign the Corporate Water Easement paperwork upon final County Attorney review; and
- 3) Authorizing the County Manager to sign the Dedication Letter upon final County Attorney review.

**BACKGROUND:** The Orange Water and Sewer Authority (OWASA) is requesting a Corporate Water Easement and dedication letter for the Robert and Pearl Seymour Center facility located at 2551 Homestead Road, Chapel Hill. In 2020 the water system was improved to allow for the roadway realignment into the campus. This easement is to grant access to complete the construction of and to operate the water distribution system.

**FINANCIAL IMPACT:** There is no financial impact associated with granting this Corporate Water Easement or dedication letter.

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

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

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

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

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

- 1) Approve a Corporate Water Easement and dedication letter with Orange Water and Sewer Authority (OWASA) for the Robert and Pearl Seymour Center;
- 2) Authorize the Chair to sign the Corporate Water Easement paperwork upon final County Attorney review; and
- 3) Authorize the County Manager to sign the Dedication letter upon final County Attorney review.

March 2, 2021

Orange Water & Sewer Authority  
400 Jones Ferry Road  
Carrboro, NC 27510

Re: Orange County Southern Human Services Center: Seymour Center  
Renovation and Addition

Dear Sirs:

Orange County, the current owner of the lot located at 2551 Homestead Road, according to Plat Book 1009 at Page 437 Orange County Registry, does hereby dedicate and convey unto Orange Water and Sewer Authority, its successors and assigns, all of its rights, title and interest in and to the water lines constructed in accordance with plans titled Orange County Southern Human Services Center: Seymour Center Renovation and Addition prepared by Grounded Engineering, and dated 13 August 2019.

IN WITNESS WHEREOF, this letter is executed by the duly authorized officers of Orange County and its corporate seal to be hereunto a fixed, all on the day and year first above written.

ATTEST: _____	(Name of Owner / Company / Corporation) By: _____
_____ (Title)	_____ (Title)

NORTH CAROLINA  
ORANGE COUNTY

I, \_\_\_\_\_, a Notary Public, hereby certify that (Attester) personally appeared before me this day and acknowledged that (He / She) is the (Position of Company / Corporation), a corporation, and that by authority duly given as the act of the corporation, the foregoing instrument was signed in its name by its (Title), sealed with its corporate seal, and attested as its Secretary.

\_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_

**ORANGE COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:** March 2, 2021

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

**SUBJECT:** Women's History Month Proclamation

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**DEPARTMENT:** County Manager

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**ATTACHMENT(S):**

Proclamation

**INFORMATION CONTACT:**

Bonnie Hammersley, (919) 245-2300

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**PURPOSE:** To approve a proclamation recognizing March 2021 as Women's History Month in Orange County.

**BACKGROUND:** Celebration of Women's History Month had its roots in the socialist and labor movements in New York City. The first "Women's Day" took place on February 28, 1909. The day honored the one year anniversary of the garment worker's strikes that had taken place in New York, where thousands of women marched for economic rights. That strike followed another strike that occurred in 1857 when garment workers marched for equal rights and 10-hour work days. Within two years the event grew into an international event. In 1975, the United Nations officially began International Women's Day; which will be celebrated on March 8<sup>th</sup> this year.

At the inception of Women's History Month, feminists in the United States saw the designation of the month as a way to celebrate a history that had largely overlooked the contributions of women in America. Women's History Month has its origins as a national celebration in 1981 when Congress authorized and requested President Jimmy Carter proclaim the week beginning March 7, 1982 as "Women's History Week." In 1987, the Women's History Month Project petitioned the US Congress to designate the month of March as "Women's History Month." Ronald Reagan was the first president to proclaim March as Women's History Month.

Currently, local, state and federal governments annually proclaim March as "Women's History Month." Each year the National Women's History Alliance declares a theme. The 2021 theme is "Valiant Women of the Vote – Refusing to be Silenced."

**FINANCIAL IMPACT:** There is no financial impact associated with consideration of this proclamation.

**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 associated with this item.

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

# ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

## WOMEN'S HISTORY MONTH PROCLAMATION

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, because of the courage of so many bold women who dared to transcend preconceived expectations and prove they were capable of doing all that a man could do and more, advances were made, discoveries revealed, barriers were broken and progress triumphed; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history; and

WHEREAS, the Orange County Board of County Commissioners on March 25, 1976, established the Orange County Commission for Women to promote the growth and development of all Orange County women and continue to promote the efforts of women and it has been doing for more than 40 years.

NOW, THEREFORE, do we, the Board of Commissioners of Orange County, North Carolina hereby proclaim March 2021 as "**Women's History Month**" and commend this observance to Orange County residents and call upon them to celebrate the women in their lives with appropriate programs, celebrations and activities.

THIS THE 2<sup>nd</sup> DAY OF MARCH, 2021.

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Renee Price, Chair  
Orange County Board of Commissioners

**BOCC Meeting Follow-up Actions**

(Individuals with a \* by their name are the lead facilitators for the group of individuals responsible for an item)

<b>Meeting Date</b>	<b>Task</b>	<b>Target Date</b>	<b>Person(s) Responsible</b>	<b>Status</b>
2/16/21	Review and consider request by Commissioner Price that the Board receive a presentation on the new pilot program, Orange County MOD (Mobility On Demand)	4/2021	Theo Letman	Tentatively scheduled for March 16, 2021 Business meeting
2/16/21	Review and consider request by Commissioner Price that the Board receive a presentation on Pre-Trial Reform efforts	3/2021	Cait Fenhagen	<b>DONE</b> Scheduled for March 2, 2021 Business meeting
2/16/21	Review and consider request by Commissioner Greene that the Board discuss affordable housing and the information provided by the County Attorney at a future work session	5/2021	John Roberts James Bryan	Tentatively scheduled for April 22, 2021 work session

**INFORMATION ITEM**

**Tax Collector's Report - Numerical Analysis**

<b>Property Tax Collection - Tax Effective Date of Report: January 31, 2021</b>						
<b>Tax Year 2020</b>	<b>Amount Charged in FY 20-21</b>	<b>Amount Collected</b>	<b>Accounts Receivable</b>	<b>Amount Budgeted in FY 20-21</b>	<b>Remaining Budget</b>	<b>% of Budget Collected</b>
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 151,773,709.93	\$ 5,425,118.98	\$ 154,198,531.00	\$ 2,424,821.07	98.43%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 837,194.32	\$ 2,620,149.20	\$ 1,155,000.00	\$ 317,805.68	72.48%
<b>Total</b>	<b>\$ 158,017,178.51</b>	<b>\$ 152,610,904.25</b>	<b>\$ 8,045,268.18</b>	<b>\$ 155,353,531.00</b>	<b>\$ 2,742,626.75</b>	<b>98.23%</b>
Registered Motor Vehicle Taxes		\$6,173,020.79	\$14,920.20	\$ 11,175,116.00	\$ 5,002,095.21	55.24%
<b>Tax Year 2019</b>	<b>Amount Charged in FY 19-20</b>	<b>Amount Collected</b>	<b>Accounts Receivable</b>	<b>Amount Budgeted in FY 19-20</b>	<b>Remaining Budget</b>	<b>% of Budget Collected</b>
Real and Personal Current Year Taxes	\$ 152,142,471.00	\$ 149,206,275.62	\$ 4,850,869.30	\$ 152,142,471.00	\$ 2,936,195.38	98.07%
Real and Personal Prior Year Taxes	\$ 3,378,823.17	\$ 533,129.68	\$ 2,638,803.96	\$ 1,100,000.00	\$ 566,870.32	48.47%
<b>Total</b>	<b>\$ 155,521,294.17</b>	<b>\$ 149,739,405.30</b>	<b>\$ 7,489,673.26</b>	<b>\$ 153,242,471.00</b>	<b>\$ 3,503,065.70</b>	<b>97.71%</b>
Registered Motor Vehicle Taxes		\$5,746,797.08	\$7,192.67	\$ 10,770,627.00	\$ 5,023,829.92	<b>53.36%</b>
<b>2020 Current Year Overall Collection Percentage - Real &amp; Personal</b>		96.55%				
<b>2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles</b>		96.67%				
<b>2019 Current Year Overall Collection Percentage - Real &amp; Personal</b>		96.85%				
<b>2019 Current Year Overall Collection Percentage - with Registered Motor Vehicles</b>		96.96%				

## INFORMATION ITEM

### Tax Collector's Report - Measures of Enforced Collections

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*Fiscal Year 2020-2021*

**Effective Date of Report: January 31, 2020**

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	95	62	84	44	106	8	3						
Bank attachments	22	17	32	3	16	3	8						
Certifications	-	-	-	-	-	-	-						
Rent attachments	1	1	-	-	-	-	1						
Housing/Escheats/Monies	-	-	17	6	30	4	-						
Levies	-	-	-	-	-	-	-						
Foreclosures initiated	2	8	3	6	3	1	-						
NC Debt Setoff collections	\$2,350.26	\$ 1,991.76	\$ 869.25	\$ 67.51	\$ 1,413.97	\$ 188.39	\$ -						

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2020-21. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation
Hawks, Donna D.	324346	2019	800	0	(7.59)		(7.59)	Assessed in error (illegal tax)	Personal	Approve	1/27/2021	Vehicle sold
Johnston, Brian	3181913	2019	49,280	0	(66.27)		(66.27)	Assessed in error (illegal tax)	Personal	Approve	1/27/2021	No gap in registration
Link, Clifton Edward	59049341	2020	1,250	1,250	(6.64)	(30.00)	(36.64)	*Situs error (illegal tax)	RMV-VTS	Approve	2/12/2021	
Murphy, Peter	58487351	2020	1,310	500	(12.05)		(12.05)	Antique plate (property classification)	RMV-VTS	Approve	2/12/2021	
Paul, Waverly Kendrick III	56202379	2019	10,100	10,100	(74.94)	(30.00)	(104.94)	*Situs error (illegal tax)	RMV-VTS	Approve	2/12/2021	
Phillips, Donald	3190175	2020	1,782	0	(18.91)		(18.91)	Double billed (illegal tax)	Personal	Approve	2/12/2021	Property also billed on account 3189955
Prisk, Thomas	58839656	2020	10,360	8,495	(27.74)		(27.74)	High mileage (appraisal appeal)	RMV-VTS	Approve	1/27/2021	
Ramirez, Candelaria	3185407	2020	5,280	0	(85.21)		(85.21)	Double billed (illegal tax)	Personal	Approve	2/12/2021	Property also billed on account 1073200
Robinson, Edward	53122030	2019	37,200	31,788	(51.92)		(51.92)	Incorrect value (clerical error)	RMV-VTS	Approve	2/12/2021	
							(411.27)	Total				
*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.												
Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.												
The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.												
Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.												